

1 AN ACT relating to employment of minors.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 339.220 TO 339.450 IS CREATED
4 TO READ AS FOLLOWS:

- 5 *(1) Except as provided in subsection (2) of this section, a person under eighteen (18)*
6 *years of age shall not be employed in any of the following gainful occupations:*
7 *(a) Manufacturing or storing explosives;*
8 *(b) Driving a motor vehicle or working as an outside helper on a motor vehicle,*
9 *except for a seventeen (17) year old who meets the requirements of 29*
10 *U.S.C. sec. 213(c)(6);*
11 *(c) Coal mining;*
12 *(d) Forest firefighting, forest fire prevention, timber tract operations, forestry*
13 *service, logging, or sawmilling;*
14 *(e) Operating power-driven woodworking machines;*
15 *(f) Work involving exposure to radioactive substances;*
16 *(g) Operating a power-driven hoisting apparatus, including a forklift;*
17 *(h) Operating a power-driven metal-forming, punching, or shearing machine;*
18 *(i) Mining, other than coal mining;*
19 *(j) Operating power-driven meat processing equipment, including meat slicers*
20 *and other food slicers, in retail establishments and wholesale*
21 *establishments, and most occupations in meat and poultry slaughtering,*
22 *packing, processing, or rendering;*
23 *(k) Operating power-driven bakery machines including vertical dough or batter*
24 *mixers;*
25 *(l) Operating power-driven balers, compactors, or paper processing machines;*
26 *(m) Manufacturing bricks, tile, and kindred products;*
27 *(n) Operating power-driven circular saws, bandsaws, chain saws, guillotine*

- 1 shears, wood chippers, or abrasive cutting discs;
- 2 (o) Wrecking and demolishing operations;
- 3 (p) Roofing operations and work on or about a roof;
- 4 (q) Excavating operations;
- 5 (r) Working in, about, or in connection with any establishment where alcoholic
6 liquors are distilled, rectified, compounded, brewed, manufactured, bottled,
7 sold for consumption, or dispensed unless permitted by the administrative
8 regulations of the Alcoholic Beverage Control Board, except that he or she
9 may be employed in places where the sale of alcoholic beverages by the
10 package is merely incidental to the main business conducted;
- 11 (s) Working in a pool or billiard room; or
- 12 (t) Working in an electrical trade, other than nonhazardous tasks such as
13 pulling wire, setting boxes, or bending conduit.
- 14 (2) A person who is sixteen (16) or seventeen (17) years of age may be employed in a
15 gainful occupation listed in subsection (1) of this section if he or she is:
- 16 (a) Enrolled in an apprenticeship in accordance with the provisions of 29
17 C.F.R. sec. 570.50(b) that is registered with the Bureau of Apprenticeship
18 and Training of the United States Department of Labor or the Kentucky
19 Office of Employer and Apprenticeship Services; or
- 20 (b) Enrolled in a student-learning program in accordance with the provisions
21 of 29 C.F.R. sec. 570.50(c).
- 22 (3) A person under sixteen (16) years of age shall not be employed in any of the
23 following gainful occupations:
- 24 (a) Any occupation listed in subsection (1) of this section;
- 25 (b) Work in or about an engine room or boiler room;
- 26 (c) Work in connection with maintenance or repair of machines, equipment, or
27 hoisting apparatus;

1 (d) Outside window washing that involves working from window sills, and any
2 work that requires the use of ladders, scaffolds, or their substitutes;

3 (e) Baking and cooking;

4 (f) Work that involves operating, setting up, adjusting, cleaning, oiling, or
5 repairing power-driven food slicers, grinders, choppers, cutters, or bakery-
6 type mixers;

7 (g) Work in freezer rooms and cooler rooms;

8 (h) Work in warehouses, other than office and clerical work; or

9 (i) Work in construction, other than office and clerical work.

10 ➔SECTION 2. A NEW SECTION OF KRS 339.220 TO 339.450 IS CREATED
11 TO READ AS FOLLOWS:

12 (1) Except as provided in subsection (2) of this section, a person under sixteen (16)
13 years of age shall not be employed in a gainful occupation unless it occurs:

14 (a) Outside of school hours;

15 (b) For not more than forty (40) hours in any week when school is not in
16 session;

17 (c) For not more than eighteen (18) hours in any week when school is in
18 session;

19 (d) For not more than eight (8) hours in any day when school is not in session;

20 (e) For not more than three (3) hours in any day when school is in session,
21 including Fridays; and

22 (f) Between 7 a.m. and 7 p.m., except during the summer, from June 1 to
23 Labor Day, when the evening hour will be 9 p.m.

24 (2) A person who is under sixteen (16) years of age may be employed in a gainful
25 occupation during school hours and in excess of the time restrictions set forth in
26 subsection (1) of this section if he or she:

27 (a) Is enrolled in and employed pursuant to a school-supervised and school-

- 1 administered work-experience and career exploration program in
2 accordance with the provisions of 29 C.F.R. sec. 570.36;
- 3 **(b) Is enrolled in and employed pursuant to a school-supervised and school-**
4 **administered work-study program in accordance with the provisions of 29**
5 **C.F.R. sec. 570.37;**
- 6 **(c) Has graduated from high school;**
- 7 **(d) Has been excused from compulsory school attendance once he or she has**
8 **completed the eighth grade, and his or her employment complies with the**
9 **requirements of school attendance laws;**
- 10 **(e) Has a child to support and an appropriate official, pursuant to state law,**
11 **has waived compulsory school attendance requirements for the person;**
- 12 **(f) Is subject to an order of a state or federal court prohibiting him or her from**
13 **attending school; or**
- 14 **(g) Has been permanently expelled from the local public school he or she**
15 **would normally attend, unless he or she is required, by state or local law or**
16 **ordinance, or by court order, to attend another school.**
- 17 **(3) Except as provided in subsection (4) of this section, a person who is sixteen (16)**
18 **or seventeen (17) years of age shall not be employed in a gainful occupation**
19 **unless it occurs outside the hours of 11 p.m. to 6 a.m. preceding a school day.**
- 20 **(4) A person who is sixteen (16) or seventeen (17) years of age may be employed in a**
21 **gainful occupation during the hours of 11 p.m. to 6 a.m. preceding a school day if**
22 **he or she:**
- 23 **(a) Is enrolled in and employed pursuant to a school-supervised and school-**
24 **administered work-experience and career exploration program in**
25 **accordance with the provisions of 29 C.F.R. sec. 570.36;**
- 26 **(b) Is enrolled in and employed pursuant to a school-supervised and school-**
27 **administered work-study program in accordance with the provisions of 29**

- 1 *C.F.R. sec. 570.37;*
- 2 *(c) Has graduated from high school;*
- 3 *(d) Has been excused from compulsory school attendance once he or she has*
- 4 *completed the eighth grade, and his or her employment complies with the*
- 5 *requirements of school attendance laws;*
- 6 *(e) Has a child to support and an appropriate official, pursuant to state law,*
- 7 *has waived compulsory school attendance requirements for the person;*
- 8 *(f) Is subject to an order of a state or federal court prohibiting him or her from*
- 9 *attending school; or*
- 10 *(g) Has been permanently expelled from the local public school he or she*
- 11 *would normally attend, unless he or she is required, by state or local law or*
- 12 *ordinance, or by court order, to attend another school.*

13 ➔Section 3. The following KRS section is repealed:

14 339.230 Restrictions on employment of minor between fourteen and eighteen.

15 ➔Section 4. The commissioner of the Department of Workplace Standards shall

16 repeal 803 KAR 1:100 upon the effective date of this Act.