

1 AN ACT relating to employment of minors.

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

3 ➔Section 1. KRS 339.230 is amended to read as follows:

4 A minor who has passed his or her fourteenth birthday but is under eighteen (18) years of
5 age may be employed, permitted, or suffered to work in, about, or in connection with any
6 gainful occupation, except:

7 (1) If he or she is under sixteen (16) years of age, he or she may not be employed
8 during regular school hours, unless:

9 (a) The school authorities have made arrangements for him or her to attend
10 school at other than the regular hours, in which event he or she may be
11 employed subject to regulations of the commissioner of workplace standards
12 during such of the regular school hours as he or she is not required to be in
13 attendance under the arrangement; or

14 (b) He or she has graduated from high school.

15 (2) A minor who has passed his or her fourteenth birthday but is under eighteen (18)
16 years of age, may not be employed, permitted, or suffered to work:

17 (a) In any place of employment or at any occupation, that the commissioner of
18 workplace standards shall determine to be hazardous or injurious to the life,
19 health, safety, or welfare of such minor unless:

20 1. The minor is at least sixteen (16) years of age;

21 2. The minor is employed by his or her parent or a person standing in place
22 of a parent and works under adult supervision; and

23 3. The minor is engaged in nonhazardous aspects of the electrical trades,
24 including but not limited to activities such as pulling wire, setting boxes,
25 or bending conduit;

26 (b) More than the number of days per week, nor more than the number of hours
27 per day that the commissioner of workplace standards shall determine to be

1 injurious to the life, health, safety, or welfare of such minor. The
2 commissioner of workplace standards in promulgating these regulations shall
3 not~~may~~ make them more restrictive than those promulgated by the United
4 States Secretary of Labor under provisions of the Fair Labor Standards Act
5 and its amendments~~[, but in no event may he or she make them less~~
6 ~~restrictive]~~;

7 (c) During the hours of the day that the commissioner of workplace standards
8 shall determine to be injurious to the life, health, safety, or welfare of such
9 minor. The commissioner of workplace standards in promulgating these
10 regulations shall not~~may~~ make them more restrictive than those
11 promulgated by the United States Secretary of Labor under provisions of the
12 Fair Labor Standards Act and its amendments~~[, but in no event may he or she~~
13 ~~make them less restrictive]~~; and

14 (d) In, about, or in connection with any establishment where alcoholic liquors are
15 distilled, rectified, compounded, brewed, manufactured, bottled, sold for
16 consumption, or dispensed unless permitted by the rules and regulations of the
17 Alcoholic Beverage Control Board (except that he or she may be employed in
18 places where the sale of alcoholic beverages by the package is merely
19 incidental to the main business actually conducted); or in a pool or billiard
20 room.

21 (3) The commissioner of workplace standards shall promulgate regulations to properly
22 protect the life, health, safety, or welfare of minors. He or she may consider sex,
23 age, premises of employment, substances to be worked with, machinery to be
24 operated, number of hours, hours of the day, nature of the employment, and other
25 pertinent factors. These~~[The commissioner of workplace standards in promulgating~~
26 ~~these regulations may make them more restrictive than those promulgated by the~~
27 ~~United States Secretary of Labor under provisions of the Fair Labor Standards Act~~

1 ~~and its amendments but in no event may he or she make them less restrictive,~~
2 ~~provided, however, these~~ regulations shall have no effect on the definition of
3 "gainful occupation" under KRS 339.210. To advise the commissioner with respect
4 to the regulations, the Governor shall appoint a committee of four (4) persons which
5 shall consist of a representative from the Cabinet for Health and Family Services,
6 the Department of Education, the Kentucky Commission on Human Rights and the
7 Personnel Cabinet. The regulations promulgated in accordance with this section
8 shall be reviewed by such committee whenever deemed necessary by the
9 commissioner of workplace standards.