

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 551

Representatives Perales, Romanchuk

**Cosponsors: Representatives Antani, Arndt, Butler, Green, Kick, Reineke,
Retherford, Seitz, Vitale**

A BILL

To amend sections 4109.05 and 4109.99 and to enact 1
section 4109.22 of the Revised Code regarding 2
hazardous occupations prohibited for minors and 3
providing training to certain minors employed in 4
a construction or manufacturing occupation. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4109.05 and 4109.99 be amended 6
and section 4109.22 of the Revised Code be enacted to read as 7
follows: 8

Sec. 4109.05. (A) The director of commerce, after 9
consultation with the director of health, shall adopt rules, in 10
accordance with Chapter 119. of the Revised Code, prohibiting 11
the employment of minors in occupations which are hazardous or 12
detrimental to the health and well-being of minors. 13

In adopting the rules, the director of commerce shall 14
consider the orders issued pursuant to the "Fair Labor Standards 15
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 16

The director of commerce shall not adopt any rule that 17

prohibits a minor who is sixteen or seventeen years of age and 18
who receives the training described in section 4109.22 of the 19
Revised Code from being employed in a construction occupation or 20
manufacturing occupation if the orders issued pursuant to the 21
"Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 22
201, as amended, permit the employment of the minor in the 23
construction occupation or manufacturing occupation. As used in 24
this division, "construction occupation" and "manufacturing 25
occupation" have the same meanings as in section 4109.22 of the 26
Revised Code. 27

(B) No minor may be employed in any occupation found 28
hazardous or detrimental to the health and well-being of minors 29
under the rules adopted pursuant to division (A) of this 30
section. 31

Sec. 4109.22. (A) As used in this section: 32

(1) "Construction occupation" means employment that 33
consists of the construction, reconstruction, enlargement, 34
alteration, repair, remodeling, renovation, demolition, or 35
painting of a building or other structure, road, bridge, or 36
other work, including preparation of a site for new 37
construction. 38

(2) "Manufacturing occupation" means employment that 39
consists of the mechanical, physical, or chemical transformation 40
of materials, substances, or components into new products for 41
sale, including the assembling of component parts into a 42
finished product. 43

(3) Notwithstanding the definition of "employer" in 44
section 4109.01 of the Revised Code, "employer" means every 45
person who employs any individual in a construction occupation 46

or manufacturing occupation. 47

(B) (1) An employer employing a minor who is sixteen or 48
seventeen years of age in a construction occupation or 49
manufacturing occupation shall provide the minor with training 50
before the minor can engage in any workplace activity. The 51
employer shall include all of the following in the training: 52

(a) A ten-hour course in construction or general industry 53
safety and health hazard recognition and prevention approved by 54
the occupational safety and health administration of the United 55
States department of labor; 56

(b) Instructions on how to operate the specific tools the 57
minor will use during the minor's employment; 58

(c) The general safety and health hazards to which the 59
minor may be exposed at the minor's workplace; 60

(d) The value of safety and management commitment; 61

(e) Information on the employer's drug testing policy. 62

(2) For purposes of division (B) (1) (a) of this section, a 63
minor may participate in a thirty-hour course in construction or 64
general industry safety and health hazard recognition and 65
prevention approved by the occupational safety and health 66
administration if the minor has already successfully completed a 67
ten-hour course. 68

(3) The employer shall pay any costs associated with 69
providing the training required by division (B) (1) or permitted 70
under division (B) (2) of this section. 71

(C) The director of commerce, in consultation with 72
employers, shall adopt rules in accordance with Chapter 119. of 73
the Revised Code specifying a list of the tools that a minor who 74

is sixteen or seventeen years of age who has completed the 75
training required by division (B) (1) of this section may operate 76
during the minor's employment in a construction occupation or 77
manufacturing occupation. The director shall use the manual 78
issued by the wage and hour division of the United States 79
department of labor titled "field operations handbook" or its 80
successor for guidance in developing the list. Nothing in this 81
division requires the director to include a tool on the list if 82
the orders issued pursuant to the "Fair Labor Standards Act of 83
1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, and section 84
4109.05 of the Revised Code or rules adopted under that section 85
specifically permit minors of that age to operate the tool. 86

(D) A minor who is sixteen or seventeen years of age who 87
has completed the training required by division (B) (1) of this 88
section may work in any construction occupation or manufacturing 89
occupation not denied by law to minors of that age under section 90
4109.05 of the Revised Code or rules adopted under that section. 91

(E) No employer shall do either of the following: 92

(1) Permit a minor who is sixteen or seventeen years of 93
age to operate a tool minors of that age are permitted to 94
operate pursuant to the rules adopted under division (C) of this 95
section unless the minor completes the training required under 96
division (B) (1) of this section; 97

(2) Permit a minor who is sixteen or seventeen years of 98
age who has completed the training required by division (B) (1) 99
of this section to operate a tool prohibited for use by minors 100
of that age pursuant to the "Fair Labor Standards Act of 1938," 101
52 Stat. 1060, 29 U.S.C. 201, as amended, and section 4109.05 of 102
the Revised Code or rules adopted under that section. 103

Sec. 4109.99. (A) Whoever violates section 4109.04, 104
division (C) of section 4109.07, division (A), (B), or (D) of 105
section 4109.08, section 4109.11, or division (B) of section 106
4109.12 of the Revised Code is guilty of a minor misdemeanor. 107

(B) Whoever violates section 4109.05 of the Revised Code 108
is guilty of a misdemeanor of the third degree. 109

(C) Whoever violates section 4109.03, division (A), (B), 110
or (D) of section 4109.07, or section 4109.10 of the Revised 111
Code is guilty of a minor misdemeanor on a first offense and a 112
misdemeanor of the third degree on each subsequent offense. 113

(D) Whoever violates division (A) of section 4109.12 of 114
the Revised Code is guilty of a minor misdemeanor for each day 115
the violation continues. 116

(E) Whoever violates division (A) of section 4109.21 of 117
the Revised Code is guilty of a misdemeanor of the fourth degree 118
on a first offense and a first degree misdemeanor on each 119
subsequent offense. If, however, the violation on a first 120
offense contains aggravating circumstances, including, but not 121
limited to, threats to a minor, reckless operation of a motor 122
vehicle, or abandonment of or endangerment to a minor but not 123
including circumstances that are the basis of a felony violation 124
of section 2919.22 of the Revised Code, then the person is 125
guilty of a misdemeanor of the first degree. If the offender 126
previously has been convicted under this section and if the 127
subsequent offense contains aggravating circumstances other than 128
circumstances that are the basis of a felony violation of 129
section 2919.22 of the Revised Code, then the person is guilty 130
of a felony of the fourth degree. 131

(F) Whoever violates division (E) of section 4109.22 of 132

the Revised Code shall be assessed a civil penalty of up to one 133
thousand seven hundred thirty dollars for each violation. 134

Section 2. That existing sections 4109.05 and 4109.99 of 135
the Revised Code are hereby repealed. 136