

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 521**

**Representatives McNally, Grim**

**Cosponsors: Representatives Russo, Abdullahi, Denson, Brennan, Miller, J.**

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**A BILL**

To amend sections 3331.01, 3331.12, 4109.01, 1  
4109.03, 4109.05, 4109.06, and 4109.08 and to 2  
enact sections 4109.25, 4109.26, 4109.27, 3  
4109.28, and 4109.29 of the Revised Code to 4  
address minors working as performers in the 5  
entertainment industry. 6

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

**Section 1.** That sections 3331.01, 3331.12, 4109.01, 7  
4109.03, 4109.05, 4109.06, and 4109.08 be amended and sections 8  
4109.25, 4109.26, 4109.27, 4109.28, and 4109.29 of the Revised 9  
Code be enacted to read as follows: 10

**Sec. 3331.01.** (A) As used in this chapter: 11

(1) "Superintendent" or "superintendent of schools" of a 12  
school district means the person employed as the superintendent 13  
or that person's designee. 14

(2) "Chief administrative officer" means the chief 15  
administrative officer of a nonpublic or community school or 16  
that person's designee. 17

(B) (1) Except as provided in division (B) (2) of this section, an age and schooling certificate may be issued only by the superintendent of the city, local, joint vocational, or exempted village school district in which the child in whose name such certificate is issued resides or by the chief administrative officer of the nonpublic or community school the child attends, and, except as provided in division (B) (3) of this section, only upon satisfactory proof that the child to whom the certificate is issued is at least fourteen years of age.

(2) A child who resides in this state shall apply for an age and schooling certificate to the superintendent of the school district in which the child resides, or to the chief administrative officer of the school that the child attends. Residents of other states who work in Ohio shall apply to the superintendent of the school district in which the place of employment is located, as a condition of employment or service.

(3) A child under fourteen years of age may be issued an age and schooling certificate if both of the following apply:

(a) The employment contemplated by the child is as a minor performer as defined in section 4109.01 of the Revised Code.

(b) The minor is of compulsory school age as described in section 3321.01 of the Revised Code.

(C) Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children. Section 4113.08 of the Revised Code does not apply to such employer in respect to such child while engaged in an employment legal for a child of the age stated therein.

(D) Age and schooling certificate forms shall be approved 47  
by the department of education and workforce, including forms 48  
submitted electronically. Forms shall not display the social 49  
security number of the child. Except as otherwise provided in 50  
this section, every application for an age and schooling 51  
certificate must be signed in the presence of the officer 52  
issuing it by the child in whose name it is issued. 53

(E) A child shall furnish the superintendent or chief 54  
administrative officer all information required by this chapter 55  
in support of the issuance of a certificate. 56

(F) On and after September 1, 2002, each superintendent 57  
and chief administrative officer who issues an age and schooling 58  
certificate shall file electronically the certificate with the 59  
director of commerce in accordance with rules adopted by the 60  
director of administrative services pursuant to section 1306.21 61  
of the Revised Code. On and after September 1, 2002, only 62  
electronically filed certificates are valid to satisfy the 63  
requirements of Chapter 4109. of the Revised Code. 64

**Sec. 3331.12.** When any officer charged with the 65  
enforcement of child labor laws discovers any child who in the 66  
officer's judgment is under fourteen years of age employed by a 67  
person who is not the parent or guardian of such child or 68  
employed other than as a minor performer as defined in section 69  
4109.01 of the Revised Code, the officer may cause such child to 70  
discontinue employment until satisfactory proof of lawful age is 71  
furnished. 72

**Sec. 4109.01.** As used in this chapter: 73

(A) "Compulsory school age" has the same meaning as in 74  
section 3321.01 of the Revised Code. 75

<u>(B)</u> "Employ" means to permit or suffer to work.	76
<del>(B)</del> <u>(C)</u> "Employer" means the state, its political subdivisions, and every person who employs any individual.	77 78
<del>(C)</del> <u>(D)</u> "Enforcement official" means the director of commerce or the director's authorized representative, the director of education and workforce or the director's authorized representative, any school attendance officer, any probation officer, the director of health or the director of health's authorized representative, and any representative of a local department of health.	79 80 81 82 83 84 85
<del>(D)</del> <u>(E)</u> "Minor" means any person less than eighteen years of age.	86 87
<del>(E)</del> <u>(F)</u> "Minor performer" means any minor employed as a performer in a motion picture, theatrical, radio, or television production.	88 89 90
<u>(G)</u> "Seasonal amusement or recreational establishment" means both of the following:	91 92
(1) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;	93 94
(2) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty-three and one-third per cent of its average receipts for the other six months of that calendar year.	95 96 97 98 99
<b>Sec. 4109.03.</b> <u>(A)</u> No employer, except as provided in <u>division (C) of this section,</u> shall employ a minor before thoroughly reviewing the minor's age and schooling certificate, required by law, or fail to give notice to the superintendent of	100 101 102 103

schools or chief administrative officer who issued such 104  
certificate of the nonuse of the certificate within five working 105  
days from such minor's withdrawal or dismissal from the 106  
employer's service, or continue to employ a minor after the 107  
minor's age and schooling certificate is void~~, or~~. 108

(B) No employer shall refuse to permit an enforcement 109  
official to observe the conditions under which minors are 110  
employed~~,~~ or to make reasonable inquiry of minors or persons 111  
supposed by such official to be under eighteen in regard to 112  
matters pertaining to their age, employment, or schooling. 113

(C) Division (A) of this section does not apply to an 114  
employer that, pursuant to section 4109.28 of the Revised Code, 115  
employs or proposes to employ a minor performer who is not of 116  
compulsory school age. 117

**Sec. 4109.05.** (A) The director of commerce, after 118  
consultation with the director of health, shall adopt rules, in 119  
accordance with Chapter 119. of the Revised Code, prohibiting 120  
the employment of minors in occupations which are hazardous or 121  
detrimental to the health and well-being of minors. 122

In adopting the rules, the director of commerce shall 123  
consider the orders issued pursuant to the "Fair Labor Standards 124  
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 125

The director of commerce shall not adopt any rule that 126  
prohibits a minor who is sixteen or seventeen years of age and 127  
who is employed by an employer under the manufacturing and 128  
construction mentorship program created in section 4109.22 of 129  
the Revised Code from being employed in a construction 130  
occupation or manufacturing occupation if the orders issued 131  
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 132

201, et seq., permit the employment of the minor in the 133  
construction occupation or manufacturing occupation. As used in 134  
this division, "construction occupation" and "manufacturing 135  
occupation" have the same meanings as in section 4109.22 of the 136  
Revised Code. 137

(B) No minor, except as provided in division (C) of this 138  
section, may be employed in any occupation found hazardous or 139  
detrimental to the health and well-being of minors under the 140  
rules adopted pursuant to division (A) of this section. 141

(C) Division (B) of this section does not apply to a minor 142  
performer who, in the course of the minor performer's 143  
employment, is exposed to a potentially hazardous condition if a 144  
trainer or technician accredited through a safety program 145  
specific to the film or television industry certified by the 146  
occupational safety and health administration of the United 147  
States department of labor is present at all times that the 148  
minor performer is exposed to the potentially hazardous 149  
condition. 150

**Sec. 4109.06.** (A) This chapter does not apply to the 151  
following: 152

(1) Minors who are students working on any properly 153  
guarded machines in the manual training department of any school 154  
when the work is performed under the personal supervision of an 155  
instructor; 156

(2) Students participating in a career-technical or STEM 157  
program approved by the Ohio department of education and 158  
workforce or students participating in any eligible classes 159  
through the college credit plus program established under 160  
Chapter 3365. of the Revised Code that include a state- 161

recognized pre-apprenticeship program that imparts the skills 162  
and knowledge needed for successful participation in a 163  
registered apprenticeship occupation course; 164

~~(3) A minor participating in a play, pageant, or concert 165  
produced by an outdoor historical drama corporation, a 166  
professional traveling theatrical production, a professional 167  
concert tour, or a personal appearance tour as a professional 168  
motion picture star, or as an actor or performer in motion 169  
pictures or in radio or television productions in accordance 170  
with the rules adopted pursuant to division (A) of section 171  
4109.05 of the Revised Code; 172~~

~~(4) The participation, without remuneration of a minor and 173  
with the consent of a parent or guardian, in a performance given 174  
by a church, school, or academy, or at a concert or 175  
entertainment given solely for charitable purposes, or by a 176  
charitable or religious institution; 177~~

~~(5) (4) Minors who are employed by their parents in 178  
occupations other than occupations prohibited by rule adopted 179  
under this chapter; 180~~

~~(6) (5) Minors engaged in the delivery of newspapers to 181  
the consumer; 182~~

~~(7) (6) Minors who have received a high school diploma or 183  
a certificate of attendance from an accredited secondary school 184  
or a certificate of high school equivalence; 185~~

~~(8) (7) Minors who are currently heads of households or 186  
are parents contributing to the support of their children; 187~~

~~(9) (8) Minors engaged in lawn mowing, snow shoveling, and 188  
other related employment; 189~~

~~(10)~~ (9) Minors employed in agricultural employment in 190  
connection with farms operated by their parents, grandparents, 191  
or guardians where they are members of the guardians' household. 192  
Minors are not exempt from this chapter if they reside in 193  
agricultural labor camps as defined in section 3733.41 of the 194  
Revised Code; 195

~~(11)~~ (10) Students participating in a program to serve as 196  
precinct officers as authorized by section 3501.22 of the 197  
Revised Code. 198

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 199  
Revised Code do not apply to the following: 200

(1) Minors who work in a sheltered workshop operated by a 201  
county board of developmental disabilities; 202

(2) Minors performing services for a nonprofit 203  
organization where the minor receives no compensation, except 204  
for any expenses incurred by the minor or except for meals 205  
provided to the minor; 206

(3) Minors who are employed in agricultural employment and 207  
who do not reside in agricultural labor camps. 208

(C) Division (D) of section 4109.07 of the Revised Code 209  
does not apply to minors who have their employment hours 210  
established as follows: 211

(1) A minor adjudicated to be an unruly child or 212  
delinquent child who, as a result of the adjudication, is placed 213  
on probation may either file a petition in the juvenile court in 214  
whose jurisdiction the minor resides, or apply to the 215  
superintendent or to the chief administrative officer who issued 216  
the minor's age and schooling certificate pursuant to section 217  
3331.01 of the Revised Code, alleging the restrictions on the 218



hours of employment described in division (D) of section 4109.07 219  
of the Revised Code will cause a substantial hardship or are not 220  
in the minor's best interests. Upon receipt of a petition or 221  
application, the court, the superintendent, or the chief 222  
administrative officer, as appropriate, shall consult with the 223  
person required to supervise the minor on probation. If after 224  
that consultation, the court, the superintendent, or the chief 225  
administrative officer finds the minor has failed to show the 226  
restrictions will result in a substantial hardship or that the 227  
restrictions are not in the minor's best interests, the court, 228  
the superintendent, or the chief administrative officer shall 229  
uphold the restrictions. If after that consultation, the court, 230  
the superintendent, or the chief administrative officer finds 231  
the minor has shown the restricted hours will cause a 232  
substantial hardship or are not in the minor's best interests, 233  
the court, the superintendent, or the chief administrative 234  
officer shall establish differing hours of employment for the 235  
minor and notify the minor and the minor's employer of those 236  
hours, which shall be binding in lieu of the restrictions on the 237  
hours of employment described in division (D) of section 4109.07 238  
of the Revised Code. 239

(2) Any minor to whom division (C)(1) of this section does 240  
not apply may either file a petition in the juvenile court in 241  
whose jurisdiction the person resides, or apply to the 242  
superintendent or to the chief administrative officer who issued 243  
the minor's age and schooling certificate pursuant to section 244  
3331.01 of the Revised Code, alleging the restrictions on the 245  
hours of employment described in division (D) of section 4109.07 246  
of the Revised Code will cause a substantial hardship or are not 247  
in the minor's best interests. 248

If, as a result of a petition or application, the court, 249

the superintendent, or the chief administrative officer, as 250  
appropriate, finds the minor has failed to show such 251  
restrictions will result in a substantial hardship or that the 252  
restrictions are not in the minor's best interests, the court, 253  
the superintendent, or the chief administrative officer shall 254  
uphold the restrictions. If the court, the superintendent, or 255  
the chief administrative officer finds the minor has shown the 256  
restricted hours will cause a substantial hardship or are not in 257  
the minor's best interests, the court, the superintendent, or 258  
the chief administrative officer shall establish the hours of 259  
employment for the minor and shall notify the minor and the 260  
minor's employer of those hours. 261

(D) Section 4109.03, divisions (A) and (C) of section 262  
4109.02, and division (B) of section 4109.08 of the Revised Code 263  
do not apply to minors who are sixteen or seventeen years of age 264  
and who are employed at a seasonal amusement or recreational 265  
establishment. 266

(E) Section 4109.07 of the Revised Code does not apply to 267  
a minor employed as a minor performer. 268

(F) As used in this section, "certificate of high school 269  
equivalence" means either: 270

(1) A statement issued by the department of education and 271  
workforce that the holder of the statement has achieved the 272  
equivalent of a high school education as measured by scores 273  
obtained on a high school equivalency test approved by the 274  
department pursuant to division (B) of section 3301.80 of the 275  
Revised Code; 276

(2) A statement issued by a primary-secondary education or 277  
higher education agency of another state that the holder of the 278

statement has achieved the equivalent of a high school education 279  
as measured by scores obtained on a similar nationally 280  
recognized high school equivalency test. 281

**Sec. 4109.08.** (A) No minor shall be employed unless the 282  
employer keeps on the premises a complete list of all minors 283  
employed by the employer at a particular establishment and a 284  
printed abstract to be furnished by the director of commerce 285  
summarizing the provisions of this chapter. 286

The list and abstract shall be posted in plain view in a 287  
conspicuous place which is frequented by the largest number of 288  
minor employees, and to which all minor employees have access. 289

(B) An enforcement official may require any employer, in 290  
or about whose establishment an employee apparently under 291  
eighteen years of age is employed and whose age and schooling 292  
certificate is not on file with the director of commerce as 293  
required by section 3331.01 of the Revised Code or whose 294  
documentation is not on file with the employer as required by 295  
section 4109.28 of the Revised Code, to furnish the enforcement 296  
official satisfactory evidence that the employee is in fact 297  
eighteen years of age or older. The enforcement official shall 298  
require from the employer the same evidence of age of the 299  
employee as is required by section 3331.02 of the Revised Code 300  
upon the issuance of an age and schooling certificate. No 301  
employer shall fail to produce the evidence. 302

(C) Any employee apparently under eighteen years of age, 303  
working in any occupation or establishment with respect to which 304  
there are restrictions by rule or law governing the employment 305  
of minors, with respect to whom the employer has not furnished 306  
satisfactory evidence that the person is at or above the age 307  
required for performance of employment with the employer after 308

being requested to do so, and who refuses to give to an 309  
enforcement official the employee's name, age, and place of 310  
residence may be taken into custody and charged with being an 311  
unruly child or other appropriate charge under Chapter 2151. or 312  
2152. of the Revised Code. 313

(D) No person shall, with the intent to assist a minor to 314  
procure employment, make a false statement by any means, 315  
including by submitting falsified forms electronically, to any 316  
employer or to any person authorized to issue an age and 317  
schooling certificate. 318

Sec. 4109.25. Except as otherwise provided in section 319  
4109.05 of the Revised Code, no employer shall employ a minor as 320  
a minor performer if the employment is detrimental to the 321  
minor's life, health, safety, welfare, or morals or interferes 322  
with the minor's schooling. 323

Sec. 4109.26. No minor under sixteen years of age shall do 324  
either of the following: 325

(A) Be employed as a minor performer for more than 326  
eighteen hours in any week that school is in session or for more 327  
than forty hours in any week that school is not in session; 328

(B) Be employed as a minor performer unless the minor is 329  
accompanied by a parent or guardian at all rehearsals, 330  
appearances, performances, and sessions that occur in connection 331  
with the minor's employment as a minor performer. 332

Sec. 4109.27. An employer that employs a minor performer 333  
of compulsory school age shall ensure the minor performer is 334  
provided instruction that complies with all applicable 335  
requirements of Title XXXIII of the Revised Code, including that 336  
the minor performer shall be taught by an individual licensed 337

under sections 3319.22 to 3319.31 of the Revised Code. 338

**Sec. 4109.28.** (A) As used in this section, "physician" 339  
means an individual authorized under Chapter 4731. of the 340  
Revised Code to practice medicine and surgery or osteopathic 341  
medicine and surgery. 342

(B) No employer shall employ a minor who is not of 343  
compulsory school age as a minor performer unless the employer 344  
has on file the documentation required under division (D) of 345  
this section as a condition of employment. 346

(C) Before a prospective employer employs a minor who is 347  
not of compulsory school age as a minor performer, the employer 348  
shall provide the minor's parent or guardian with a written 349  
statement explaining the nature and duration of the proposed 350  
employment of the minor. The parent or guardian shall provide 351  
the written statement to, and have the minor examined by, a 352  
physician. The physician, after examining the minor, shall 353  
determine whether the minor is physically capable of being 354  
employed as a minor performer for the nature and duration of the 355  
employment specified in the written statement. 356

(D) (1) If a physician determines a minor who is not of 357  
compulsory school age is physically capable of being employed as 358  
a minor performer for the nature and duration of the employment 359  
specified in a prospective employer's written statement under 360  
division (C) of this section, the physician shall issue to the 361  
minor's parent or guardian a written certification regarding the 362  
physician's determination. 363

(2) On receiving a written certification issued under 364  
division (D) (1) of this section, the minor's parent or guardian 365  
shall submit to the prospective employer all of the following 366

<u>documentation:</u>	367
<u>(a) The written certification;</u>	368
<u>(b) Evidence of the minor's age in one of the forms of</u> <u>proof listed in division (A) (3) of section 3331.02 of the</u> <u>Revised Code;</u>	369 370 371
<u>(c) A written statement signed by the minor's parent or</u> <u>guardian consenting to the minor being employed by the</u> <u>prospective employer as a minor performer.</u>	372 373 374
<u>(E) An employer shall keep on file the documentation</u> <u>described under division (D) (2) of this section for the duration</u> <u>of the minor's employment with the employer as a minor</u> <u>performer.</u>	375 376 377 378
<u>Sec. 4109.29. (A) As used in this section, "certification</u> <u>of trust" means a document described in section 5810.13 of the</u> <u>Revised Code.</u>	379 380 381
<u>(B) Except as provided in division (C) of this section,</u> <u>not later than seven days after the date an employment contract</u> <u>is entered into under which an employer compensates a minor for</u> <u>employment as a minor performer, the minor's parent, guardian,</u> <u>or custodian shall establish a trust account in the minor's</u> <u>state of residence for the minor's benefit.</u>	382 383 384 385 386 387
<u>(C) This section does not apply to a minor if the minor's</u> <u>gross earnings for being employed as a minor performer is less</u> <u>than one thousand dollars.</u>	388 389 390
<u>(D) Not later than fifteen days after the date a minor</u> <u>begins employment as a minor performer, the parent, guardian,</u> <u>custodian, or trustee shall provide the minor's employer with a</u> <u>certification of trust. On providing the certification of trust,</u>	391 392 393 394

the employer shall provide the parent, guardian, custodian, or trustee with a written acknowledgment of receipt of the certification of trust. 395  
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(E) If a parent, guardian, custodian, or trustee does not provide the minor's employer with a certification of trust as required under division (D) of this section within ninety days after the minor begins employment as a minor performer, the minor's employer shall refer the matter to a court of competent jurisdiction, and the court shall appoint a trustee. 398  
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(F) An employer employing a minor as a minor performer shall deposit fifteen per cent of the minor's earnings directly into the minor's trust account established for the minor's benefit not later than fifteen days after the last day the minor performs services for the employer. If no trust account is established for the minor's benefit, the employer shall withhold fifteen per cent of the minor's earnings until a trust account is established. 404  
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On the employer depositing fifteen per cent of the minor's earnings into a trust account established for the minor's benefit, both of the following apply: 412  
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(1) The employer is relieved of monitoring the funds. 415

(2) The trustee shall monitor and account for the funds. 416

(G) No minor shall have access to the funds placed in trust for the minor's benefit under this section unless either of the following apply: 417  
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(1) The minor reaches at least eighteen years of age or becomes emancipated. 420  
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(2) A court of competent jurisdiction orders the release 422

of funds from the trust. 423

(H) A trust established in this state pursuant to this 424  
section is subject to continuing judicial supervision. 425

On petition to a court of competent jurisdiction by a 426  
minor performer's parent, guardian, custodian, or trustee, the 427  
court, for good cause shown, may order that a trust established 428  
in this state pursuant to this section be terminated or amended, 429  
provided that the court has given reasonable notice and an 430  
opportunity for all interested parties to appear and be heard. 431

**Section 2.** That existing sections 3331.01, 3331.12, 432  
4109.01, 4109.03, 4109.05, 4109.06, and 4109.08 of the Revised 433  
Code are hereby repealed. 434