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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. McNally and Grim

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SUMMARY

- Applies Ohio's Minor Labor Law to persons under age 18 employed as performers in motion picture, theatrical, radio, and television productions ("minor performers").
- Prohibits a minor under age 16 from being employed as a minor performer for more than 18 hours in any week that school is in session or for more than 40 hours in any week that school is not in session.
- Requires a minor under age 16 employed as a minor performer to be accompanied by a parent or guardian at all rehearsals, appearances, performances, and sessions that occur in connection with the minor's employment as a performer.
- Prohibits employing a minor performer in employment that is detrimental to the minor's life, health, safety, welfare, or morals or that interferes with the minor's schooling.
- Requires an employer employing a minor performer of compulsory school age to ensure the performer receives instruction that complies with all of Ohio's education laws.
- Provides for the issuance of work permits to a minor who is between six and 13 years old if the minor will be employed as a minor performer.
- Requires the parent or guardian of a minor performer who is under six years old to have the minor examined by a physician and obtain a certification from the physician that the minor is physically capable of being employed as a minor performer.
- Requires a minor performer's parent, guardian, or custodian to establish a trust account in the minor's state of residence for the minor's benefit.

DETAILED ANALYSIS

Minor performers

The bill applies Ohio's Minor Labor Law[1] to a minor employed as a performer in motion picture, theatrical, radio, and television productions (a "minor performer").[2] The Minor Labor Law, together with federal law, sets labor standards for minors. Subject to certain exceptions, including for minor performers, both the Minor Labor Law and federal law currently prohibit any minor under age 14 from being employed.[3]

With respect to a minor older than 14, the Law prohibits employing the minor in an occupation that the Director of Commerce, who enforces the Law, determines in rules adopted in consultation with the Director of Health, is hazardous or detrimental to the minor's health or well-being.[4] Unless an exception applies, the Law also prohibits an employer from employing a minor unless the minor presents proper paperwork demonstrating the minor's age and authorization to work.[5] The Law also requires an employer to provide a minor at least a 30-minute break after five consecutive hours of work, prohibits an employer from requiring a minor employee to obtain a form of security as a condition of employment, and mandates an employer keep written records related to the minor's occupation, work hours, and wages.[6]

Currently, the Minor Labor Law does not apply to a minor participating in any of the following, provided the minor's participation complies with the Director's rules regarding hazardous or detrimental occupations:

- A play, pageant, or concert produced by an outdoor historical drama corporation;
- A professional traveling theatrical production;
- A professional concert tour;
- A personal appearance tour as a professional motion picture star;
- A motion picture, radio, or television production.[7]

[1] R.C. Chapter 4109.

[2] R.C. 4109.01(E) and (F).

[3] 29 United States Code 203(l) and 213(c)(3), 29 Code of Federal Regulations 570.119, and R.C. 3331.01, 3331.12, 4109.05, and 4109.06(A)(3).

[4] R.C. 4109.05(A).

[5] R.C. 4109.02, not in the bill.

[6] R.C. 4109.07(C), 4109.10(C), and 4109.11, not in the bill.

[7] R.C. 4109.06(A)(3), repealed, by reference to R.C. 4109.05(A); see also Ohio Administrative Code Chapter 4101:9-2.

The bill establishes requirements that are specific to a minor performer's hours of employment, working conditions, and work authorization documents. It also requires a minor performer's parent, guardian, or custodian to establish a trust account for the minor performer's benefit when the performer earns more than $1,000 as a performer.

Hours of employment

Under the bill, a minor under age 16 may not be employed as a minor performer for more than 18 hours in any week that school is in session or for more than 40 hours in any week that school is not in session.[8]

Current law prohibits any covered minor between 14- and 15-years old from working more than 18 hours a week when school is in session and 40 hours a week when school is not in session. Work hours are also limited for a minor between 14- and 15-years old to no earlier than 7 a.m. and no later than 7 p.m. during the school year or 9 p.m. during the summer or a holiday break of five days or more and under certain circumstances with parent or legal guardian approval.

Current law also prohibits a 16- or 17-year-old minor who is required to attend school from working before 7 a.m. (6 a.m. under specific circumstances) or after 11 p.m. on a night preceding a day when school is in session.[9]

Working conditions

Under the bill, a minor under age 16 may not be employed as a minor performer unless accompanied by a parent or guardian at all rehearsals, appearances, performances, and sessions occurring in connection with the minor's employment as a minor performer.[10]

Like the continuing law prohibition against employing a minor in an occupation that is hazardous or detrimental to the minor's health and well-being, the bill prohibits employing a minor performer in employment that is detrimental to the minor's life, health, safety, welfare, or morals or interferes with the minor's schooling. As these terms are not defined, it would be up to the Director, in adopting the rules, to determine what falls under these terms. However, the bill allows a minor performer to be "exposed to a potentially hazardous condition" while working as a performer, provided a trainer or technician accredited through a film or television safety program certified by the U.S. Department of Labor's Occupational Safety and Health Administration is present while the performer is exposed to the condition.[11]

The bill requires an employer employing a minor performer of compulsory school age (between ages six and 18, or five and 18 if enrolled in kindergarten at age five)[12] to ensure the

[8] R.C. 4109.26(A).

[9] R.C. 4109.07(A) and (D), not in the bill.

[10] R.C. 4109.26(B).

[11] R.C. 4109.05(C) and 4109.25.

[12] R.C. 3321.01, not in the bill.

performer is provided instruction that complies with Ohio's education laws, including that the minor performer be taught by an Ohio licensed teacher.[13] Currently, an employer or the employer's officer or agent must refrain from participating or acquiescing in any violation of law relating to a minor employee's compulsory education, but the employer is not required to ensure instruction is provided.[14]

Work authorization documents

The bill allows a compulsory school aged minor performer who is under 14 years old to be issued an age and schooling certificate (referred to as a "work permit"). Currently, a school age child may not be issued a work permit if the child is under 14, regardless of the occupation the child will perform.

In accordance with continuing law, a work permit may be issued to a school age minor performer who lives in Ohio only by the superintendent of the school district in which the minor resides or by the chief administrative officer of a nonpublic or community school at which the minor is a student. A school age minor performer who resides in another state and works in Ohio must receive a permit from the superintendent of the school district where the work is performed.[15]

To issue the work permit, a superintendent or officer must receive evidence of the minor's age from a list of statutorily approved documents. The superintendent or officer also must receive and approve specified papers relating to the minor's physical fitness, school record, and information on the employment and use of the work permit.[16]

Under continuing law, an employer may not employ a school age minor before reviewing the minor's work permit or continue employing the minor once the permit is void. The employer also must give adequate notice to the permit issuer when the school age minor leaves employment.[17] An officer charged with enforcing the Minor Labor Law may discontinue the employment of a minor who appears to be under 14 until proof of the minor's age is presented. The bill specifies an officer may not discontinue the employment of a minor performer who appears under 14 years old.[18]

With respect to a minor performer who is not of school age (younger than six years old, or five years old if enrolled in kindergarten), the bill requires a prospective employer to provide the minor's parent or guardian with a written statement explaining the nature and duration of

[13] R.C. 4109.27, by reference to R.C. 3319.22 to 3319.31, not in the bill.

[14] R.C. 4109.04, not in the bill.

[15] R.C. 3331.01(B).

[16] R.C. 3331.02, not in the bill.

[17] R.C. 4109.03.

[18] R.C. 3331.12.

the minor's proposed employment. The parent or guardian must provide the statement to, and have the minor examined by, an Ohio-licensed physician.[19]

The physician must determine whether the minor is physically capable of being employed as a minor performer for the nature and duration of the employment described in the written statement. If the physician determines the minor is physically capable of being employed as described in the statement, the physician must issue a written certification of that determination. The minor's parent or guardian must then submit all the following to the prospective employer:[20]

- The physician's written certification;
- Evidence of the minor's age from one of the documents permitted under continuing law governing the issuance of a work permit;
- A written statement signed by the parent or guardian consenting to the minor being employed by the employer as a minor performer.

The employer must keep the documentation described above on file for the duration of the employment. The employer may not employ a minor who is not of compulsory school age as a minor performer unless the employer has the listed documentation on file.[21]

If an employer does not have the documentation on file, an official charged with enforcing the Minor Labor Law may require the employer to provide satisfactory evidence that the performer is age 18 or older.[22]

Certification of trust

Not later than seven days after the date an employer agrees to hire a minor performer for compensation, the bill requires the minor's parent, guardian, or custodian to establish a trust account in the minor's state of residence for the minor's benefit. However, the requirement does not apply to a minor performer if the minor's gross earnings are less than $1,000.

Not later than 15 days after the date the minor performer begins employment, the bill requires the minor's parent, guardian, custodian, or trustee to provide the employer with a certification of trust. The employer must provide the parent, guardian, custodian, or trustee with a written acknowledgment that the employer received the certification.

If a parent, guardian, custodian, or trustee does not provide the employer with the certification within 90 days after the minor performer begins employment, the employer must refer the matter to a court of competent jurisdiction, and the court must appoint a trustee.

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[19] R.C 4109.28(A) and (C).

[20] R.C. 4109.28(D).

[21] R.C. 4109.28(B) and (E).

[22] R.C. 4109.08(B).

The employer must deposit 15% of the minor's earnings directly into the minor's trust account not later than 15 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 must withhold the 15% until the account is established. When the employer deposits the 15% into the trust account, the employer is relieved of monitoring the funds. The account trustee must monitor and account for funds deposited into the trust account.

A trust established in Ohio pursuant to the bill is subject to continuing court supervision. A minor performer may not access the funds in a trust until the minor reaches at least age 18, becomes emancipated, or is granted access to the funds by a court of competent jurisdiction.

For good cause shown, a court of competent jurisdiction may order the termination or amendment of a trust established in accordance with the bill. Before issuing the order, the court must give reasonable notice and an opportunity for all interested parties to appear and be heard. The court may issue an order only after the minor performer's parent, guardian, custodian, or trustee petitions the court for the order.[23]

Penalties

Under continuing law, no employer parent, guardian, or custodian of a minor may permit the minor to work in violation of the Minor Labor Law. Additionally, no person may continue to employ a minor in violation of the Law after being notified in writing of the violation by the Director of Commerce or other official.[24]

A person who permits a minor to work in violation of the Law is guilty of a minor misdemeanor for each day the violation continues. A person who allows a minor to continue working after receiving written notice of noncompliance is guilty of a minor misdemeanor.[25]

HISTORY

Action	Date
Introduced	10-22-25

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[23] R.C. 4109.29.

[24] R.C. 4109.12, not in the bill.

[25] R.C. 4109.99(A) and (D), not in the bill.