As Introduced

136th General Assembly

Regular Session 2025-2026

H. B. No. 546

Representatives McNally, Grim

Cosponsors: Representatives Brownlee, Piccolantonio, Brennan, Rogers, Lett

A BILL

То	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,	/
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	18
section, an age and schooling certificate may be issued only by	19
the superintendent of the city, local, joint vocational, or	20
exempted village school district in which the child in whose	21
name such certificate is issued resides or by the chief	22
administrative officer of the nonpublic or community school the	23
child attends, and, except as provided in division (B)(3) of	24
this section, only upon satisfactory proof that the child to	25
whom the certificate is issued is at least fourteen years of	26
age.	27
(2) A child who resides in this state shall apply for an	28
age and schooling certificate to the superintendent of the	29
school district in which the child resides, or to the chief	30
administrative officer of the school that the child attends.	31
Residents of other states who work in Ohio shall apply to the	32
superintendent of the school district in which the place of	33
employment is located, as a condition of employment or service.	34
(3) A child under fourteen years of age may be issued an	35
age and schooling certificate if both of the following apply:	36
(a) The employment contemplated by the child is as a minor	37
performer as defined in section 4109.01 of the Revised Code.	38
<u> </u>	
(b) The minor is of compulsory school age as described in	39
section 3321.01 of the Revised Code.	40
(C) Any such age and schooling certificate may be issued	41
only upon satisfactory proof that the employment contemplated by	42
the child is not prohibited by any law regulating the employment	43
of such children. Section 4113.08 of the Revised Code does not	44
apply to such employer in respect to such child while engaged in	45
an employment legal for a child of the age stated therein.	46

(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

(B) "Employ" means to permit or suffer to work.	76
(B) (C) "Employer" means the state, its political	77
subdivisions, and every person who employs any individual.	78
(C) (D) "Enforcement official" means the director of	79
commerce or the director's authorized representative, the	80
director of education and workforce or the director's authorized	81
representative, any school attendance officer, any probation	82
officer, the director of health or the director of health's	83
authorized representative, and any representative of a local	84
department of health.	85
(D) (E) "Minor" means any person less than eighteen years	86
of age.	87
(E) (F) "Minor performer" means any minor employed as a	88
<pre>performer in a motion picture, theatrical, radio, or television</pre>	89
production.	90
(G) "Seasonal amusement or recreational establishment"	91
means both of the following:	92
(1) An amusement or recreational establishment that does	93
not operate for more than seven months in any calendar year;	94
(2) An amusement or recreational establishment whose	95
average receipts for any six months during the preceding	96
calendar year were not more than thirty-three and one-third per	97
cent of its average receipts for the other six months of that	98
calendar year.	99
Sec. 4109.03. (A) No employer, except as provided in	100
division (C) of this section, shall employ a minor before	101
thoroughly reviewing the minor's age and schooling certificate,	102
required by law, or fail to give notice to the superintendent of	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
<pre>compulsory school age.</pre>	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
<pre>performer who, in the course of the minor performer's</pre>	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
$\frac{(4)}{(4)}$ 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
$\frac{(5)}{(4)}$ Minors who are employed by their parents in	178
occupations other than occupations prohibited by rule adopted	179
under this chapter;	180
$\frac{(6)}{(5)}$ 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
$\frac{(8)}{(7)}$ Minors who are currently heads of households or	186
are parents contributing to the support of their children;	187
$\frac{(9)}{(8)}$ 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

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

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
	071
(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
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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 <u>or whose</u>	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

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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
<pre>either of the following:</pre>	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
<pre>employment specified in the written statement.</pre>	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

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

the employer shall provide the parent, guardian, custodian, or	395
trustee with a written acknowledgment of receipt of the	396
<pre>certification of trust.</pre>	397
(E) If a parent, guardian, custodian, or trustee does not	398
provide the minor's employer with a certification of trust as	399
required under division (D) of this section within ninety days	400
after the minor begins employment as a minor performer, the	401
minor's employer shall refer the matter to a court of competent	402
jurisdiction, and the court shall appoint a trustee.	403
(F) An employer employing a minor as a minor performer	404
shall deposit fifteen per cent of the minor's earnings directly	405
into the minor's trust account established for the minor's	406
benefit not later than fifteen days after the last day the minor	407
performs services for the employer. If no trust account is	408
established for the minor's benefit, the employer shall withhold	409
fifteen per cent of the minor's earnings until a trust account	410
is established.	411
On the employer depositing fifteen per cent of the minor's	412
earnings into a trust account established for the minor's	413
benefit, both of the following apply:	414
(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	417
trust for the minor's benefit under this section unless either	418
of the following apply:	419
(1) The minor reaches at least eighteen years of age or	420
becomes emancipated.	421
(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