

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

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 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

(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

<u>(B)</u> "Employ" means to permit or suffer to work.	76
(B) <u>(C)</u> "Employer" means the state, its political subdivisions, and every person who employs any individual.	77 78
(C) <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
(D) <u>(E)</u> "Minor" means any person less than eighteen years of age.	86 87
(E) <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
Sec. 4109.03. <u>(A) No employer, except as provided in 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

documentation: 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
performer. 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
certification of trust. 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