

As Reported by the Senate Workforce Development Committee

136th General Assembly

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S. B. No. 50

Senator Schaffer

Cosponsors: Senators Reineke, Lang, Wilkin, Huffman

A BILL

To amend sections 3331.02 and 4109.07 of the 1
Revised Code regarding age and schooling 2
certificate requirements and work hours for a 3
person under sixteen years of age. 4

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

Section 1. That sections 3331.02 and 4109.07 of the 5
Revised Code be amended to read as follows: 6

Sec. 3331.02. (A) The superintendent of schools or the 7
chief administrative officer, as appropriate pursuant to section 8
3331.01 of the Revised Code, shall not issue an age and 9
schooling certificate until the superintendent or chief 10
administrative officer has received, examined, approved, and 11
filed the following papers duly executed: 12

(1) The written pledge or promise of the person, 13
partnership, or corporation to legally employ the child, and for 14
this purpose work performed by a minor, directly and exclusively 15
for the benefit of such minor's parent, in the farm home or on 16
the farm of such parent is legal employment, irrespective of any 17
contract of employment, or the absence thereof, to permit the 18

child to attend school as provided in section 3321.08 of the Revised Code, and give notice of the nonuse of an age and schooling certificate within five days from the date of the child's withdrawal or dismissal from the service of that person, partnership, or corporation, giving the reasons for such withdrawal or dismissal;

(2) The child's school record or notification. As used in this division, a "school record" means documents properly filled out and signed by the person in charge of the school which the child last attended, giving the recorded age of the child, the child's address, standing in studies, rating in conduct, and attendance in days during the school year of the child's last attendance; "notification" means the information submitted to the superintendent by the parent of a child exempt from attendance at school pursuant to section 3321.042 of the Revised Code.

(3) Evidence of the age of the child as follows:

(a) A certified copy of an original birth record or a certification of birth, issued in accordance with Chapter 3705. of the Revised Code, or by an officer charged with the duty of recording births in another state or country, shall be conclusive evidence of the age of the child;

(b) In the absence of such birth record or certification of birth, a passport, or duly attested transcript thereof, showing the date and place of birth of the child, filed with a register of passports at a port of entry of the United States; or an attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of the child, shall be conclusive evidence of the age of the child;

(c) In case none of the above proofs of age can be 49
produced, other documentary evidence, except the affidavit of 50
the parent, guardian, or custodian, satisfactory to the 51
superintendent or chief administrative officer may be accepted 52
in lieu thereof; 53

(d) In case no documentary proof of age can be procured, 54
the superintendent or chief administrative officer may receive 55
and file an application signed by the parent, guardian, or 56
custodian of the child that a medical certificate be secured to 57
establish the sufficiency of the age of the child, which 58
application shall state the alleged age of the child, the place 59
and date of birth, the child's present residence, and such 60
further facts as may be of assistance in determining the age of 61
the child, and shall certify that the person signing the 62
application is unable to obtain any of the documentary proofs 63
specified in divisions (A) (3) (a), (b), and (c) of this section; 64
and if the superintendent or chief administrative officer is 65
satisfied that a reasonable effort to procure such documentary 66
proof has been without success such application shall be granted 67
and the certificate of the school physician or if there be none, 68
of a physician, a physician assistant, a clinical nurse 69
specialist, or a certified nurse practitioner employed by the 70
board of education, that said physician, physician assistant, 71
clinical nurse specialist, or certified nurse practitioner is 72
satisfied that the child is above the age required for an age 73
and schooling certificate as stated in section 3331.01 of the 74
Revised Code, shall be accepted as sufficient evidence of age. 75

(4) A certificate, including an athletic certificate of 76
examination, from a physician licensed pursuant to Chapter 4731. 77
of the Revised Code, a physician assistant, a clinical nurse 78
specialist, or a certified nurse practitioner, or from the 79

district health commissioner, showing after a thorough 80
examination that the child is physically fit to be employed in 81
such occupations as are not prohibited by law for a boy or girl, 82
as the case may be, under eighteen years of age; but a 83
certificate with "limited" written, printed, marked, or stamped 84
thereon may be furnished by such physician, physician assistant, 85
clinical nurse specialist, or certified nurse practitioner and 86
accepted by the superintendent or chief administrative officer 87
in issuing a "limited" age and schooling certificate provided in 88
section 3331.06 of the Revised Code, showing that the child is 89
physically fit to be employed in some particular occupation not 90
prohibited by law for a boy or girl of such child's age, as the 91
case may be, even if the child's complete physical ability to 92
engage in such occupation cannot be vouched for. 93

(5) A minor work hour notification form described in 94
division (D) of this section that is signed by the child's 95
parent or legal guardian. 96

(B) (1) Except as provided in division (B) (2) of this 97
section, a physical fitness certificate described in division 98
(A) (4) of this section is valid for purposes of that division 99
while the child remains employed in job duties of a similar 100
nature as the job duties for which the child last was issued an 101
age and schooling certificate. The superintendent or chief 102
administrative officer who issues an age and schooling 103
certificate shall determine whether job duties are similar for 104
purposes of this division. 105

(2) A "limited" physical fitness certificate described in 106
division (A) (4) of this section is valid for one year. 107

(C) The superintendent of schools or the chief 108
administrative officer shall require a child who resides out of 109

this state to file all the information required under division 110
(A) of this section. The superintendent of schools or the chief 111
administrative officer shall evaluate the information filed and 112
determine whether to issue the age and schooling certificate 113
using the same standards as those the superintendent or officer 114
uses for in-state children. 115

(D) The director of commerce shall create, and make 116
available to the public, a minor work hour notification form 117
that provides notice of the hours a minor may work in accordance 118
with section 4109.07 of the Revised Code. The director shall 119
include on the form a space for a child's parent or legal 120
guardian to provide a signature. By signing the form, the parent 121
or guardian acknowledges that the parent or guardian has 122
received notice of the information on the form. 123

Sec. 4109.07. (A) No person under sixteen years of age 124
shall be employed: 125

(1) During school hours except where specifically 126
permitted by this chapter; 127

(2) Before seven a.m.; 128

(3) After nine p.m. from the first day of June to the 129
first day of September or during any school holiday of five 130
school days or more duration, ~~or after~~; 131

(4) After seven p.m. at any other time, except the person 132
may be employed between seven p.m. and nine p.m. if the person 133
has approval to do so from the person's parent or legal 134
guardian; 135

~~(4)~~(5) For more than three hours a day in any school day; 136

~~(5)~~(6) For more than eighteen hours in any week while 137

school is in session;	138
(6) (7) For more than eight hours in any day which is not a school day;	139 140
(7) (8) For more than forty hours in any week that school is not in session.	141 142
(B) No person under sixteen years of age may be employed more than forty hours in any one week nor during school hours unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the department of education and workforce.	143 144 145 146 147 148 149
(C) No employer shall employ a minor more than five consecutive hours without allowing the minor a rest period of at least thirty minutes. The rest period need not be included in the computation of the number of hours worked by the minor.	150 151 152 153
(D) No person sixteen or seventeen years of age who is required to attend school under Chapter 3321. of the Revised Code shall be employed:	154 155 156
(1) Before seven a.m. on any day that school is in session, except such person may be employed after six a.m. if the person was not employed after eight p.m. the previous night;	157 158 159
(2) After eleven p.m. on any night preceding a day that school is in session.	160 161
(E) As used in this section, "school" refers to either a school the child actually attends or a school he is required to attend pursuant to Chapter 3321. of the Revised Code.	162 163 164
Section 2. That existing sections 3331.02 and 4109.07 of	165

the Revised Code are hereby repealed.