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S. B. No. 50

Senator Schaffer

**Cosponsors: Senators Reineke, Lang, Wilkin, Huffman, Brenner, Cirino,
Gavarone, Johnson, Koehler, Landis, O'Brien, Patton, Reynolds, Roegner,
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Fischer, Fowler Arthur, Gross, Hall, T., Hiner, Holmes, John, Johnson, King,
Kishman, Klopfenstein, Lear, Lorenz, Mathews, A., Mathews, T., Miller, K., Miller,
M., Peterson, Plummer, Robb Blasdel, Roemer, Salvo, Santucci, Schmidt,
Thomas, D., Willis, Young**

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 19
Revised Code, and give notice of the nonuse of an age and 20
schooling certificate within five days from the date of the 21
child's withdrawal or dismissal from the service of that person, 22
partnership, or corporation, giving the reasons for such 23
withdrawal or dismissal; 24

(2) The child's school record or notification. As used in 25
this division, a "school record" means documents properly filled 26
out and signed by the person in charge of the school which the 27
child last attended, giving the recorded age of the child, the 28
child's address, standing in studies, rating in conduct, and 29
attendance in days during the school year of the child's last 30
attendance; "notification" means the information submitted to 31
the superintendent by the parent of a child exempt from 32
attendance at school pursuant to section 3321.042 of the Revised 33
Code. 34

(3) Evidence of the age of the child as follows: 35

(a) A certified copy of an original birth record or a 36
certification of birth, issued in accordance with Chapter 3705. 37
of the Revised Code, or by an officer charged with the duty of 38
recording births in another state or country, shall be 39
conclusive evidence of the age of the child; 40

(b) In the absence of such birth record or certification 41
of birth, a passport, or duly attested transcript thereof, 42

showing the date and place of birth of the child, filed with a 43
register of passports at a port of entry of the United States; 44
or an attested transcript of the certificate of birth or baptism 45
or other religious record, showing the date and place of birth 46
of the child, shall be conclusive evidence of the age of the 47
child; 48

(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 139
school day; 140

~~(7)~~ (8) For more than forty hours in any week that school 141
is not in session. 142

(B) No person under sixteen years of age may be employed 143
more than forty hours in any one week nor during school hours 144
unless employment is incidental to bona fide programs of 145
vocational cooperative training, work-study, or other work- 146
oriented programs with the purpose of educating students, and 147
the program meets standards established by the department of 148
education and workforce. 149

(C) No employer shall employ a minor more than five 150
consecutive hours without allowing the minor a rest period of at 151
least thirty minutes. The rest period need not be included in 152
the computation of the number of hours worked by the minor. 153

(D) No person sixteen or seventeen years of age who is 154
required to attend school under Chapter 3321. of the Revised 155
Code shall be employed: 156

(1) Before seven a.m. on any day that school is in 157
session, except such person may be employed after six a.m. if 158
the person was not employed after eight p.m. the previous night; 159

(2) After eleven p.m. on any night preceding a day that 160
school is in session. 161

(E) As used in this section, "school" refers to either a 162
school the child actually attends or a school he is required to 163
attend pursuant to Chapter 3321. of the Revised Code. 164

Section 2. That existing sections 3331.02 and 4109.07 of 165
the Revised Code are hereby repealed. 166