
A BILL FOR AN ACT

RELATING TO THE EMPLOYMENT OF A MINOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 390-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§390-2 Employment of minors under eighteen years of age.

4 (a) No minor under eighteen years of age shall be employed or
5 permitted to work in, about, or in connection with any gainful
6 occupation at any time except as otherwise provided in this
7 section. In no event, however, shall the minor be permitted to
8 be employed or permitted to work in, about, or in connection
9 with adult entertainment or any gainful occupation prohibited by
10 law or which has been declared by rule of the director to be
11 hazardous for the minor.

12 (b) A minor who has attained the age of sixteen years but
13 not eighteen years may be employed during periods when the minor
14 is not legally required to attend school or when the minor is
15 excused by school authorities from attending school; provided
16 that the employer of the minor records and keeps on file the



1 number of a valid certificate of age issued to the minor by the
2 department.

3 (c) A minor who has attained the age of fourteen years but
4 not sixteen years may be employed or permitted to work:

5 (1) During periods when the minor is not legally required
6 to attend school or when the minor is excused by
7 school authorities from attending school;

8 (2) If the employer of the minor procures and keeps on
9 file a valid certificate of employment;

10 (3) No more than five hours continuously without an
11 interval of at least thirty consecutive minutes for a
12 rest or lunch period;

13 (4) Between 7:00 a.m. and 7:00 p.m. of any day; provided
14 that during any authorized school break, the minor may
15 be employed between 6:00 a.m. and 9:00 p.m.;

16 (5) No more than six consecutive days;

17 (6) No more than eighteen hours in a calendar week during
18 which the minor is legally required to attend school,
19 and no more than forty hours in a calendar week during
20 which the minor is not legally required to attend



- 1 school or when the minor is excused by school
2 authorities from attending school;
- 3 (7) No more than three hours on any school day; and
4 (8) No more than eight hours on any nonschool day.
- 5 (d) A minor under fourteen years of age may be employed or
6 permitted to work [~~in theatrical employment or~~] in harvesting of
7 coffee under circumstances and conditions prescribed by the
8 director by rule; provided that:
- 9 (1) The work is performed during periods when the minor is
10 not legally required to attend school or when the
11 minor is excused by school authorities from attending
12 school;
- 13 (2) [~~With respect to employment in harvesting of coffee,~~
14 ~~the~~] The director has determined after a public
15 hearing that sufficient adult labor to perform the
16 work is unavailable; and
- 17 (3) The employer of the minor procures and keeps on file a
18 valid certificate of employment.
- 19 (e) A minor may be employed or permitted to work in
20 theatrical employment under circumstances and conditions
21 prescribed by the director by rule, provided that:



- 1 (1) The employer of the minor procures and keeps on file a
2 valid certificate of employment;
- 3 (2) When a minor who is under the age of one year is on
4 set, a nurse certified in basic life support shall
5 accompany, supervise, and advocate on behalf of the
6 infant to ensure employers are compliant with this
7 section. The nurse shall not be the minor's parent or
8 guardian. For purposes of this paragraph, "nurse"
9 means a registered nurse or advance practice
10 registered nurse licensed under chapter 457;
- 11 (3) When a minor who has attained the age of one year but
12 not five years is on set, a parent or guardian shall
13 accompany the minor; and
- 14 (4) When a minor who has attained the age of five years
15 but not eighteen years is on set, and the minor is
16 required to attend school pursuant to section
17 302A-1132, or by the law of the minor's home state:
- 18 (A) The work shall be performed during periods when
19 the minor is not legally required to attend
20 school or when the minor is excused by school
21 authorities from attending school; and



1 (B) A studio teacher shall accompany and supervise
2 not more than ten minors whenever one or more
3 minors are on set and a variance from the work
4 hour restrictions on allowable theatrical
5 employment is granted by the director, to ensure
6 employers are compliant with this section and
7 applicable rules adopted by the department
8 pursuant to this chapter. The studio teacher
9 shall not be the minor's parent or guardian. For
10 purposes of this paragraph, "studio teacher"
11 means a person who is designated by the employer
12 and who holds a valid license issued by the
13 Hawaii teacher standards board or by the
14 equivalent teacher-credentialing agency in the
15 minor's home state."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Minors; Infant; Employment; Theatrical Employment; Studio
Teacher; Nurse

Description:

Requires a studio teacher to accompany, supervise, and advocate on behalf of a minor whenever the minor is on set and a variance from the work hour restrictions to allowable theatrical employment is granted, when employed for theatrical purposes. Requires a nurse to accompany, supervise, and advocate on behalf of an infant whenever the infant is on set. Defines "studio teacher". Takes effect 1/1/2050. (SD1)

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