

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 670
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred S.B. No. 670 entitled:

"A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF A MINOR,"

begs leave to report as follows:

The purpose and intent of this measure is to set specific requirements that must be satisfied for a minor to work in theatrical employment. Specifically, this measure:

- (1) Requires the employer of the minor to procure and keep on file a valid certificate of employment;
- (2) Requires the minor to be accompanied by two persons - a parent or guardian and a studio teacher or nurse;
- (3) Requires a nurse certified in basic life support to accompany, supervise, and advocate on behalf of the minor on set to ensure the employer's compliance with applicable law when the minor is under the age of one year;
- (4) Requires for a minor who has attained the age of five years but not eighteen years is on set and the minor is required to attend school that:



- (A) The work be performed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school; and
 - (B) A studio teacher accompany and supervise the minor to ensure the employer's compliance with applicable law; and
- (5) Prohibits a studio teacher from supervising more than ten minors when one or more minors are on set under a work hour variance granted by the Director of Labor and Industrial Relations.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; Hawaii State Teachers Association; Hawaii Iron Workers' Stabilization Fund; I.A.T.S.E. Local 665; Motion Picture Association, Inc.; Pride at Work Hawai'i; Screen Actors Guild - American Federation of Television and Radio Artists; and four individuals.

Your Committee finds that existing law does not require a registered nurse, advanced practice registered nurse, or studio teacher to be present on set when minors are engaged in theatrical employment. Your Committee recognizes that a majority of the theatrical employment certificates issued by Department of Labor and Industrial Relations are for television or motion picture productions which can last for several hours a day or several months out of the year. This measure recognizes the importance of ensuring safe working conditions for children, as well as ensuring that their educational opportunities are protected while working on these types of productions.

Your Committee, based on the concerns raised in the testimonies submitted, finds that certain amendments to this measure are required to clarify the specific ages of minors subject to the theatrical employment provisions and circumstances under which they apply.

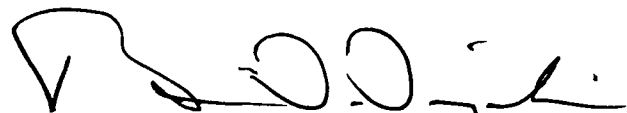
Accordingly, your Committee has amended this measure by:



- (1) Clarifying that the subsection on theatrical employment provided in this measure applies to the employment of minors under the age of sixteen;
- (2) Eliminating the requirement that all minors be accompanied by two persons, a parent or guardian and a studio teacher or nurse, and instead requiring that the minor be accompanied by a parent, guardian, or a responsible adult designated by the parent or guardian to supervise and advocate on behalf of the minor;
- (3) Requiring that the nurse who is required to accompany a minor who is under the age of one year be hired by the employer;
- (4) Clarifying that a studio teacher is required to accompany, teach, and attend to the health, safety, and well-being of a minor who has attained the age of five years when the minor is performing work during periods when the minor is legally required to attend school but was excused by school authorities from attending;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussions; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 670, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 670, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,



BRIAN T. TANIGUCHI, Chair



