

---

---

# 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 under the age of sixteen years may be employed  
20 or permitted to work in theatrical employment under



1 circumstances and conditions prescribed by the director by rule,  
2 provided that:

3 (1) The employer of the minor shall procure and keep on  
4 file a valid certificate of employment;

5 (2) The minor shall be accompanied by a parent, guardian,  
6 or responsible adult who is designated by the parent  
7 or guardian to supervise and advocate on behalf of the  
8 minor;

9 (3) When a minor who is under the age of one year is on  
10 set, a nurse certified in basic life support shall be  
11 hired by the employer to accompany, supervise, and  
12 advocate on behalf of the minor to ensure the  
13 employer's compliance with this section;

14 (4) When a minor who has attained the age of five years is  
15 on set and the minor is required to attend school  
16 pursuant to section 302A-1132 or by the law of the  
17 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; and



1           (B) When work is performed during periods when the  
 2           minor is legally required to attend school but is  
 3           excused by school authorities from attending for  
 4           three or more consecutive days, a set teacher  
 5           shall be on set to teach the minor, and shall  
 6           ensure the employer's compliance with this  
 7           section and applicable rules adopted by the  
 8           department pursuant to this chapter; and

9           (5) A set teacher shall not supervise more than ten minors  
 10           whenever one or more minors are on set and a variance  
 11           from the work hour restrictions on allowable  
 12           theatrical employment is granted by the director.

13           For purposes of this subsection:

14           "Nurse" means an individual who is a registered nurse or  
 15           advance practice registered nurse licensed under chapter 457 and  
 16           is not the minor's parent, guardian, or the responsible adult  
 17           accompanying the minor on set.

18           "Set teacher" means an individual who is designated by the  
 19           employer, holds a valid license issued by the Hawaii teacher  
 20           standards board or by the equivalent teacher-credentialing  
 21           agency in the minor's home state, and not the minor's parent,



1 guardian, or the responsible adult accompanying the minor on  
2 set."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 3000.



**Report Title:**

Minors; Infant; Employment; Theatrical Employment; Set Teacher;  
Nurse

**Description:**

Allows minors under the age of sixteen to work in theatrical employment provided that the employer procures a valid certificate of employment and the minor is accompanied by a parent, guardian, or a certain responsible adult. Requires a nurse certified in basic life support to accompany, supervise, and advocate on behalf of a minor who is under the age of one. Requires a set teacher to be on set to teach a minor who has attained the age of five years and is required to but has been excused from attending school. Defines "nurse" and "set teacher". Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

