

**SB53 ENROLLED**



1 SB53  
2 6IGX1Z3-2  
3 By Senator Orr  
4 RFD: Children and Youth Health  
5 First Read: 06-Feb-24



## SB53 Enrolled

1                    Enrolled, An Act,  
2                    Relating to child labor; to amend Sections 25-8-32.1  
3                    and 25-8-45, Code of Alabama 1975, to eliminate the  
4                    eligibility to work form; and to repeal Section 25-8-46, Code  
5                    of Alabama 1975, relating to the eligibility to work form.  
6                    BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7                    Section 1. Sections 25-8-32.1 and 25-8-45, Code of  
8                    Alabama 1975, are amended to read as follows:

9                    "§25-8-32.1

10                    For purposes of this chapter, the following words and  
11                    phrases ~~shall~~ have the following meanings:

12                    (1) DEPARTMENT. The Department of Labor.

13                    ~~(2) ELIGIBILITY TO WORK FORM. A form issued by the head~~  
14                    ~~administrator, counselor, or, if home schooled an instructor~~  
15                    ~~of the school which a 14- or 15-year-old minor attends~~  
16                    ~~certifying satisfactory grades and attendance of the minor in~~  
17                    ~~order for a 14- or 15-year-old minor to be employed.~~

18                    ~~(3)~~ (2) EMPLOY. To ~~employ,~~ permit, or suffer to work  
19                    with or without compensation.

20                    ~~(4)~~ (3) EMPLOYEE. Any ~~person~~ individual employed by an  
21                    employer, but shall not include an individual engaged in the  
22                    activities of an educational, charitable, religious,  
23                    scientific, historical, literary, or nonprofit organization  
24                    where the employer-employee relationship does not in fact  
25                    exist or where the services rendered are on a voluntary basis.

26                    ~~(5)~~ (4) EMPLOYER. Any owner or any ~~person~~ individual,  
27                    entity, franchise, corporation, or division of a corporation,  
28                    government agency, or association of persons acting directly



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29 as, ~~or~~ in behalf of, or in the interest of any employer in  
30 relation to employees, including the state and any political  
31 subdivision thereof.

32 ~~(6)~~ (5) SECRETARY. The Secretary of the Department of  
33 Labor.

34 ~~(7)~~ (6) VIOLATION. A failure by an employer, officer,  
35 agent, or any other person to comply with any applicable  
36 provision of the child labor law."

37 "§25-8-45

38 ~~(a) No person under 16 years of age shall engage in any~~  
39 ~~occupation mentioned in Section 25-8-39 unless he or she has~~  
40 ~~secured and has with him or her an eligibility to work form as~~  
41 ~~provided in this chapter.~~

42 ~~(b)~~ (a) No ~~person~~ individual, entity, franchise,  
43 corporation, or division of a corporation shall employ,  
44 permit, or suffer to work any ~~person~~ minor 14 or 15 years of  
45 age in any occupation, except in agricultural service, unless  
46 the ~~person~~ individual, entity, franchise, corporation, or  
47 division of a corporation procures and keeps on file, for the  
48 inspection by the officials charged with the enforcement of  
49 this chapter, ~~an eligibility to work form for every person 14~~  
50 ~~or 15 years of age and a complete list of those~~  
51 ~~persons~~ individuals 14 or 15 years of age employed ~~therein~~ with  
52 the employer.

53 ~~(c)~~ (b) Any ~~person~~ individual, entity, franchise,  
54 corporation, or division of a corporation that wishes to  
55 employ, permit, or suffer to work any minor 14 or 15 years of  
56 age in any occupation, except in agricultural service, shall



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57 obtain a Class I Child Labor Certificate from the department  
58 for each location where ~~a person~~an individual, entity,  
59 franchise, corporation, or division of a corporation wishes to  
60 employ a minor 14 or 15 years of age. ~~Such~~The employment shall  
61 be in accordance with all other sections of this chapter.

62 ~~(d)~~(c) The certificate shall allow the employment of  
63 minors 14 or 15 years of age to work only outside of school  
64 hours or during vacation periods and only in occupations not  
65 prohibited by this chapter for ~~persons~~individuals of these  
66 ages.

67 ~~(e)~~(d) The employment of a minor 14 or 15 years of age  
68 shall be revoked or suspended by the department if the minor's  
69 regular school attendance and performance record is not  
70 satisfactory to the head administrator, or, if home schooled,  
71 an instructor, of the school which the minor attends. The  
72 revocation or suspension shall be processed by the department  
73 upon notification by the school.

74 ~~(f)~~(e) Any ~~person~~individual, entity, franchise,  
75 corporation, or division of a corporation that wishes to  
76 employ, permit, or suffer to work any minor 16 or 17 years of  
77 age in any occupation, except in agricultural service, shall  
78 obtain a Class II Child Labor Certificate from the department  
79 for each location where ~~a person~~an individual, entity,  
80 franchise, corporation, or division of a corporation wishes to  
81 employ a minor 16 or 17 years of age. ~~Such~~The employment shall  
82 be in accordance with all other sections of this chapter.

83 ~~(g)~~(f) The department shall issue Class I and Class II  
84 Child Labor Certificates to any ~~person~~individual, entity,



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85 franchise, corporation, or division of a corporation that  
86 applies to the department. The fee for a Class I or Class II  
87 Child Labor Certificate shall be fifteen dollars (\$15). The  
88 certificates shall be issued annually.

89 ~~(h)~~ (g) (1) The application for the child labor  
90 certificate shall contain all of the following information  
91 specific to the location of the minor's employment:

92 a. The name, address, and telephone number of the  
93 person, entity, franchise, corporation, or division of a  
94 corporation that wishes to employ, permit, or suffer to work  
95 any minor.

96 b. The type of business or entity, the federal employer  
97 identification number, the names of all incorporators, owners,  
98 members, or partners of the business or entity.

99 c. Any other information as required by department  
100 regulation.

101 (2) The Class I and Class II Child Labor Certificates  
102 shall contain all of the following information:

103 a. The name of the employer.

104 b. The type of business the employer maintains.

105 c. Any other information as required by department  
106 regulation.

107 (3) If ~~a person~~ an individual, entity, franchise,  
108 corporation, or division of a corporation, employs a minor  
109 between 14 and 17 years of age without a proper child labor  
110 certificate, the ~~person~~ individual, entity, franchise,  
111 corporation or division of a corporation shall pay a penalty  
112 of fifty dollars (\$50) and then shall obtain a certificate in



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113 the proper manner.

114 (4) The parent or guardian of a minor who is 14 or 15  
115 years of age and employed by an individual, entity, franchise,  
116 corporation, or division of a corporation shall notify the  
117 minor's head administrator, counselor, or, if home schooled,  
118 an instructor of the school which the minor attends of the  
119 name, address, and telephone number of the person, entity,  
120 franchise, corporation, or division of a corporation employing  
121 the minor."

122 Section 2. Section 25-8-46, Code of Alabama 1975,  
123 relating to the eligibility to work form, is repealed.

124 Section 3. This act shall become effective June 1,  
125 2024.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB53

Senate 27-Feb-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed: 07-May-24

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Senate concurred in House amendment 07-May-24

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By: Senator Orr