

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 541

Representatives McNally, Dell'Aquila

Cosponsors: Representatives Isaacsohn, Grim, Somani, Brown, Upchurch, Miller, A., Jarrells, Liston, Abdullahi, Troy, Brennan, Blackshear, Brewer, Russo, Robinson, Thomas, C., Denson, Mohamed, Weinstein

A BILL

To amend sections 4109.08, 4109.13, and 4109.99 of
the Revised Code to require school employees to
report certain minor labor law violations, to
increase penalties for certain minor labor law
violations, to create the Minor Labor Law
Enforcement Fund, and to make an appropriation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4109.08, 4109.13, and 4109.99 of
the Revised Code be amended to read as follows:

Sec. 4109.08. (A) No minor shall be employed unless the
employer keeps on the premises a complete list of all minors
employed by the employer at a particular establishment and a
printed abstract to be furnished by the director of commerce
summarizing the provisions of this chapter.

The list and abstract shall be posted in plain view in a
conspicuous place which is frequented by the largest number of
minor employees, and to which all minor employees have access.

(B) An enforcement official may require any employer, in 17
or about whose establishment an employee apparently under 18
eighteen years of age is employed and whose age and schooling 19
certificate is not on file with the director of commerce as 20
required by section 3331.01 of the Revised Code, to furnish the 21
enforcement official satisfactory evidence that the employee is 22
in fact eighteen years of age or older. The enforcement official 23
shall require from the employer the same evidence of age of the 24
employee as is required by section 3331.02 of the Revised Code 25
upon the issuance of an age and schooling certificate. No 26
employer shall fail to produce the evidence. 27

(C) Any employee apparently under eighteen years of age, 28
working in any occupation or establishment with respect to which 29
there are restrictions by rule or law governing the employment 30
of minors, with respect to whom the employer has not furnished 31
satisfactory evidence that the person is at or above the age 32
required for performance of employment with the employer after 33
being requested to do so, and who refuses to give to an 34
enforcement official the employee's name, age, and place of 35
residence may be taken into custody and charged with being an 36
unruly child or other appropriate charge under Chapter 2151. or 37
2152. of the Revised Code. 38

(D) No person shall, with the intent to assist a minor to 39
procure employment, make a false statement by any means, 40
including by submitting falsified forms electronically, to any 41
employer or to any person authorized to issue an age and 42
schooling certificate. 43

(E) A school employee shall immediately report to the 44
school's principal or the principal's designee when the employee 45
is aware or has a reasonable suspicion based on specific facts 46

that a person under sixteen years of age who attends the school 47
is employed in a manner that violates section 4109.07 of the 48
Revised Code. The principal or the designee shall report the 49
knowledge or suspicion to the director of commerce. As used in 50
this division, "school employee" has the same meaning as in 51
section 3313.7112 of the Revised Code. 52

Sec. 4109.13. (A) ~~The administrator of the bureau of~~ 53
~~employment services~~ director of commerce shall designate 54
enforcement officials to enforce this chapter. 55

(B) An enforcement official, upon discovery of a violation 56
of this chapter and after notice to the employer, shall make a 57
complaint against the offending employer in any court of 58
competent jurisdiction. 59

(C) Enforcement officials shall make complaint by filing a 60
complaint before a court having competent jurisdiction against 61
any person violating any law relating to the employment of 62
minors. This section shall not be construed to limit the right 63
of other persons to make those complaints. 64

(D) County courts, municipal courts, and juvenile courts 65
have jurisdiction to try offenses under this chapter. Juvenile 66
courts have exclusive original jurisdiction to try offenses 67
under section 3321.38 of the Revised Code. 68

(E) No person or enforcement official instituting 69
proceedings under this section shall be required to file or give 70
security for the costs. If a defendant is acquitted, the judge 71
before whom the case is brought shall certify the costs to the 72
county auditor. The county auditor shall examine the amount and, 73
if necessary, correct it. The county auditor shall issue a 74
warrant on the county treasurer in favor of the persons to whom 75

the costs are due. 76

~~(F) Fines~~ (F) (1) Except as provided in division (F) (2) of 77
this section, fines collected for violations of this chapter and 78
section 3321.38 of the Revised Code shall be paid into the funds 79
of the school district in which the offense was committed. 80

(2) The minor labor law enforcement fund is created in the 81
state treasury. Fines collected pursuant to division (G) of 82
section 4109.99 of the Revised Code shall be deposited to the 83
credit of the fund. The director of commerce shall use the fund 84
to administer and enforce this chapter. 85

Sec. 4109.99. (A) Whoever violates section 4109.04, 86
division (C) of section 4109.07, division (A), (B), or (D) of 87
section 4109.08, section 4109.11, or division (B) of section 88
4109.12 of the Revised Code is guilty of a minor misdemeanor. 89

(B) Whoever violates section 4109.05 of the Revised Code 90
is guilty of a misdemeanor of the third degree. 91

(C) Whoever violates section 4109.03, division (A), (B), 92
or (D) of section 4109.07, or section 4109.10 of the Revised 93
Code is guilty of a minor misdemeanor on a first offense and a 94
misdemeanor of the third degree on each subsequent offense. 95

(D) Whoever violates division (A) of section 4109.12 of 96
the Revised Code is guilty of a minor misdemeanor for each day 97
the violation continues. 98

(E) Whoever violates division (A) of section 4109.21 of 99
the Revised Code is guilty of a misdemeanor of the fourth degree 100
on a first offense and a first degree misdemeanor on each 101
subsequent offense. If, however, the violation on a first 102
offense contains aggravating circumstances, including, but not 103
limited to, threats to a minor, reckless operation of a motor 104

vehicle, or abandonment of or endangerment to a minor but not 105
including circumstances that are the basis of a felony violation 106
of section 2919.22 of the Revised Code, then the person is 107
guilty of a misdemeanor of the first degree. If the offender 108
previously has been convicted under this section and if the 109
subsequent offense contains aggravating circumstances other than 110
circumstances that are the basis of a felony violation of 111
section 2919.22 of the Revised Code, then the person is guilty 112
of a felony of the fourth degree. 113

(F) Whoever violates division (F) of section 4109.22 of 114
the Revised Code shall be assessed a civil penalty of up to one 115
thousand seven hundred thirty dollars for each violation. 116

(G) (1) An employer that knowingly violates section 4109.07 117
of the Revised Code shall be fined fifty thousand dollars. 118

(2) An employer who employs more than one person in 119
violation of division (G) (1) of this section shall be fined 120
separately for each person so employed. A fine under division 121
(G) (1) of this section is in addition to any other penalty 122
described in this section. 123

Section 2. That existing sections 4109.08, 4109.13, and 124
4109.99 of the Revised Code are hereby repealed. 125

Section 3. All items in this act are hereby appropriated 126
as designated out of any moneys in the state treasury to the 127
credit of the designated fund. For all operating appropriations 128
made in this act, those in the first column are for fiscal year 129
2024 and those in the second column are for fiscal year 2025. 130
The operating appropriations made in this act are in addition to 131
any other operating appropriations made for these fiscal years. 132

Section 4. 133

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A		COM DEPARTMENT OF COMMERCE		
B	Dedicated Purpose Fund Group			
C	5AL1 800658	Minor Labor Law Enforcement	\$150,000	\$150,000
D	TOTAL DPF Dedicated Purpose Fund Group		\$150,000	\$150,000
E	TOTAL ALL BUDGET FUND GROUPS		\$150,000	\$150,000

MINOR LABOR LAW ENFORCEMENT 135

The foregoing appropriation item 800658, Minor Labor Law Enforcement, shall be used by the Department of Commerce to hire staff necessary to enforce Chapter 4109. of the Revised Code pertaining to state law governing the employment of minors. 136
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Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in, and are subject to all applicable provisions of, H.B. 33 of the 135th General Assembly. 140
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