
ENGROSSED SUBSTITUTE HOUSE BILL 1030

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Lisk, Carlson, Dyer, Skinner, Cooke, Schoesler, Thompson, Goldsmith, Chandler, Basich, Foreman, Honeyford, Hankins, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Silver, Buck and McMahan)

Read first time 01/16/95.

1 AN ACT Relating to the employment of minors; amending RCW
2 49.12.121; repealing RCW 49.12.123; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.12.121 and 1993 c 294 s 9 are each amended to read
5 as follows:

6 ~~(1) ((The department may at any time inquire into wages, hours, and
7 conditions of labor of minors employed in any trade, business, or
8 occupation in the state of Washington and may adopt special rules for
9 the protection of the safety, health, and welfare of minor employees.
10 However, the rules may not limit the hours per day or per week, or
11 other specified work period, that may be worked by minors who are
12 emancipated by court order.~~

13 ~~(2))~~ The department shall issue work permits to employers for the
14 employment of minors, after being assured the proposed employment of a
15 minor meets the standards for the health, safety, and welfare of minors
16 as set forth in ~~((the rules adopted by the department))~~ this chapter.
17 No minor person shall be employed in any occupation, trade, or industry
18 subject to chapter 16, Laws of 1973 2nd ex. sess., unless a work permit
19 has been properly issued, with the consent of the parent, guardian, or

1 other person having legal custody of the minor and with the approval of
2 the school which such minor may then be attending. However, the
3 consent of a parent, guardian, or other person, or the approval of the
4 school which the minor may then be attending, is unnecessary if the
5 minor is emancipated by court order. The employer who is required to
6 have a work permit under this section or RCW 49.12.124 shall keep the
7 permit on file during the employment of a minor or minors.

8 (2)(a) Except as otherwise provided in this chapter, minors under
9 the age of sixteen may not be employed:

10 (i) When school is in session, more than three hours per day on
11 school days, more than eight hours per day on nonschool days, or more
12 than eighteen hours per week;

13 (ii) When school is not in session, more than eight hours per day
14 or more than forty hours per week;

15 (iii) After 8:00 p.m. in service occupations unless supervised by
16 a responsible adult who is required to be on the premises;

17 (iv) More than five hours without a meal period of at least thirty
18 minutes. Minors shall be given a rest period of at least ten minutes
19 in every four-hour period of employment;

20 (v) During school hours unless special permission has been granted
21 under RCW 28A.225.010 and 28A.225.080;

22 (vi) Before 7:00 a.m. or after 7:00 p.m. during the school year; or

23 (vii) Before 7:00 a.m. or after 9:00 p.m. during the summer school
24 vacation.

25 (b) The limits in (a) of this subsection do not apply to minors who
26 are emancipated by court order.

27 (3)(a) Except as otherwise provided in this chapter, the hours of
28 employment for minors age sixteen and seventeen shall not be restricted
29 except as follows:

30 (i) The total number of hours worked during the school year may not
31 exceed a maximum of twenty-four hours per week.

32 (ii) The total number of hours worked during school vacations may
33 not exceed a maximum of ten hours per day or forty-eight hours per
34 week.

35 (b) A variance to (a) of this subsection may be granted by the
36 minor's school with concurrence of the minor's parent or legal
37 guardian. The department shall adopt rules establishing the procedures
38 that the school must follow in granting a variance under this

1 subsection. The variance may permit up to a maximum of thirty-two
2 hours of work per week during the school year.

3 (4)(a) No minor may be employed in occupations determined by this
4 subsection or department rule to be unreasonably hazardous. Except as
5 provided in (b) and (c) of this subsection, in adopting rules under
6 this subsection, the department shall not restrict employment beyond
7 the restrictions of the occupation standards of the child labor
8 provisions of the fair labor standards act (29 C.F.R. Part 570, Subpart
9 E), as existing on January 1, 1994.

10 (b) Minors may not be employed in:

11 (i) Occupations where there is a risk of exposure to bodily fluids
12 or transmission of infectious agents, including but not limited to
13 hepatitis and HIV, including lab work which entails the cleaning of
14 medical equipment used to draw or store blood or other contaminated
15 tissue; duties which involve venipuncture; and duties involving work
16 with laundry from health care facilities. This subsection (b)(i) does
17 not apply if the minor is a student in a bona fide health care career
18 training or vocational education program. State-certified life guards
19 with first aid training are exempt.

20 (ii) Occupations involving potential exposure to hazardous
21 substances which are considered to be carcinogenic, corrosive, highly
22 toxic, toxic sensitizers, or which have been determined to cause
23 reproductive health effects or irreversible end organ damage. This
24 does not include handling of such substances in sealed containers in
25 retail situations. This subsection's prohibitions shall not apply to
26 any consumer product or hazardous substance, as those terms are defined
27 by the consumer product safety act (15 U.S.C. 2051 et seq.) and the
28 federal hazardous substances act (15 U.S.C. 1261 et seq.) and those
29 statutes' regulations, where the employer of a minor can demonstrate
30 that a product or substance is used in the workplace in the same manner
31 as normal consumer use, and which use results in a duration and
32 frequency of exposure that is not greater than exposures experienced by
33 consumers using the product or substance in conformity with the
34 manufacturer's instructions.

35 (c) Minors may not be employed in sauna or massage parlors, body
36 painting or tatoos studios, or adult entertainment establishments.

37 (5) Minors age sixteen and seventeen may not be employed more than
38 six days per week while school is in session.

1 (6) Minors age sixteen and seventeen may not be employed more than
2 ten hours per day on school days.

3 (7) The minimum wage for minors shall be as prescribed in RCW
4 49.46.020.

5 NEW SECTION. Sec. 2. RCW 49.12.123 and 1991 c 303 s 8, 1983 c 3
6 s 156, & 1973 c 51 s 3 are each repealed.

7 NEW SECTION. Sec. 3. This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect immediately.

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