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SENATE BILL 6238

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State of Washington

54th Legislature

1996 Regular Session

By Senators Deccio, Loveland, Hale, Owen, McCaslin, Schow, Haugen, Moyer, Zarelli, Prince, Roach, Wood, Hochstatter, Newhouse, McDonald, Oke, Sellar, Swecker, A. Anderson, Johnson, West, Hargrove, Rasmussen, Bauer, McAuliffe and Finkbeiner

Read first time 01/09/96. Referred to Committee on Labor, Commerce & Trade.

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 this chapter and the rules adopted by the department  
17 under this chapter. No minor person shall be employed in any  
18 occupation, trade, or industry subject to chapter 16, Laws of 1973 2nd  
19 ex. sess., unless a work permit has been properly issued, with the

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

9 (2) Except as otherwise provided in this chapter, the employment of  
10 a minor under the age of sixteen is restricted as follows:

11 (a) During a school week, the total number of hours worked may not  
12 exceed three hours per day on school days, eight hours per day on  
13 nonschool days, or eighteen hours per week, and the total number of  
14 days worked may not exceed six days per week.

15 (b) During a nonschool week, the total number of hours worked may  
16 not exceed eight hours per day or forty hours per week.

17 (c) Employment may not begin before 7:00 a.m. During the school  
18 year, employment must end no later than 7:00 p.m. and, during the  
19 summer school vacation, employment must end no later than 9:00 p.m.

20 (d) Employment after 8:00 p.m. in service occupations must be  
21 supervised by a responsible adult who is required to be on the  
22 premises.

23 (3)(a) Except as otherwise provided in this chapter, the hours of  
24 employment for minors age sixteen and seventeen may not be restricted  
25 except as follows:

26 (i) During a school week, the total number of hours worked may not  
27 exceed ten hours per day or twenty-four hours per week, and the total  
28 number of days worked may not exceed six days per week.

29 (ii) During a nonschool week, the total number of hours worked may  
30 not exceed ten hours per day or forty-eight hours per week.

31 (b) A variance to (a)(i) of this subsection that will permit a  
32 total of no more than thirty-two hours of work per week during a school  
33 week may be granted by the minor's school with concurrence of the  
34 minor's parent or legal guardian. The department shall adopt rules  
35 establishing the procedures that the school must follow in granting a  
36 variance under this subsection.

37 (4) The restrictions in subsections (2) and (3) of this section do  
38 not apply to minors who are emancipated by court order.

39 (5) Minors may not be employed:

1 (a) More than five hours without a meal period of at least thirty  
2 minutes. Minors must be given a rest period of at least ten minutes in  
3 every four-hour period of employment.

4 (b) During school hours unless special permission has been granted  
5 under RCW 28A.225.010 and 28A.225.080.

6 (c)(i) In occupations in which there is a risk of exposure to  
7 bodily fluids or transmission of infectious agents, including but not  
8 limited to exposure to hepatitis and human immunodeficiency virus and  
9 laboratory work that entails the cleaning of medical equipment used to  
10 draw or store blood or other contaminated tissue; duties that involve  
11 venipuncture; and duties that involve work with laundry from health  
12 care facilities. This subsection (5)(c)(i) does not apply: (A) If the  
13 minor is a student in a bona fide health care career training or  
14 vocational education program; or (B) to state-certified life guards  
15 with first aid training.

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

31 (iii) In sauna or massage parlors, body painting or tattoo studios,  
32 or adult entertainment establishments.

33 (6) The department may determine by rule occupations, in addition  
34 to the occupations listed in subsection (5)(c) of this section, that  
35 are prohibited for minors as unreasonably hazardous. Except to comply  
36 with subsection (5)(c) of this section, the department's rules may not  
37 restrict the occupations in which minors may be employed beyond the  
38 restrictions of the child labor provisions of the fair labor standards  
39 act (29 C.F.R. Part 570, Subpart E), as existing on January 1, 1994.

1       (7) The minimum wage for minors shall be as prescribed in RCW  
2 49.46.020.

3       (8) As used in this section:

4       (a) "School day" means a day on which a minor is required to attend  
5 school pursuant to the attendance policy of the school in which the  
6 minor is enrolled.

7       (b) "School week" means a week in which there are more than two  
8 scheduled school days.

9       (c) "School year" means the academic school year scheduled by  
10 school officials for the school in which the minor is enrolled.

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

13       NEW SECTION. Sec. 3. This act is necessary for the immediate  
14 preservation of the public peace, health, or safety, or support of the  
15 state government and its existing public institutions, and shall take  
16 effect immediately.

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