
SUBSTITUTE HOUSE BILL 2224

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Mastin, Schoesler, Chandler, Honeyford, Sheahan, Carlson, Thompson, McMorris, Backlund, McMahan and Stevens)

Read first time 01/17/96.

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.

1 (5) The department may issue an order granting a variance to any of
2 the standards contained in subsections (2) and (3) of this section if
3 the director determines that the applicant has satisfied the
4 requirements for the granting of a variance under RCW 49.12.105.

5 (6) Minors may not be employed:

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

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

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

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

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

38 (7) The department may determine by rule occupations, in addition
39 to the occupations listed in subsection (6)(c) of this section, that

1 are prohibited for minors as unreasonably hazardous. Except to comply
2 with subsection (6)(c) of this section, the department's rules may not
3 restrict the occupations in which minors may be employed beyond the
4 restrictions of the child labor provisions of the fair labor standards
5 act (29 C.F.R. Part 570, Subpart E), as existing on January 1, 1994.

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

8 (9) As used in this section:

9 (a) "School day" means a day on which a minor is required to attend
10 school pursuant to the attendance policy of the school in which the
11 minor is enrolled.

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

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

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

18 NEW SECTION. Sec. 3. This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and shall take
21 effect immediately.

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