

Melissa G. Ballard proposes the following substitute bill:

Child Labor Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill amends provisions relating to the employment of minors.

Highlighted Provisions:

This bill:

- classifies child-labor related acts as different crimes;
- requires that the Labor Commission report a suspected criminal act to the State Bureau of Investigation under certain circumstances;
- permits the State Bureau of Investigation to investigate or forward a suspected criminal act to law enforcement or a state agency with jurisdiction over the reported criminal act;
- allows the commission to share information with law enforcement under certain circumstances; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34-23-402, as last amended by Laws of Utah 2009, Chapter 347

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34-23-402** is amended to read:

34-23-402 . Violation -- Criminal penalty.

(1)(a) The commission may prosecute a misdemeanor criminal action in the name of the state.

29 (b) The county attorney, district attorney, or attorney general shall provide assistance in
 30 prosecutions under this section at the request of the commission.

31 (2) ~~[It is a class B misdemeanor for a person]~~ A person, whether individually or as an
 32 officer, agent, or employee of any person, firm, or corporation~~[-tø]~~ , violates this section
 33 by:

34 (a) knowingly ~~[employ]~~ employing a minor or ~~[permit]~~ permitting a minor to work in a
 35 repeated violation of this chapter;

36 (b) ~~[refuse]~~ refusing or knowingly ~~[neglect]~~ neglecting to furnish to the commission, any
 37 information requested by the commission under this chapter;

38 (c) ~~[refuse]~~ refusing access to that person's place of business or employment to the
 39 commission or ~~[its]~~ the commission's authorized representative when access has been
 40 requested in conjunction with an investigation related to this section;

41 (d) ~~[hinder]~~ hindering the commission or ~~[its]~~ the commission's authorized representative
 42 in the securing of any information authorized by this section;

43 (e) ~~[refuse]~~ refusing or knowingly ~~[omit]~~ omitting or ~~[neglect]~~ neglecting to keep any of
 44 the records required by this chapter;

45 (f) knowingly ~~[make any]~~ making a false statement, representation, or certification in any
 46 application, record, report, plan, or other document filed or required to be maintained
 47 under this chapter;

48 (g) ~~[discharge]~~ discharging an employee or ~~[threaten]~~ threatening to or ~~[retaliate]~~
 49 retaliating against an employee because:

50 (i) the employee has testified;

51 (ii) is about to testify; or

52 (iii) the employer believes that the employee may testify in ~~[any]~~ an investigation or [
 53 ~~proceedings]~~ proceeding relative to the enforcement of this chapter; ~~[and]~~ or

54 (h) willfully ~~[violate any]~~ violating an order issued under this chapter.

55 (3) ~~Ĥ~~→ (a) **Except as provided in Subsection (3)(b) or (3)(c), [A] a** ←~~Ĥ~~ violation of
 56a Subsection (2) is ~~Ĥ~~→ **a class B misdemeanor[:]** .

56 **[(a) a class B misdemeanor on the first offense;]** ←~~Ĥ~~

57 (b) ~~Ĥ~~→ **A violation of Subsection (2) is** ←~~Ĥ~~ a class A misdemeanor ~~Ĥ~~→ **[on the second**
 57a **offense] if the**

person has previously been convicted of a violation of Subsection (2)[; or] . ←~~Ĥ~~

58 (c) ~~Ĥ~~→ **A violation of Subsection (2) is** ←~~Ĥ~~ a third degree felony ~~Ĥ~~→ **[on the third or**
subsequent

58a offense] if the person has previously been convicted of a violation of Subsection (2)
58b two or more times ←Ĥ .

59 (4)(a) If the commission has reasonable suspicion that Ĥ → [an individual] a person ←Ĥ under
59a investigation
60 for a violation of this section may have committed other criminal acts, the
61 commission shall report the commission's observations to the State Bureau of
62 Investigation.

63 (b) The State Bureau of Investigation may:
64 (i) investigate a reported violation described in Subsection (4)(a); or
65 (ii) forward a reported violation described in Subsection (4)(a) to a law enforcement
66 or a state agency with jurisdiction over the reported violation.
67 (c) The commission shall share any information relating to an offense described in this
68 section with law enforcement.

69 [~~3~~] (5) This section does not apply to [~~violations~~] a violation of Section 34-23-301.

70 Section 2. **Effective date.**

71 This bill takes effect on May 7, 2025.