

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) A violation of Subsection (2) is:
- 56 (a) a class B misdemeanor on the first offense;
- 57 (b) a class A misdemeanor on the second offense; or
- 58 (c) a third degree felony on the third or subsequent offense.
- 59 (4)(a) If the commission has reasonable suspicion that an individual under 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.