

**Senator Karen Kwan** proposes the following substitute bill:

**PERMITTED OCCUPATIONS FOR MINORS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Kwan**

House Sponsor: James A. Dunnigan

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**LONG TITLE**

**General Description:**

This bill amends provisions related to employment of minors.

**Highlighted Provisions:**

This bill:

- ▶ modifies the working hours requirements for minors 16 years old and younger;
- ▶ amends certain occupations permitted for minors;
- ▶ amends exemptions for permitted occupations with no specific age limit;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**34-23-103**, as last amended by Laws of Utah 1997, Chapter 375

**34-23-202**, as renumbered and amended by Laws of Utah 1990, Chapter 8

**34-23-204**, as last amended by Laws of Utah 1996, Chapter 240



26 [34-23-205](#), as last amended by Laws of Utah 1996, Chapter 240  
27 [34-23-206](#), as last amended by Laws of Utah 1996, Chapter 240  
28 [34-23-207](#), as last amended by Laws of Utah 1996, Chapter 240

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

31 Section 1. Section **34-23-103** is amended to read:

32 **34-23-103. Definitions.**

33 As used in this chapter:

34 (1) "Calendar week" means a period of any seven consecutive calendar days.

35 ~~[(1)]~~ (2) "Casual work" is employment on an incidental, occasional, or nonregular basis  
36 which is not considered full-time or routine.

37 ~~[(2)]~~ (3) "Commission" means the Labor Commission.

38 ~~[(3)]~~ (4) "Division" means the Division of Antidiscrimination and Labor in the  
39 commission.

40 (5) "Hazardous agricultural occupation" means any occupation defined as hazardous by  
41 the United States Department of Labor under 29 C.F.R. Sec. 570.71, subject to the exception  
42 described in 29 C.F.R. Sec. 570.70(b) and the exemptions described in 29 C.F.R. Sec. 570.72.

43 ~~[(4)]~~ (6) "Hazardous occupation" is any occupation defined as hazardous by the United  
44 States Department of Labor under 29 U.S.C. Sec. 201 et seq., the Fair Labor Standards Act.

45 ~~[(5) "Minor" is a person under the age of 18 years.]~~

46 (7) "Labor Day" means the legal holiday called Labor Day established in Section  
47 [63G-1-301](#).

48 (8) "Minor" means an individual under 18 years old.

49 (9) "Minor's school district" means the public school district in which a minor resides  
50 while the minor is employed.

51 (10) "School day" means any calendar day in which students are required to attend  
52 school, including a partial day, in a minor's school district.

53 (11) "School week" means any calendar week in which students are required to attend  
54 school, including a partial day, in a minor's school district.

55 Section 2. Section **34-23-202** is amended to read:

56 **34-23-202. Employment of minors under 16 during school hours -- Hours of work**

57 **limited.**

58 (1) A minor under ~~[the age of 16]~~ 16 years old may not be employed or permitted to  
59 work during school hours except as authorized by the proper school authorities.

60 (2) ~~[A]~~ Except as provided in the exemptions described in 29 U.S.C. Sec. 213 and the  
61 exceptions described in 29 C.F.R. Sec. 570.35:

62 (a) a minor under ~~[the age of 16]~~ 16 years old may not be permitted to work:

63 ~~[(a) before or after school in excess of four hours a day;]~~

64 ~~[(b) before 5:00 a.m. or after 9:30 p.m., unless the next day is not a school day;]~~

65 ~~[(c) in excess of eight hours in any 24-hour period; or]~~

66 ~~[(d) more than 40 hours in any week.]~~

67 (i) more than three hours in one school day;

68 (ii) more than 18 hours in one school week;

69 (iii) more than eight hours in one calendar day;

70 (iv) more than 40 hours in one calendar week; or

71 (v) except as provided in Subsection (2)(b), before 7:00 a.m. or after 7:00 p.m.

72 (b) beginning on June 1 and ending on Labor Day, a minor under 16 years old may  
73 work until, but not after, 9:00 p.m.

74 Section 3. Section ~~34-23-204~~ is amended to read:

75 **34-23-204. Permitted occupations for minors 14 or older.**

76 (1) Minors 14 years ~~[of age]~~ old or older may work in a wide variety of nonhazardous  
77 occupations including:

78 (a) retail food services;

79 (b) automobile service stations, except for the operation of motor vehicles and the use  
80 of hoists;

81 ~~[(c) public messenger service;]~~

82 ~~[(d)]~~ (c) janitorial and custodial service;

83 ~~[(e)]~~ (d) lawn care;

84 ~~[(f)]~~ (e) the use of approved types of vacuum cleaners, floor polishers, ~~[power]~~ lawn  
85 mowers, and sidewalk snow removal equipment; and

86 ~~[(g)]~~ (f) other similar work as approved by the division.

87 (2) Minors 14 years ~~[of age]~~ old or older may also work in nonhazardous areas in

88 manufacturing, warehousing and storage, construction, and other such areas not determined  
89 harmful by the division.

90 Section 4. Section **34-23-205** is amended to read:

91 **34-23-205. Permitted occupations for minors 12 or older.**

92 Minors 12 years [~~of age~~] old or older may work in occupations such as:

93 (1) [~~the sale and delivery of periodicals;~~] delivery of newspapers to consumers;

94 [~~(2) door-to-door sale and delivery of merchandise;~~]

95 [~~(3)~~] (2) baby-sitting;

96 [~~(4)~~] (3) [~~nonhazardous~~] agricultural [~~work~~] occupations that are not hazardous

97 agricultural occupations; and

98 [~~(5)~~] (4) any other occupation not determined harmful by the division.

99 Section 5. Section **34-23-206** is amended to read:

100 **34-23-206. Permitted occupations for minors 10 or older.**

101 Minors 10 years [~~of age~~] old or older may work in occupations such as:

102 (1) delivery of [~~handbills, newspapers, advertising, and advertising samples;~~]

103 newspapers to consumers;

104 [~~(2) shoe-shining;~~]

105 [~~(3) gardening and lawn care involving no power-driven lawn or snow removal~~

106 equipment;

107 [~~(4)~~] (2) caddying; and

108 [~~(5)~~] (3) any occupation not determined harmful by the division.

109 Section 6. Section **34-23-207** is amended to read:

110 **34-23-207. Permitted occupations with no specific age limitations or restrictions.**

111 With consent of the minor's parent, guardian, or custodian, no specific age limitations  
112 or restrictions are imposed and the restrictions described in Section [34-23-202](#) do not apply for:

113 (1) home chores and other work done for parent or guardian;

114 (2) any casual work not determined harmful by the division;

115 (3) an agricultural [~~work including the operation of power-driven farm machinery in~~

116 the production of agricultural products] occupation that is not a hazardous agricultural

117 occupation; [~~or~~]

118 (4) acting or performing in:

- 119            (a) a motion picture;
- 120            (b) a theatrical production;
- 121            (c) a performing arts production;
- 122            (d) a radio broadcast; or
- 123            (e) a television production; or
- 124            [~~4~~] (5) work for which a specific, written authorization has been made by the
- 125 division.

126            Section 7. **Effective date.**

127            This bill takes effect on May 1, 2024.