

## CHAPTER 92

### CHILD LABOR

Referred to in §10A.202, 10A.204, 321.194

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#### 92.1 Definition.

For purposes of [this chapter](#), “*director*” means the director of the department of inspections, appeals, and licensing.

[2023 Acts, ch 19, §1850, 2043](#)

Former section 92.1 repealed by [2023 Acts, ch 92, §22](#)

#### 92.2 Over ten and under sixteen years of age. Repealed by 2023 Acts, ch 92, §22.

#### 92.3 Under fourteen — work activities not permitted.

No person under fourteen years of age shall be employed or permitted to work with or without compensation in any work activity.

[SS15, §2477-a; C24, 27, 31, 35, 39, §1526; C46, 50, 54, 58, 62, 66, §92.1; C71, 73, 75, 77, 79, 81, §92.3]

[2017 Acts, ch 29, §31; 2023 Acts, ch 92, §1](#)

#### 92.4 Under sixteen — permitted work activities.

No person under sixteen years of age shall be employed or permitted to work with or without compensation in any work activity during regular school hours, except the following work activities:

1. Those persons legally out of school, if such status is verified by the submission of written proof to the director.
2. Those persons working in a supervised school-work program.

3. Those persons between the ages of fourteen and sixteen enrolled in school on a part-time basis and who are required to work as a part of their school training.

[C71, 73, 75, 77, 79, 81, §92.4]

2018 Acts, ch 1041, §35; 2023 Acts, ch 19, §1851; 2023 Acts, ch 92, §2

#### **92.5 Fourteen — permitted work activities.**

Persons fourteen years of age may be employed or permitted to work in the following work activities:

1. Retail, food service, and gasoline service establishments.
2. Office and clerical work, including operation of office machines.
3. Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
4. Price marking and tagging by hand or by machine, assembling orders, packing, and shelving.
5. Bagging and carrying out customers' orders.
6. Errand and delivery work by foot, bicycle, and public transportation.
7. Cleanup work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds.
8. Kitchen work and other work involved in preparing and serving food and beverages, including cleaning using kitchen cleaning products with required personal protective equipment, operation of machines and devices used in the performance of such work, including but not limited to microwaves, dishwashers, toasters, dumb-waiters, popcorn poppers, milk shake blenders, and coffee grinders.
  9. a. Work in connection with motor vehicles and trucks if confined to the following:
    - (1) Dispensing gasoline and oil.
    - (2) Courtesy service.
    - (3) Car cleaning, washing, and polishing.
  - b. Nothing in [this subsection](#) shall be construed to include work involving the use of pits, racks, or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
10. Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared, including momentary work in freezers and meat coolers.
11. Loading onto motor vehicles and unloading from motor vehicles of the light, non-power-driven hand tools and personal protective equipment that the minor will use as part of their employment at the work site. Such light tools include but are not limited to rakes, hand-held clippers, shovels, and brooms. Such light tools do not include items such as trash, sales kits, promotion items or items for sale, lawn mowers, or other power-driven lawn maintenance equipment.
12. Laundering.
13. Work in the production of seed, limited to removal of off-type plants and corn tassels and hand-pollinating from June 1 through Labor Day.
14. Other work approved by the rules adopted pursuant to [chapter 17A](#) by the director.
 

[SS15, §2477-a; C24, 27, 31, 35, 39, §1529; C46, 50, 54, 58, 62, 66, §92.4; C71, 73, 75, 77, 79, 81, §92.5]

86 Acts, ch 1245, §922; 2016 Acts, ch 1011, §15; 2018 Acts, ch 1041, §127; 2023 Acts, ch 92, §3; 2023 Acts, ch 119, §12

Referred to in [§92.6](#), [92.6A](#), [92.7](#)

#### **92.6 Fourteen and fifteen — work activities not permitted.**

1. Persons fourteen and fifteen years of age shall not be employed in:
  - a. Any manufacturing work activity.
  - b. Any mining work activity.
  - c. Processing work activities, except in a retail, food service, or gasoline service establishment in those specific work activities expressly permitted under the provisions of [section 92.5](#) or [92.6A](#).

d. Work activities requiring the performance of any duties in workrooms or work places where goods are manufactured, mined, or otherwise processed, except to the extent expressly permitted in retail, food service, or gasoline service establishments under the provisions of [section 92.5](#) or [92.6A](#).

e. Public messenger service.

f. Operation or tending of hoisting apparatus or of any power-driven machinery, other than office machines and machines in retail, food service, and gasoline service establishments which are specified in [section 92.5](#) as machines that such minors may operate in such establishments.

g. Work activities prohibited by rules adopted pursuant to [chapter 17A](#) by the director.

h. Work activities in connection with the following, except office or sales work in connection with these work activities, not performed on transportation media or at the actual construction site:

(1) Transportation of persons or property by rail, highway, air, on water, pipeline, or other means.

(2) Warehousing and storage.

(3) Communications and public utilities.

(4) Construction, including repair.

i. Any of the following work activities in a retail, food service, or gasoline service establishment:

(1) Work performed in or about boiler or engine rooms.

(2) Work in connection with maintenance or repair of the establishment, machines, or equipment.

(3) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.

(4) Cooking except at soda fountains, lunch counters, snack bars, or cafeteria serving counters, and baking.

(5) Work activities that involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.

(6) Loading and unloading goods to and from trucks, railroad cars, or conveyors, except as permitted by [section 92.5, subsection 11](#).

(7) All work activities in warehouses except office and clerical work.

2. Nothing in [this section](#) shall be construed as prohibiting office, errand, or packaging work when done away from moving machinery.

[SS15, §2477-a, -b, -c; C24, 27, 31, 35, 39, §1526, 1529, 1536, 1539; C46, 50, 54, 58, 62, 66, §92.1, 92.4, 92.11, 92.14; C71, 73, 75, 77, 79, 81, §92.6]

[86 Acts, ch 1245, §923](#); [2008 Acts, ch 1032, §201](#); [2017 Acts, ch 66, §1](#); [2023 Acts, ch 19, §1852](#); [2023 Acts, ch 92, §4](#)

#### **92.6A Fifteen — permitted work activities.**

1. Persons fifteen years of age may be employed or permitted to work in any of the work activities provided in [section 92.5](#) in addition to the following work activities:

a. Loading and unloading non-power-driven equipment weighing up to thirty pounds into motor vehicles.

b. Loading and unloading groceries and other retail items weighing up to thirty pounds into motor vehicles.

c. Stocking shelves with items weighing up to thirty pounds.

d. If properly licensed, work as a lifeguard or swim instructor at a traditional swimming pool or amusement park.

2. The director may issue a waiver of any weight limitations provided in [subsection 1](#) of up to fifty pounds depending on the strength and ability of the fifteen-year-old.

3. The director may issue a waiver for a fifteen-year-old to be able to load and unload light power-driven lawn machines based on the ability of the minor if the minor is supervised, the machine is powered off, and the safety key is stored away from the machine.

4. The director may issue a waiver for a fifteen-year-old to perform light assembly work as long as the assembly is not performed on machines or in an area with machines.

[2023 Acts, ch 92, §5](#)

Referred to in [§92.6, 92.7](#)

#### **92.7 Under sixteen — hours permitted.**

A person under sixteen years of age shall not be employed with or without compensation, except as provided in [sections 92.5 and 92.6A](#), before the hour of 7:00 a.m. or after 9:00 p.m., except during the period from June 1 through Labor Day when the hours may be extended to 11:00 p.m. If such person is employed for a period of five hours or more each day, an intermission of not less than thirty minutes shall be given. Such a person shall not be employed for more than eight hours in one day, exclusive of intermission, and shall not be employed for more than forty hours in one week. The hours of work of persons under sixteen years of age employed outside school hours shall not exceed six in one day or twenty-eight in one week while school is in session.

[SS15, §2477 -a1, -c; C24, 27, 31, 35, 39, §1527, 1528, 1538; C46, 50, 54, 58, 62, 66, §92.2, 92.3, 92.13; C71, 73, 75, 77, 79, 81, §92.7]

[91 Acts, ch 136, §7](#); [2023 Acts, ch 92, §6](#)

Referred to in [§92.8A, 92.17](#)

#### **92.7A Sixteen and seventeen — hours permitted.**

A person who is sixteen or seventeen years of age may work the same hours as a person who is eighteen years of age.

[2023 Acts, ch 92, §7](#)

#### **92.8 Under eighteen — prohibited work activities.**

No person under eighteen years of age shall be employed or permitted to work with or without compensation at any of the following work activities or business establishments:

1. Work activities in or about plants or establishments manufacturing or storing explosives or articles containing explosive components, except for the following:
  - a. Performing light assembly work as long as the assembly is not performed on machines or in an area with machines.
  - b. Selling or assisting in the sale of consumer fireworks in accordance with [section 10A.519](#).
2. Logging and the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.
3. Operation of power-driven woodworking machines.
4. Work activities involving exposure to radioactive substances and to ionizing radiations.
5. Operation of elevators and other power-driven hoisting apparatus.
6. Operation of power-driven metal forming, punching, and shearing machines.
7. Mining.
8. Work activities in or about slaughtering and meat packing establishments and rendering plants.
9. Operation of certain power-driven bakery machines. Except as otherwise provided in [this subsection](#), [this subsection](#) does not apply to the operation of pizza dough rollers that are a type of dough sheeter that have been constructed with safeguards contained in the basic design so as to prevent fingers, hands, or clothing from being caught in the in-running point of the rollers, that have gears that are completely enclosed, and that have microswitches that disengage the machinery if the backs or sides of the rollers are removed, only when all the safeguards detailed in [this subsection](#) are present on the machinery, are operational, and have not been overridden. However, [this subsection](#) does apply to the setting up, adjusting, repairing, oiling, or cleaning of pizza dough rollers as described in [this subsection](#).
10. Operation of certain power-driven paper products machines, except loading balers if the machine is powered off and the key is stored in a separate area from the machine.
11. Manufacturing of brick, tile, and related products.
12. Operation of circular saws, band saws, and guillotine shears.
13. Wrecking, demolition, and shipbreaking operations.

14. Roofing operations.
15. Excavation.
16. Work activities in or about foundries; provided that office, shipping, and assembly area employment shall not be prohibited by [this chapter](#).
17. Operation of dry cleaning or dyeing machinery.
18. Work activities involving exposure to lead fumes or its compounds, or to dangerous or poisonous dyes or chemicals.
19. Transmission, distribution, or delivery of goods or messages between the hours of 10:00 p.m. and 5:00 a.m.
20. Work activities in establishments where nude or topless dancing is performed.
21. Work activities prohibited by rules adopted pursuant to [chapter 17A](#) by the director.  
[SS15, §2744-a, -b, -c; C24, 27, 31, 35, 39, §1526, 1529, 1536, 1539; C46, 50, 54, 58, 62, 66, §92.1, 92.4, 92.11, 92.14; C71, 73, 75, 77, 79, 81, §92.8]  
[86 Acts, ch 1245, §924](#); [2017 Acts, ch 66, §2](#); [2022 Acts, ch 1091, §1](#); [2023 Acts, ch 19, §1853](#);  
[2023 Acts, ch 92, §8](#)  
Referred to in [§92.8A, 92.17](#)

**92.8A Approved career and technical education, work-based learning, internships, registered apprenticeship programs, and student learners.**

1. The director of the department of workforce development or department of education may grant an exception from any provision of [section 92.7](#) or [92.8](#) for minors sixteen to seventeen years of age participating in work-based learning or a school or employer-administered, work-related program approved by the department of workforce development or the department of education if all of the following apply:

- a. The requestor demonstrates the activity will be performed under adequate supervision and training.
- b. The training includes adequate safety precautions.
- c. The terms and conditions of the proposed employment will not interfere with the health, well-being, or schooling of the minor enrolled in the approved program.
- d. The work is not prohibited under [section 92.8, subsection 1, 2, 4, 7, 8, 18, or 20](#).

2. [Section 92.8](#) shall not apply to a student in an approved work-based learning program, registered apprenticeship, career and technical education program, or student learner program provided the student is employed under all of the following conditions:

- a. The student is employed in a craft recognized as an apprenticeable trade or the student is employed under a written employment agreement.
- b. The work of the apprentice or student employee in the work activities declared particularly hazardous is incidental to the apprentice's training.
- c. The work is intermittent and for short periods of time and is under the direct and close supervision of a qualified and experienced person.
- d. Adequate on-the-job training and safety instructions are in place.
- e. The work is not prohibited under [section 92.8, subsection 1, 2, 4, 7, 8, 18, or 20](#).

3. A minor shall not perform work under [this section](#) unless the director has on file written permission from the minor's parent, guardian, or legal custodian, and from the school administering the program or employer, for the minor to perform work under [this section](#).

4. An employer shall provide a copy of all training materials given to a minor performing work under [this section](#) to the minor's parent, guardian, or legal custodian.

[2023 Acts, ch 92, §9](#)

**92.9 Instruction and training permitted.** Repealed by [2023 Acts, ch 92, §22](#).

**92.10 Permit on file.** Repealed by [2023 Acts, ch 92, §22](#).

**92.11 Issuance of work permits.** Repealed by [2023 Acts, ch 92, §22](#).

**92.12 Migrant labor permits.** Repealed by [2023 Acts, ch 92, §22](#).

**92.13 Optional refusal of permit.** Repealed by 2023 Acts, ch 92, §22.

**92.14 Contents of work permit.** Repealed by 2023 Acts, ch 92, §22.

**92.15 Application to labor commissioner.** Repealed by 2023 Acts, ch 92, §22.

**92.16 Forms for permits formulated.** Repealed by 2023 Acts, ch 92, §22.

**92.17 Exceptions.**

Nothing in [this chapter](#) shall be construed to prohibit:

1. A child from working in or around any home before or after school hours or during vacation periods, provided such work is not related to or part of the business, trade, or profession of the employer.

2. A child from working in any work activity or business operated by the child's parents. For the purposes of [this subsection](#), "child" and "parents" include a foster child and the child's foster parents who are licensed by the department of health and human services.

3. A child under sixteen years of age from being employed or permitted to work, with or without compensation, as a model, if the written permission of the parent, guardian, or custodian of the child is obtained prior to the commencement of the work, and the work complies with the hours permitted in [section 92.7](#). [This subsection](#) does not allow modeling for an unlawful purpose or modeling that would violate any other law.

4. A child under sixteen years of age from being employed or permitted to work, with or without compensation, performing in motion pictures, theatrical productions, or musical performances, if the written permission of the parent, guardian, or custodian of the child is obtained prior to the commencement of the work. [This subsection](#) does not allow performing in motion pictures, theatrical productions, or musical performances for an unlawful purpose or performing in motion pictures, theatrical productions, or musical performances that would violate any other law.

5. A juvenile court from ordering a child at least twelve years old to complete a work assignment of value to the state or to the public or to the victim of a crime committed by the child, in accordance with [section 232.52](#), [subsection 2](#), paragraph "a".

6. A child from willfully volunteering as defined by [29 C.F.R. §553.101](#) for a charitable or public purpose. [Section 92.8](#) applies to volunteering by a child pursuant to [this subsection](#).

7. A child twelve years of age or older from being employed by a charitable organization or unit of state or local government as a referee for a sport program sponsored by that charitable organization or unit of state or local government or by an organization of referees sponsored by an organization recognized by the United States olympic committee under 36 U.S.C. §220522. [Section 92.8](#) applies to employment of a child pursuant to [this subsection](#).

8. A child under age sixteen from serving in the Iowa summer youth corps program in accordance with [section 15H.5](#) or a child over fourteen years of age from serving in any other recognized program of the Iowa national service corps program in accordance with [section 15H.9](#). [Section 92.8](#) applies to service by a child pursuant to [this subsection](#).

[SS15, §2477-a; C24, 27, 31, 35, 39, §1526; C46, 50, 54, 58, 62, 66, §92.1; C71, 73, 75, 77, 79, 81, §92.17]

[83 Acts, ch 96, §157, 159; 84 Acts, ch 1111, §1; 85 Acts, ch 59, §1; 2015 Acts, ch 95, §9, 10; 2019 Acts, ch 108, §1; 2023 Acts, ch 19, §59; 2023 Acts, ch 92, §10 – 13](#)

**92.18 Migratory labor — defined.** Repealed by 2023 Acts, ch 92, §22.

**92.19 Additional violations.**

1. No parent, guardian, or other person, having under the parent's, guardian's, or other person's control any person under eighteen years of age, shall negligently permit said person to work or be employed in violation of the provisions of [this chapter](#).

2. No person, firm, or corporation, or any agent thereof shall negligently conceal or permit a person to be employed in violation of [this chapter](#).

3. No person, firm, or corporation shall refuse to allow any authorized persons to inspect the place of business or provide information necessary to the enforcement of [this chapter](#).

[S13, §2477-e; SS15, §2477-a1; C24, 27, 31, 35, 39, §1540; C46, 50, 54, 58, 62, 66, §92.15; C71, 73, 75, 77, 79, 81, §92.19]

[2009 Acts, ch 49, §3](#); [2023 Acts, ch 92, §14](#)

#### **92.20 Penalty.**

1. Any person who furnishes or sells to any minor child any article of any description which the person knows or should have known the minor intends to sell in violation of the provisions of [this chapter](#) shall be guilty of a serious misdemeanor.

2. A person determined to be a sexually violent predator pursuant to [section 229A.7](#), a person required to register as a sex offender under [chapter 692A](#), or a person determined to be a sexually violent predator or required to register as a sex offender pursuant to similar laws of another state, shall not employ a person under eighteen years of age in this state.

3. Any other violation of [this chapter](#) for which a penalty is not specifically provided constitutes a serious misdemeanor.

4. Every day during which any violation of [this chapter](#) continues constitutes a separate and distinct offense, and the employment of any person in violation of [this chapter](#), with respect to each person so employed, constitutes a separate and distinct offense.

[S13, §2477-e; SS15, §2477-a1; C24, 27, 31, 35, 39, §1540; C46, 50, 54, 58, 62, 66, §92.15; C71, 73, 75, 77, 79, 81, §92.20]

[2009 Acts, ch 49, §4](#); [2023 Acts, ch 92, §15, 16](#)

#### **92.21 Rules and orders of director.**

1. The director may adopt rules pursuant to [chapter 17A](#) to more specifically define the work activities and equipment permitted or prohibited in [this chapter](#) and to issue general and special orders prohibiting or allowing the employment of persons under eighteen years of age in any place of employment defined in [this chapter](#) as hazardous to the health, safety, and welfare of the persons.

2. The director shall adopt rules pursuant to [chapter 17A](#) specifically defining the civil penalty amount to be assessed for violations of [this chapter](#).

[C71, 73, 75, 77, 79, 81, §92.21]

[85 Acts, ch 212, §21](#); [86 Acts, ch 1245, §926](#); [2009 Acts, ch 49, §5](#); [2018 Acts, ch 1041, §36](#); [2023 Acts, ch 19, §1859](#); [2023 Acts, ch 92, §17](#)

#### **92.22 Director to enforce — civil penalty — judicial review.**

1. The director shall enforce [this chapter](#). An employer who violates [this chapter](#) or the rules adopted pursuant to [this chapter](#) is subject to a civil penalty of not more than ten thousand dollars for each violation. The director may waive or reduce a civil penalty based on evidence the director may obtain. The director shall provide a fifteen-day grace period before imposing a civil penalty.

2. The director shall notify the employer of a proposed civil penalty by service in the same manner as an original notice or by certified mail. If, within fifteen working days from the receipt of the notice, the employer fails to file a notice of contest in accordance with rules adopted by the director pursuant to [chapter 17A](#), the penalty, as proposed, shall be deemed final agency action for purposes of judicial review.

3. The director shall notify the department of revenue upon final agency action regarding the assessment of a penalty against an employer. Interest shall be calculated from the date of final agency action.

4. Judicial review of final agency action pursuant to [this section](#) may be sought in accordance with the terms of [section 17A.19](#). If no petition for judicial review is filed within sixty days after service of the final agency action of the director, the director's findings of fact and final agency action shall be conclusive in connection with any petition for enforcement which is filed by the director after the expiration of the sixty-day period. In any such case, the clerk of court, unless otherwise ordered by the court, shall forthwith enter a decree

enforcing the final agency action and shall transmit a copy of the decree to the director and the employer named in the petition.

5. Any penalties recovered pursuant to [this section](#) shall be remitted by the director to the treasurer of state for deposit in the general fund of the state.

6. Mayors and police officers, sheriffs, school superintendents, and school truant and attendance officers, within their several jurisdictions, shall cooperate in the enforcement of [this chapter](#) and furnish the director and the director's designees with all information coming to their knowledge regarding violations of [this chapter](#). All such officers and any person authorized in writing by a court of record shall have the authority to enter, for the purpose of investigation, any of the establishments and places mentioned in [this chapter](#) and to freely question any person therein as to any violations of [this chapter](#).

7. County attorneys shall investigate all complaints made to them of violations of [this chapter](#), and prosecute all such cases of violation within their respective counties.

[S13, §2477-f; SS15, §2477-a1, -d; C24, 27, 31, 35, 39, §1535, 1541; C46, 50, 54, 58, 62, 66, §92.10, 92.16; C71, 73, 75, 77, 79, 81, §92.22]

[87 Acts, ch 111, §8; 2009 Acts, ch 49, §6; 2023 Acts, ch 19, §1860; 2023 Acts, ch 92, §18](#)

Referred to in [§331.653, 331.756\(17\)](#)

### 92.23 Group insurance.

Anyone under the age of eighteen and subject to [this chapter](#) employed in the work activities of selling or delivering the product or service of another and who is designated in such capacity as an independent contractor shall be provided participation, if the person under the age of eighteen desires it at group rate cost, in group insurance for medical, hospital, nursing, and doctor expenses incurred as a result of injuries sustained arising out of and in the course of selling or delivering such product or service by the person, firm, or corporation whose product or service is so delivered.

[C71, 73, 75, 77, 79, 81, §92.23]

[2017 Acts, ch 29, §33; 2023 Acts, ch 92, §19](#)

### 92.24 Employer liability in work-based learning.

1. For purposes of [this section](#), unless the context otherwise requires:

a. "Business" means any city, county, or township, including but not limited to a fire department or law enforcement office or department, public university, municipal university, community college, technical college or not-for-profit private postsecondary educational institution, corporation, association, partnership, proprietorship, limited liability company, limited partnership, limited liability partnership, organization or other legal entity, whether for-profit or not-for-profit, that does all of the following:

(1) Enters into an agreement with a school district for a work-based learning program.

(2) Directly supervises a student who is participating in the work-based learning program, either on the premises of the business or at another location.

b. "Work-based learning program" means a learning program to which all of the following apply:

(1) The program includes but is not limited to work-related, on-the-job training, job shadowing, internships, clinicals, practicums, registered apprenticeships, co-ops, supervised agricultural experiences, and industry-led service-learning projects.

(2) The program is incorporated into secondary coursework or related to a specific field of study.

(3) The program integrates knowledge and theory learned in the classroom or other school-approved setting with the practical application and development of skills and proficiencies in a professional work setting.

2. A business that accepts a secondary student in a work-based learning program shall not be subject to civil liability for any claim for bodily injury to the student or sickness or death by accident of the student arising from the student's driving to or from the business or worksite to participate in the work-based learning program unless the student is acting within the course and scope of the student's employment at the direction of the business.

3. Any claim for bodily injury to the student or sickness or death by accident of the student

arising from the student's participation in the work-based learning program at the business or worksite shall be recovered exclusively under [chapter 10A, subchapter III](#), and [chapters 85, 85A, and 85B](#).

[2023 Acts, ch 92, §20](#)