

**Senate File 2390 - Introduced**

SENATE FILE 2390

BY DONAHUE

**A BILL FOR**

1 An Act relating to youth employment and making penalties  
2 applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 92.1 Definition.

2 As used in this chapter, unless the context otherwise  
3 requires, "director" means the director of the department of  
4 inspections, appeals, and licensing.

5 Sec. 2. NEW SECTION. 92.2 Under fourteen — work  
6 prohibited.

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

10 Sec. 3. NEW SECTION. 92.3 Under sixteen — permitted  
11 occupations.

12 No person under sixteen years of age shall be employed  
13 or permitted to work with or without compensation in any  
14 occupation during regular school hours, except:

15 1. Those persons legally out of school, if such status is  
16 verified by the submission of written proof to the director.

17 2. Those persons working in a supervised school-work  
18 program.

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

22 Sec. 4. NEW SECTION. 92.4 Fourteen and fifteen — permitted  
23 occupations.

24 Persons fourteen and fifteen years of age may be employed or  
25 permitted to work in the following occupations:

26 1. Retail, food service, and gasoline service  
27 establishments.

28 2. Office and clerical work, including operation of office  
29 machines.

30 3. Cashiering, selling, modeling, art work, work in  
31 advertising departments, window trimming, and comparative  
32 shopping.

33 4. Price marking and tagging by hand or by machine,  
34 assembling orders, packing, and shelving.

35 5. Bagging and carrying out customers' orders.

1 6. Errand and delivery work by foot, bicycle, and public  
2 transportation.

3 7. Cleanup work, including the use of vacuum cleaners and  
4 floor waxers, and maintenance of grounds.

5 8. Kitchen work and other work involved in preparing and  
6 serving food and beverages, including the operation of machines  
7 and devices used in the performance of such work, including  
8 but not limited to dishwashers, toasters, dumbwaiters, popcorn  
9 poppers, milk shake blenders, and coffee grinders.

10 9. *a.* Work in connection with motor vehicles and trucks if  
11 confined to the following:

12 (1) Dispensing gasoline and oil.

13 (2) Courtesy service.

14 (3) Car cleaning, washing, and polishing.

15 *b.* Nothing in this subsection shall be construed to include  
16 work involving the use of pits, racks, or lifting apparatus or  
17 involving the inflation of any tire mounted on a rim equipped  
18 with a removable retaining ring.

19 10. Cleaning vegetables and fruits, and wrapping, sealing,  
20 labeling, weighing, pricing, and stocking goods when performed  
21 in areas physically separate from areas where meat is prepared,  
22 for sale and outside freezers or meat coolers.

23 11. Other work approved by the rules adopted pursuant to  
24 chapter 17A by the director.

25 **Sec. 5. NEW SECTION. 92.5 Fourteen and fifteen —**  
26 **occupations not permitted.**

27 1. Persons fourteen and fifteen years of age may not be  
28 employed in:

29 *a.* Any manufacturing occupation.

30 *b.* Any mining occupation.

31 *c.* Processing occupations, except in a retail, food service,  
32 or gasoline service establishment in those specific occupations  
33 expressly permitted under the provisions of section 92.4.

34 *d.* Occupations requiring the performance of any duties  
35 in workrooms or work places where goods are manufactured,

1 mined, or otherwise processed, except to the extent expressly  
2 permitted in retail, food service, or gasoline service  
3 establishments under the provisions of section 92.4.

4 *e.* Public messenger service.

5 *f.* Operation or tending of hoisting apparatus or of any  
6 power-driven machinery, other than office machines and machines  
7 in retail, food service, and gasoline service establishments  
8 which are specified in section 92.4 as machines which such  
9 minors may operate in such establishments.

10 *g.* Occupations prohibited by rules adopted pursuant to  
11 chapter 17A by the director.

12 *h.* Occupations in connection with the following, except  
13 office or sales work in connection with these occupations, not  
14 performed on transportation media or at the actual construction  
15 site:

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

18 (2) Warehousing and storage.

19 (3) Communications and public utilities.

20 (4) Construction, including repair.

21 *i.* Any of the following occupations in a retail, food  
22 service, or gasoline service establishment:

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

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

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

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

31 (5) Occupations which involve operating, setting up,  
32 adjusting, cleaning, oiling, or repairing power-driven  
33 food slicers and grinders, food choppers and cutters, and  
34 bakery-type mixers.

35 (6) Work in freezers and meat coolers and all work in

1 preparation of meats for sale, except wrapping, sealing,  
2 labeling, weighing, pricing, and stocking when performed in  
3 other areas.

4 (7) Loading and unloading goods to and from trucks, railroad  
5 cars, or conveyors.

6 (8) All occupations in warehouses except office and  
7 clerical work.

8 *j.* Laundering, except for the use of a washing machine  
9 which has a capacity of less than ten cubic feet and which is  
10 designed to reach an internal temperature which does not exceed  
11 212 degrees Fahrenheit.

12 2. Nothing in this section shall be construed as prohibiting  
13 office, errand, or packaging work when done away from moving  
14 machinery.

15 Sec. 6. NEW SECTION. **92.6 Under sixteen — hours permitted.**

16 A person under sixteen years of age shall not be employed  
17 with or without compensation before the hour of 7:00 a.m. or  
18 after 7:00 p.m., except during the period from June 1 through  
19 Labor Day when the hours may be extended to 9:00 p.m. If such  
20 person is employed for a period of five hours or more each  
21 day, an intermission of not less than thirty minutes shall be  
22 given. Such a person shall not be employed for more than eight  
23 hours in one day, exclusive of intermission, and shall not be  
24 employed for more than forty hours in one week. The hours of  
25 work of persons under sixteen years of age employed outside  
26 school hours shall not exceed four in one day or twenty-eight  
27 in one week while school is in session.

28 Sec. 7. NEW SECTION. **92.7 Under eighteen — prohibited**  
29 **occupations.**

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

33 1. Occupations in or about plants or establishments  
34 manufacturing or storing explosives or articles containing  
35 explosive components.

- 1     2. Occupations of motor vehicle driver and helper.
- 2     3. Logging occupations and occupations in the operation of  
3 any sawmill, lath mill, shingle mill, or cooperage-stock mill.
- 4     4. Occupations involved in the operation of power-driven  
5 woodworking machines.
- 6     5. Occupations involving exposure to radioactive substances  
7 and to ionizing radiations.
- 8     6. Occupations involved in the operation of elevators and  
9 other power-driven hoisting apparatus.
- 10    7. Occupations involved in the operation of power-driven  
11 metal forming, punching, and shearing machines.
- 12    8. Occupations in connection with mining.
- 13    9. Occupations in or about slaughtering and meat packing  
14 establishments and rendering plants.
- 15    10. Occupations involved in the operation of certain  
16 power-driven bakery machines. Except as otherwise provided  
17 in this subsection, this subsection does not apply to the  
18 operation of pizza dough rollers that are a type of dough  
19 sheeter that have been constructed with safeguards contained in  
20 the basic design so as to prevent fingers, hands, or clothing  
21 from being caught in the in-running point of the rollers,  
22 that have gears that are completely enclosed, and that have  
23 microswitches that disengage the machinery if the backs or  
24 sides of the rollers are removed, only when all the safeguards  
25 detailed in this subsection are present on the machinery, are  
26 operational, and have not been overridden. However, this  
27 subsection does apply to the setting up, adjusting, repairing,  
28 oiling, or cleaning of pizza dough rollers as described in this  
29 subsection.
- 30    11. Occupations involved in the operation of certain  
31 power-driven paper products machines.
- 32    12. Occupations involved in the manufacture of brick, tile,  
33 and related products.
- 34    13. Occupations involved in the operation of circular saws,  
35 band saws, and guillotine shears.

1 14. Occupations involved in wrecking, demolition, and  
2 shipbreaking operations.

3 15. Occupations involved in roofing operations.

4 16. Excavation occupations.

5 17. In or about foundries; provided that office, shipping,  
6 and assembly area employment shall not be prohibited by this  
7 chapter.

8 18. Occupations involving the operation of dry cleaning or  
9 dyeing machinery.

10 19. Occupations involving exposure to lead fumes or its  
11 compounds, or to dangerous or poisonous dyes or chemicals.

12 20. Occupations involving the transmission, distribution,  
13 or delivery of goods or messages between the hours of 10:00  
14 p.m. and 5:00 a.m.

15 21. Occupations in establishments where nude or topless  
16 dancing is performed.

17 22. Occupations prohibited by rules adopted pursuant to  
18 chapter 17A by the director.

19 Sec. 8. NEW SECTION. **92.8 Instruction and training**  
20 **permitted.**

21 The provisions of sections 92.7 and 92.9 shall not  
22 apply to pupils working under an instructor in a career and  
23 technical education department in a school district or under  
24 an instructor in a career and technical education classroom  
25 or laboratory, or industrial plant, or in a course of career  
26 and technical education approved by the state board for career  
27 and technical education, or to apprentices provided they are  
28 employed under all of the following conditions:

29 1. The apprentice is employed in a craft recognized as an  
30 apprenticeable trade.

31 2. The work of the apprentice in the occupations declared  
32 particularly hazardous is incidental to the apprentice's  
33 training.

34 3. The work is intermittent and for short periods of  
35 time and is under the direct and close supervision of a

1 journeyperson as a necessary part of apprentice training.

2 4. The apprentice is registered by the office of  
3 apprenticeship of the United States department of labor as  
4 employed in accordance with the standards established by that  
5 department.

6 Sec. 9. NEW SECTION. 92.9 Permit on file.

7 1. A person under sixteen years of age shall not be employed  
8 or permitted to work with or without compensation unless the  
9 person, firm, or corporation employing such person receives  
10 and keeps on file accessible to any officer charged with the  
11 enforcement of this chapter, a work permit issued as provided  
12 in this chapter, and keeps a complete list of the names and  
13 ages of all such persons under sixteen years of age employed.

14 2. Certificates of age shall be issued for persons sixteen  
15 and seventeen years of age and for all other persons eighteen  
16 and over upon request of the person's prospective employer.

17 Sec. 10. NEW SECTION. 92.10 Issuance of work permits.

18 A work permit shall be issued only by the director upon  
19 the application of the parent, guardian, or custodian of the  
20 child desiring such permit. The application shall include the  
21 following:

22 1. A statement from the person, firm, or corporation into  
23 whose service the child under sixteen years of age is about to  
24 enter, promising to give such child employment and describing  
25 the industry in which the work will be performed.

26 2. Evidence of age showing that the child is fourteen years  
27 old, or more, which shall consist of one of the following  
28 proofs required in the order herein designated:

29 a. A certified copy of the birth certificate filed according  
30 to law with a registrar of vital statistics or other officer  
31 charged with the duty of recording births.

32 b. A passport or a certified copy of a certificate of  
33 baptism showing the date and place of birth and the place of  
34 baptism of such child.

35 c. An instruction permit issued under section 321.180B,



1 subsection 1.

2 *d.* For cases for which the proofs designated in paragraphs  
3 "a", "b", and "c" are not obtainable, documentation issued  
4 by the federal government that is deemed by the director to  
5 be sufficient evidence of age, or an affidavit signed by a  
6 licensed physician certifying that in the physician's opinion  
7 the applicant for the work permit is fourteen years of age or  
8 more.

9 Sec. 11. NEW SECTION. **92.11 Optional refusal of permit.**

10 The director may refuse to grant a permit if, in the  
11 director's judgment, the best interests of the minor would be  
12 served by such refusal and the director shall keep a record of  
13 such refusals, and the reasons therefor.

14 Sec. 12. NEW SECTION. **92.12 Contents of work permit.**

15 Every work permit shall state the date of issuance, name,  
16 sex, the date and place of birth, the residence of the child  
17 in whose name it is issued, the proof of age, the school grade  
18 completed, the name and location of the establishment where  
19 the child is to be employed, the industry, and that the papers  
20 required for its issuance have been duly examined, approved,  
21 and filed.

22 Sec. 13. NEW SECTION. **92.13 Application to director.**

23 An application for a work permit pursuant to section 92.10  
24 shall be submitted to the office of the director within three  
25 days after the child begins work.

26 Sec. 14. NEW SECTION. **92.14 Forms for permits formulated.**

27 The proper forms for the application for a work permit,  
28 the work permit, the certificate of age, and the physician's  
29 certificate shall be formulated by the director.

30 Sec. 15. NEW SECTION. **92.15 Exceptions.**

31 Nothing in this chapter shall be construed to prohibit:

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

1 2. Work in the production of seed, limited to removal of  
2 off-type plants, corn tassels, and hand-pollinating during the  
3 months of June, July, and August by persons fourteen years of  
4 age or over, and part-time work in agriculture.

5 3. A child from working in any occupation or business  
6 operated by the child's parents. For the purposes of this  
7 subsection, "child" and "parents" include a foster child and the  
8 child's foster parents who are licensed by the department of  
9 health and human services.

10 4. A child under sixteen years of age from being employed or  
11 permitted to work, with or without compensation, as a model,  
12 for a period of up to three hours in any day between the hours  
13 of 7:00 a.m. and 10:00 p.m., not exceeding twelve hours in any  
14 month, if the written permission of the parent, guardian, or  
15 custodian of the child is obtained prior to the commencement  
16 of the modeling. However, if the child is of school age this  
17 exception allows modeling work only outside of school hours  
18 during the regular school year and does not allow modeling  
19 work during the summer term if the child is enrolled in  
20 summer school. This subsection does not allow modeling for an  
21 unlawful purpose or modeling that would violate any other law.

22 5. A juvenile court from ordering a child at least twelve  
23 years old to complete a work assignment of value to the state  
24 or to the public or to the victim of a crime committed by  
25 the child, in accordance with section 232.52, subsection 2,  
26 paragraph "a".

27 6. A child from willfully volunteering as defined by 29  
28 C.F.R. §553.101 for a charitable or public purpose. Section  
29 92.7 applies to volunteering by a child pursuant to this  
30 subsection.

31 7. A child twelve years of age or older from being employed  
32 by a charitable organization or unit of state or local  
33 government as a referee for a sport program sponsored by that  
34 charitable organization or unit of state or local government  
35 or by an organization of referees sponsored by an organization

1 recognized by the United States olympic committee under 36  
2 U.S.C. §220522. Section 92.7 applies to employment of a child  
3 pursuant to this subsection.

4 8. A child under age sixteen from serving in the Iowa  
5 summer youth corps program in accordance with section 15H.5 or  
6 a child over fourteen years of age from serving in any other  
7 recognized program of the Iowa national service corps program  
8 in accordance with section 15H.9. Section 92.7 applies to  
9 service by a child pursuant to this subsection.

10 Sec. 16. NEW SECTION. **92.16 Violations.**

11 1. No parent, guardian, or other person, having under the  
12 parent's, guardian's, or other person's control any person  
13 under eighteen years of age, shall negligently permit said  
14 person to work or be employed in violation of the provisions of  
15 this chapter.

16 2. No person shall negligently make, certify to, or cause  
17 to be made or certified any statement, certificate, or other  
18 paper for the purpose of procuring the employment of any person  
19 in violation of this chapter.

20 3. No person shall make, file, execute, or deliver any  
21 statement, certificate, or other paper containing false  
22 statements for the purpose of procuring employment of any  
23 person in violation of this chapter.

24 4. No person, firm, or corporation, or any agent thereof,  
25 shall negligently conceal or permit a person to be employed in  
26 violation of this chapter.

27 5. No person, firm, or corporation shall refuse to allow any  
28 authorized persons to inspect the place of business or provide  
29 information necessary to the enforcement of this chapter.

30 6. A person determined to be a sexually violent predator  
31 pursuant to section 229A.7, a person required to register as a  
32 sex offender under chapter 692A, or a person determined to be  
33 a sexually violent predator or required to register as a sex  
34 offender pursuant to similar laws of another state shall not  
35 employ a person under eighteen years of age in this state.

1     **Sec. 17. NEW SECTION. 92.17 Penalty.**

2     1. Any person who furnishes or sells to any minor child  
3 any article of any description which the person knows or  
4 should have known the minor intends to sell in violation of  
5 the provisions of this chapter shall be guilty of a serious  
6 misdemeanor.

7     2. Any other violation of this chapter for which a penalty  
8 is not specifically provided constitutes a serious misdemeanor.

9     3. Every day during which any violation of this chapter  
10 continues constitutes a separate and distinct offense, and the  
11 employment of any person in violation of this chapter, with  
12 respect to each person so employed, constitutes a separate and  
13 distinct offense.

14     **Sec. 18. NEW SECTION. 92.18 Rules and orders of director.**

15     1. The director may adopt rules pursuant to chapter 17A  
16 to more specifically define the occupations and equipment  
17 permitted or prohibited in this chapter, to determine  
18 occupations for which work permits are required, and to  
19 issue general and special orders prohibiting or allowing the  
20 employment of persons under eighteen years of age in any place  
21 of employment defined in this chapter as hazardous to the  
22 health, safety, and welfare of the persons.

23     2. The director shall adopt rules pursuant to chapter 17A  
24 specifically defining the civil penalty amount to be assessed  
25 for violations of this chapter.

26     **Sec. 19. NEW SECTION. 92.19 Director to enforce — civil  
27 penalty — judicial review.**

28     1. The director shall enforce this chapter. An employer  
29 who violates this chapter or the rules adopted pursuant to this  
30 chapter is subject to a civil penalty of not more than ten  
31 thousand dollars for each violation.

32     2. The director shall notify the employer of a proposed  
33 civil penalty by service in the same manner as an original  
34 notice or by certified mail. If, within fifteen working days  
35 from the receipt of the notice, the employer fails to file

1 a notice of contest in accordance with rules adopted by the  
2 director pursuant to chapter 17A, the penalty, as proposed,  
3 shall be deemed final agency action for purposes of judicial  
4 review.

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

9 4. Judicial review of final agency action pursuant to this  
10 section may be sought in accordance with the terms of section  
11 17A.19. If no petition for judicial review is filed within  
12 sixty days after service of the final agency action of the  
13 director, the director's findings of fact and final agency  
14 action shall be conclusive in connection with any petition for  
15 enforcement which is filed by the director after the expiration  
16 of the sixty-day period. In any such case, the clerk of court,  
17 unless otherwise ordered by the court, shall forthwith enter  
18 a decree enforcing the final agency action and shall transmit  
19 a copy of the decree to the director and the employer named in  
20 the petition.

21 5. Any penalties recovered pursuant to this section shall be  
22 remitted by the director to the treasurer of state for deposit  
23 in the general fund of the state.

24 6. Mayors and police officers, sheriffs, school  
25 superintendents, and school truancy and attendance officers,  
26 within their several jurisdictions, shall cooperate in the  
27 enforcement of this chapter and furnish the director and the  
28 director's designees with all information coming to their  
29 knowledge regarding violations of this chapter. All such  
30 officers and any person authorized in writing by a court of  
31 record shall have the authority to enter, for the purpose of  
32 investigation, any of the establishments and places mentioned  
33 in this chapter and to freely question any person therein as to  
34 any violations of this chapter.

35 7. County attorneys shall investigate all complaints made

1 to them of violations of this chapter, and prosecute all such  
2 cases of violation within their respective counties.

3 Sec. 20. NEW SECTION. **92.20 Group insurance.**

4 Anyone under the age of eighteen and subject to this  
5 chapter employed in the occupations of selling or delivering  
6 the product or service of another and who is designated in  
7 such capacity as an independent contractor shall be provided  
8 participation, if the person under the age of eighteen  
9 desires it at group rate cost, in group insurance for medical,  
10 hospital, nursing, and doctor expenses incurred as a result of  
11 injuries sustained arising out of and in the course of selling  
12 or delivering such product or service by the person, firm, or  
13 corporation whose product or service is so delivered.

14 Sec. 21. Section 123.49, subsection 2, paragraph f, Code  
15 2024, is amended by striking the paragraph and inserting in  
16 lieu thereof the following:

17 *f.* Employ a person under eighteen years of age in the  
18 sale or serving of alcoholic beverages for consumption on the  
19 premises where sold.

20 Sec. 22. **REPEAL.** Chapter 92, Code 2024, is repealed.

21 **EXPLANATION**

22 The inclusion of this explanation does not constitute agreement with  
23 the explanation's substance by the members of the general assembly.

24 This bill relates to youth employment. The bill generally  
25 strikes statutory changes made by 2023 Iowa Acts, Senate File  
26 542, and restores statutory language in effect prior to the  
27 enactment of 2023 Iowa Acts, Senate File 542. The elimination  
28 of the work categories of street occupations and migratory  
29 labor, a prohibition on persons under 18 years of age working  
30 in occupations in establishments where nude or topless dancing  
31 is performed, and a prohibition on sexually violent predators  
32 or sex offenders employing persons under 18 years of age,  
33 enacted by 2023 Iowa Acts, Senate File 542, are retained.

34 The bill requires a permit for a person under 18 years of age  
35 to work in most circumstances and provides procedures relating

1 to such work and such permits under Code chapter 92, the state  
2 child labor law. The bill modifies permitted and prohibited  
3 work that can be performed by minors at various age levels, as  
4 well as hours in which permitted work can be performed.

5 The bill strikes language providing for waiver of civil  
6 penalties under Code chapter 92 and a grace period before such  
7 penalties can be imposed. The bill strikes exceptions to and  
8 limitations on the applicability of certain provisions of Code  
9 chapter 92 for certain work-based learning programs. The  
10 bill strikes an exceptions to Code chapter 92 for performing  
11 in motion pictures, theatrical productions, or musical  
12 performances and modifies an exception for modeling. The bill  
13 strikes limitations on civil liability for businesses for  
14 injury, sickness, or death resulting from student participation  
15 in work-based learning programs.

16 The bill provides penalties for certain actions taken in  
17 violation of Code chapter 92 to procure employment for oneself  
18 or of another person. Under current law, a violation of Code  
19 chapter 92 is a serious misdemeanor. A serious misdemeanor is  
20 punishable by confinement for no more than one year and a fine  
21 of at least \$430 but not more than \$2,560. Under current law,  
22 an employer violating Code chapter 92 is subject to a civil  
23 penalty of up to \$10,000.

24 The bill changes terminology referring to "occupations" to  
25 instead refer to "work activities".

26 The bill strikes language allowing a person 16 to 17 years  
27 of age to be employed in the sale or serving of alcoholic  
28 beverages for on-premises consumption under Code section  
29 123.49 in specified circumstances if specified procedures are  
30 followed.

31 The bill reflects the transfer of administration of Code  
32 chapter 92 from the labor commissioner to the director of the  
33 department of inspections, appeals, and licensing by 2023 Iowa  
34 Acts, Senate File 514.