

Senate File 381 - Introduced

SENATE FILE 381

BY DONAHUE, TOWNSEND, DOTZLER,
BENNETT, ZIMMER, WINCKLER,
WEINER, PETERSEN, CELSI,
TRONE GARRIOTT, STAED, and
QUIRMBACH

A BILL FOR

1 An Act relating to youth employment and providing penalties.

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

unofficial

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 or
8 permitted to work with or without compensation in any occupation.

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

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

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

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

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

20 Sec. 4. NEW SECTION. **92.4 Fourteen and fifteen — permitted**
21 **occupations.**

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

24 1. Retail, food service, and gasoline service establishments.

25 2. Office and clerical work, including operation of office
26 machines.

27 3. Cashiering, selling, modeling, art work, work in
28 advertising departments, window trimming, and comparative
29 shopping.

30 4. Price marking and tagging by hand or by machine,
31 assembling orders, packing, and shelving.

32 5. Bagging and carrying out customers' orders.

33 6. Errand and delivery work by foot, bicycle, and public
34 transportation.

35 7. Cleanup work, including the use of vacuum cleaners and

1 floor waxers, and maintenance of grounds.

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

7 9. a. Work in connection with motor vehicles and trucks if
8 confined to the following:

9 (1) Dispensing gasoline and oil.

10 (2) Courtesy service.

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

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

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

20 11. Other work approved by the rules adopted pursuant to
21 chapter 17A by the director.

22 Sec. 5. NEW SECTION. **92.5 Fourteen and fifteen —**
23 **occupations not permitted.**

24 1. Persons fourteen and fifteen years of age may not be
25 employed in:

26 a. Any manufacturing occupation.

27 b. Any mining occupation.

28 c. Processing occupations, except in a retail, food service,
29 or gasoline service establishment in those specific occupations
30 expressly permitted under the provisions of section 92.4.

31 d. Occupations requiring the performance of any duties in
32 workrooms or work places where goods are manufactured, mined, or
33 otherwise processed, except to the extent expressly permitted in
34 retail, food service, or gasoline service establishments under
35 the provisions of section 92.4.

1 e. Public messenger service.

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

7 g. Occupations prohibited by rules adopted pursuant to
8 chapter 17A by the director.

9 h. Occupations in connection with the following, except
10 office or sales work in connection with these occupations, not
11 performed on transportation media or at the actual construction
12 site:

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

15 (2) Warehousing and storage.

16 (3) Communications and public utilities.

17 (4) Construction, including repair.

18 i. Any of the following occupations in a retail, food
19 service, or gasoline service establishment:

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

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

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

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

28 (5) Occupations that involve operating, setting up,
29 adjusting, cleaning, oiling, or repairing power-driven food
30 slicers and grinders, food choppers and cutters, and bakery-type
31 mixers.

32 (6) Work in freezers and meat coolers and all work in
33 preparation of meats for sale, except wrapping, sealing,
34 labeling, weighing, pricing, and stocking when performed in other
35 areas.

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

3 (8) All occupations in warehouses except office and clerical
4 work.

5 j. Laundering, except for the use of a washing machine that
6 has a capacity of less than ten cubic feet and that is designed
7 to reach an internal temperature that does not exceed 212 degrees
8 Fahrenheit.

9 2. Nothing in this section shall be construed as prohibiting
10 office, errand, or packaging work when done away from moving
11 machinery.

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

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

26 Sec. 7. NEW SECTION. **92.7 Under eighteen — prohibited**
27 **occupations.**

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

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

34 2. Occupations of motor vehicle driver and helper.

35 3. Logging occupations and occupations in the operation of

1 any sawmill, lath mill, shingle mill, or cooperage-stock mill.

2 4. Occupations involved in the operation of power-driven
3 woodworking machines.

4 5. Occupations involving exposure to radioactive substances
5 and to ionizing radiations.

6 6. Occupations involved in the operation of elevators and
7 other power-driven hoisting apparatus.

8 7. Occupations involved in the operation of power-driven
9 metal forming, punching, and shearing machines.

10 8. Occupations in connection with mining.

11 9. Occupations in or about slaughtering and meat packing
12 establishments and rendering plants.

13 10. Occupations involved in the operation of certain
14 power-driven bakery machines. Except as otherwise provided in
15 this subsection, this subsection does not apply to the operation
16 of pizza dough rollers that are a type of dough sheeter that have
17 been constructed with safeguards contained in the basic design
18 so as to prevent fingers, hands, or clothing from being caught
19 in the in-running point of the rollers, that have gears that are
20 completely enclosed, and that have microswitches that disengage
21 the machinery if the backs or sides of the rollers are removed,
22 only when all the safeguards detailed in this subsection are
23 present on the machinery, are operational, and have not been
24 overridden. However, this subsection does apply to the setting
25 up, adjusting, repairing, oiling, or cleaning of pizza dough
26 rollers as described in this subsection.

27 11. Occupations involved in the operation of certain
28 power-driven paper products machines.

29 12. Occupations involved in the manufacture of brick, tile,
30 and related products.

31 13. Occupations involved in the operation of circular saws,
32 band saws, and guillotine shears.

33 14. Occupations involved in wrecking, demolition, and
34 shipbreaking operations.

35 15. Occupations involved in roofing operations.

1 16. Excavation occupations.

2 17. In or about foundries; provided that office, shipping,
3 and assembly area employment shall not be prohibited by this
4 chapter.

5 18. Occupations involving the operation of dry cleaning or
6 dyeing machinery.

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

9 20. Occupations involving the transmission, distribution, or
10 delivery of goods or messages between the hours of 10:00 p.m. and
11 5:00 a.m.

12 21. Occupations in establishments where nude or topless
13 dancing is performed.

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

16 Sec. 8. NEW SECTION. **92.8 Instruction and training**
17 **permitted.**

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

26 1. The apprentice is employed in a craft recognized as an
27 apprenticeable trade.

28 2. The work of the apprentice in the occupations declared
29 particularly hazardous is incidental to the apprentice's
30 training.

31 3. The work is intermittent and for short periods of time and
32 is under the direct and close supervision of a journeyman as a
33 necessary part of apprentice training.

34 4. The apprentice is registered by the office of
35 apprenticeship of the United States department of labor as

1 employed in accordance with the standards established by that
2 department.

3 Sec. 9. NEW SECTION. **92.9 Permit on file.**

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

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

14 Sec. 10. NEW SECTION. **92.10 Issuance of work permits.**

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

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

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

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

29 b. A passport or a certified copy of a certificate of baptism
30 showing the date and place of birth and the place of baptism of
31 such child.

32 c. An instruction permit issued under section 321.180B,
33 subsection 1.

34 d. For cases for which the proofs designated in paragraphs
35 "a", "b", and "c" are not obtainable, documentation issued

1 by the federal government that is deemed by the director to
2 be sufficient evidence of age, or an affidavit signed by a
3 licensed physician certifying that in the physician's opinion the
4 applicant for the work permit is fourteen years of age or more.

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

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

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

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

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

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

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

22 The proper forms for the application for a work permit,
23 the work permit, the certificate of age, and the physician's
24 certificate shall be formulated by the director.

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

26 Nothing in this chapter shall be construed to prohibit:

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

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

35 3. A child from working in any occupation or business

1 operated by the child's parents. For the purposes of this
2 subsection, "child" and "parents" include a foster child and the
3 child's foster parents who are licensed by the department of
4 health and human services.

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

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

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

24 7. A child twelve years of age or older from being employed
25 by a charitable organization or unit of state or local government
26 as a referee for a sport program sponsored by that charitable
27 organization or unit of state or local government or by an
28 organization of referees sponsored by an organization recognized
29 by the United States olympic committee under 36 U.S.C. §220522.
30 Section 92.7 applies to employment of a child pursuant to this
31 subsection.

32 8. A child under age sixteen from serving in the Iowa summer
33 youth corps program in accordance with section 15H.5 or a child
34 over fourteen years of age from serving in any other recognized
35 program of the Iowa national service corps program in accordance

1 with section 15H.9. Section 92.7 applies to service by a child
2 pursuant to this subsection.

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

4 1. No parent, guardian, or other person, having under the
5 parent's, guardian's, or other person's control any person under
6 eighteen years of age, shall negligently permit said person to
7 work or be employed in violation of the provisions of this
8 chapter.

9 2. No person shall negligently make, certify to, or cause to
10 be made or certified any statement, certificate, or other paper
11 for the purpose of procuring the employment of any person in
12 violation of this chapter.

13 3. No person shall make, file, execute, or deliver
14 any statement, certificate, or other paper containing false
15 statements for the purpose of procuring employment of any person
16 in violation of this chapter.

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

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

23 6. A person determined to be a sexually violent predator
24 pursuant to section 229A.7, a person required to register as a
25 sex offender under chapter 692A, or a person determined to be
26 a sexually violent predator or required to register as a sex
27 offender pursuant to similar laws of another state shall not
28 employ a person under eighteen years of age in this state.

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

30 1. Any person who furnishes or sells to any minor child any
31 article of any description that the person knows or should have
32 known the minor intends to sell in violation of the provisions of
33 this chapter shall be guilty of a serious misdemeanor.

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

1 3. Every day during which any violation of this chapter
2 continues constitutes a separate and distinct offense, and the
3 employment of any person in violation of this chapter, with
4 respect to each person so employed, constitutes a separate and
5 distinct offense.

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

7 1. The director may adopt rules pursuant to chapter 17A to
8 more specifically define the occupations and equipment permitted
9 or prohibited in this chapter, to determine occupations for which
10 work permits are required, and to issue general and special
11 orders prohibiting or allowing the employment of persons under
12 eighteen years of age in any place of employment defined in this
13 chapter as hazardous to the health, safety, and welfare of the
14 persons.

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

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

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

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

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

35 4. Judicial review of final agency action pursuant to this

1 section may be sought in accordance with the terms of section
2 17A.19. If no petition for judicial review is filed within sixty
3 days after service of the final agency action of the director,
4 the director's findings of fact and final agency action shall be
5 conclusive in connection with any petition for enforcement that
6 is filed by the director after the expiration of the sixty-day
7 period. In any such case, the clerk of court, unless otherwise
8 ordered by the court, shall forthwith enter a decree enforcing
9 the final agency action and shall transmit a copy of the decree
10 to the director and the employer named in the petition.

11 5. Any penalties recovered pursuant to this section shall be
12 remitted by the director to the treasurer of state for deposit in
13 the general fund of the state.

14 6. Mayors and police officers, sheriffs, school
15 superintendents, and school truancy and attendance officers,
16 within their several jurisdictions, shall cooperate in the
17 enforcement of this chapter and furnish the director and
18 the director's designees with all information coming to their
19 knowledge regarding violations of this chapter. All such
20 officers and any person authorized in writing by a court of
21 record shall have the authority to enter, for the purpose of
22 investigation, any of the establishments and places mentioned in
23 this chapter and to freely question any person therein as to any
24 violations of this chapter.

25 7. County attorneys shall investigate all complaints made to
26 them of violations of this chapter, and prosecute all such cases
27 of violation within their respective counties.

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

29 Anyone under the age of eighteen and subject to this chapter
30 employed in the occupations of selling or delivering the product
31 or service of another and who is designated in such capacity as
32 an independent contractor shall be provided participation, if the
33 person under the age of eighteen desires it at group rate cost,
34 in group insurance for medical, hospital, nursing, and doctor
35 expenses incurred as a result of injuries sustained arising out

1 of and in the course of selling or delivering such product or
2 service by the person, firm, or corporation whose product or
3 service is so delivered.

4 Sec. 21. Section 123.49, subsection 2, paragraph f, Code
5 2025, is amended by striking the paragraph and inserting in lieu
6 thereof the following:

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

10 Sec. 22. Section 331.653, subsection 10, Code 2025, is
11 amended to read as follows:

12 10. Cooperate with the department of inspections, appeals,
13 and licensing in the enforcement of child labor laws as provided
14 in section ~~92.22~~ 92.19.

15 Sec. 23. Section 331.756, subsection 17, Code 2025, is
16 amended to read as follows:

17 17. Investigate complaints and prosecute violations of child
18 labor laws as provided in section ~~92.22~~ 92.19.

19 Sec. 24. REPEAL. Chapter 92, Code 2025, is repealed.

20 EXPLANATION

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

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

33 The bill requires a permit for a person under 18 years of age
34 to work in most circumstances and provides procedures relating
35 to such work and such permits under Code chapter 92, the state

1 child labor law. The bill modifies permitted and prohibited work
2 that can be performed by minors at various age levels, as well as
3 hours in which permitted work can be performed.

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

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

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

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

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