SENATE FILE 542
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SF 167)

(As Amended and Passed by the Senate April 18, 2023)

_____ and [= New Language by the Senate

* = Language Stricken by the Senate

A BILL FOR

An Act relating to youth employment, providing for a minor driver's license interim study committee, and making penalties applicable.

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

Section 1. Section 92.3, Code 2023, is amended to read as follows:

92.3 Under fourteen — work activities not permitted ~~occupations~~.

No person under fourteen years of age shall be employed or permitted to work with or without compensation in any ~~occupation, except in the street occupations or migratory labor occupations specified in section 92.1~~ work activity. ~~Any migratory laborer twelve to fourteen years of age may not work prior to or during the regular school hours of any day of any private or public school which teaches general education subjects and which is available to such child.~~

Sec. 2. Section 92.4, Code 2023, is amended to read as follows:

92.4 Under sixteen — permitted ~~occupations~~ work activities.

No person under sixteen years of age shall be employed or permitted to work with or without compensation in any ~~occupation~~ 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 ~~labor commissioner~~ 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.

~~4. Fourteen- and fifteen-year-old migrant laborers during any hours when summer school is in session.~~

Sec. 3. Section 92.5, Code 2023, is amended to read as follows:

92.5 Fourteen ~~and fifteen~~ — permitted ~~occupations~~ work activities.

Persons fourteen ~~and fifteen~~ years of age may be employed or permitted to work in the following ~~occupations~~ 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 ~~the~~ 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, ~~for sale and outside~~ including momentary work in freezers ~~or~~ 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 ~~labor commissioner~~ director.

Sec. 4. Section 92.6, Code 2023, is amended to read as follows:

92.6 Fourteen and fifteen — ~~occupations~~ work activities not permitted.

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

a. Any manufacturing ~~occupation~~ work activity.

b. Any mining ~~occupation~~ work activity.

c. Processing ~~occupations~~ work activities, except in a retail, food service, or gasoline service establishment in those specific ~~occupations~~ work activities expressly permitted under the provisions of section 92.5 or 92.6A.

d. ~~Occupations~~ 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 ~~which~~ that such minors may operate in such establishments.

g. ~~Occupations~~ Work activities prohibited by rules adopted pursuant to chapter 17A by the ~~labor commissioner~~ director.

h. ~~Occupations~~ Work activities in connection with the following, except office or sales work in connection with these ~~occupations~~ 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 ~~occupations~~ 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) ~~Occupations which~~ 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) Work in freezers and meat coolers and all work in preparation of meats for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in other areas.~~

~~(7)~~ (6) Loading and unloading goods to and from trucks, railroad cars, or conveyors, except as permitted by section 92.5, subsection 11.

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

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

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

Sec. 5. NEW SECTION. **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.

Sec. 6. Section 92.7, Code 2023, is amended to read as follows:

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 ~~92.2~~ 92.5 and ~~92.3~~ 92.6A, before the hour of 7:00 a.m. or after ~~7:00~~ 9:00 p.m., except during the period from June 1 through Labor Day when the hours may be extended to ~~9:00~~ 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 ~~four~~ six in one day or twenty-eight in one week while school is in session.

Sec. 7. NEW SECTION. **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.

Sec. 8. Section 92.8, Code 2023, is amended to read as follows:

92.8 Under eighteen — prohibited ~~occupations~~ 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 ~~occupations~~ work activities or business establishments:

1. ~~Occupations~~ 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 100.19.

~~2. Occupations of motor vehicle driver and helper.~~

~~3.~~ 2. ~~Logging occupations~~ Logging and ~~occupations in~~ the operation of any sawmill, lath mill, shingle mill, or

cooperage-stock mill.

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

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

~~6.~~ 5. ~~Occupations involved in the operation~~ Operation of elevators and other power-driven hoisting apparatus.

~~7.~~ 6. ~~Occupations involved in the operation~~ Operation of power-driven metal forming, punching, and shearing machines.

~~8.~~ 7. ~~Occupations in connection with mining~~ Mining.

~~9.~~ 8. ~~Occupations~~ Work activities in or about slaughtering and meat packing establishments and rendering plants.

~~10.~~ 9. ~~Occupations involved in the operation~~ 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.

~~11.~~ 10. ~~Occupations involved in the operation~~ 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.

~~12.~~ 11. ~~Occupations involved in the manufacture~~ Manufacturing of brick, tile, and related products.

~~13.~~ 12. ~~Occupations involved in the operation~~ Operation of circular saws, band saws, and guillotine shears.

~~14.~~ 13. ~~Occupations involved in wrecking~~ Wrecking, demolition, and shipbreaking operations.

~~15.~~ 14. ~~Occupations involved in roofing~~ Roofing operations.

~~16.~~ 15. Excavation ~~occupations~~.

~~17.~~ 16. ~~In~~ Work activities in or about foundries; provided that office, shipping, and assembly area employment shall not be prohibited by this chapter.

~~18.~~ 17. ~~Occupations involving the operation~~ Operation of dry cleaning or dyeing machinery.

~~19.~~ 18. ~~Occupations~~ Work activities involving exposure to lead fumes or its compounds, or to dangerous or poisonous dyes or chemicals.

~~20.~~ 19. ~~Occupations involving the transmission~~ Transmission, distribution, or delivery of goods or messages between the hours of 10:00 p.m. and 5:00 a.m.

19A. Work activities in establishments where nude or topless dancing is performed.

~~21.~~ 20. ~~Occupations~~ Work activities prohibited by rules adopted pursuant to chapter 17A by the ~~labor commissioner~~ director.

Sec. 9. NEW SECTION. **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 92.6, 92.7, or 92.8 for minors fourteen 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 92.6, subsection 1, paragraph *"b"*, *"e"*, *"f"*, or *"h"*, section 92.6, subsection 1, paragraph *"i"*, subparagraph (1) or (3), or section 92.8, subsection 1, 2, 4, 7, 8, 18, or 19A.

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 19A.

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.

Sec. 10. Section 92.17, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 11. Section 92.17, subsection 3, Code 2023, is amended to read as follows:

3. A child from working in any ~~occupation~~ 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.

Sec. 12. Section 92.17, subsection 4, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

4. 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.

Sec. 13. Section 92.17, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. 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.

Sec. 14. Section 92.19, subsections 2 and 3, Code 2023, are amended by striking the subsections.

Sec. 15. Section 92.20, subsection 1, Code 2023, is amended by striking the subsection.

Sec. 16. Section 92.21, subsection 1, Code 2023, is amended to read as follows:

1. The ~~labor commissioner~~ director may adopt rules pursuant to chapter 17A to more specifically define the ~~occupations~~ work activities and equipment permitted or prohibited in this chapter~~, to determine occupations for which work permits are~~

~~required,~~ 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.

Sec. 17. Section 92.22, subsection 1, Code 2023, is amended to read as follows:

1. The ~~labor commissioner~~ 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.

Sec. 18. Section 92.23, Code 2023, is amended to read as follows:

92.23 Group insurance.

Anyone under the age of eighteen and subject to this chapter employed in the ~~street occupations who sells or delivers~~ 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.

Sec. 19. NEW SECTION. **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

chapters 85, 85A, 85B, and 86.

Sec. 20. Section 123.49, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. Employ a person under eighteen years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold. This paragraph shall not apply if the employer has on file written permission from the parent, guardian, or legal custodian of a person sixteen or seventeen years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person sixteen or seventeen years of age shall not work in a bar as defined in section 142D.2. The employer shall keep a copy of the written permission on file until the person is either eighteen years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold. If written permission is on file in accordance with this paragraph, a person sixteen or seventeen years of age may sell or serve alcoholic beverages in a restaurant as defined in section 142D.2.

Sec. 21. REPEAL. Sections 92.1, 92.2, 92.9, 92.10, 92.11, 92.12, 92.13, 92.14, 92.15, 92.16, and 92.18, Code 2023, are repealed.

Sec. 22. INTERIM STUDY COMMITTEE — MINOR DRIVER'S LICENSE.

1. The legislative council is requested to establish an interim study committee to meet during the 2023 legislative interim to examine policy matters relating to licensed driving by persons between fourteen and eighteen years of age. The committee is charged to study and make recommendations on statutory changes relating to minor driver's licensing including but not limited to:

a. Adding a work driving privilege to the current special minor's license.

b. Completing traditional or parent-taught driver's education.

c. Determining age eligibility for a special minor's

license.

d. Allowing a minor to drive up to a certain distance for nonfarm work.

e. Determining the number of minutes before or after the minor's scheduled shift in which they can drive.

f. Examining the fifty-mile farm work privilege.

g. Requiring the certifying school to verify the need for the farm work privilege.

h. Allowing a minor to be eligible for a license even if they live less than one mile from their school, if they are employed for farm or nonfarm work.

i. Determining a minor's point of origin to drive for work.

j. Determining if a minor is permitted to stop for gas in route to or from work.

k. Determining if a violation of the work driving privilege is a moving violation, is subject to remedial driver improvement classes, and is subject to other driving sanctions.

l. Examining any other issues concerning current or future driving permits regarding persons between fourteen and eighteen years of age.

2. The study committee shall consist of six voting members and five ex officio, nonvoting members.

a. The voting members of the committee shall consist of three members of the senate, two of whom shall be appointed by the majority leader of the senate and one of whom shall be appointed by the minority leader of the senate, and three members of the house of representatives, two of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader of the house of representatives.

b. The ex officio, nonvoting members of the committee shall be composed of the following:

(1) The director of the department of transportation or the director's designee.

(2) The director of the department of education or the

director's designee.

(3) The director of the department of public safety or the director's designee.

(4) The director of the department of workforce development or the director's designee.

(5) A representative of the insurance industry selected by the co-chairpersons of the study committee.

3. In the event a tiebreaking vote is needed, the five ex officio members shall collectively receive a total of one vote for the purpose of breaking a tie.

4. The study committee shall submit a report with its findings and recommendations to the general assembly no later than December 15, 2023.