

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 223**

**Representative Stinziano**

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**A BILL**

To amend section 4109.06 of the Revised Code to 1  
allow minors to be employed by a youth athletic 2  
program if certain conditions are satisfied. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4109.06 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 4109.06.** (A) This chapter does not apply to the 6  
following: 7

(1) Minors who are students working on any properly 8  
guarded machines in the manual training department of any school 9  
when the work is performed under the personal supervision of an 10  
instructor; 11

(2) Students participating in a vocational program 12  
approved by the Ohio department of education; 13

(3) A minor participating in a play, pageant, or concert 14  
produced by an outdoor historical drama corporation, a 15  
professional traveling theatrical production, a professional 16  
concert tour, or a personal appearance tour as a professional 17  
motion picture star, or as an actor or performer in motion 18

pictures or in radio or television productions in accordance	19
with the rules adopted pursuant to division (A) of section	20
4109.05 of the Revised Code;	21
(4) The participation, without remuneration of a minor and	22
with the consent of a parent or guardian, in a performance given	23
by a church, school, or academy, or at a concert or	24
entertainment given solely for charitable purposes, or by a	25
charitable or religious institution;	26
(5) Minors who are employed by their parents in	27
occupations other than occupations prohibited by rule adopted	28
under this chapter;	29
(6) Minors engaged in the delivery of newspapers to the	30
consumer;	31
(7) Minors who have received a high school diploma or a	32
certificate of attendance from an accredited secondary school or	33
a certificate of high school equivalence;	34
(8) Minors who are currently heads of households or are	35
parents contributing to the support of their children;	36
(9) Minors engaged in lawn mowing, snow shoveling, and	37
other related employment;	38
(10) Minors employed in agricultural employment in	39
connection with farms operated by their parents, grandparents,	40
or guardians where they are members of the guardians' household.	41
Minors are not exempt from this chapter if they reside in	42
agricultural labor camps as defined in section 3733.41 of the	43
Revised Code;	44
(11) Students participating in a program to serve as	45
precinct officers as authorized by section 3501.22 of the	46

Revised Code.	47
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:	48 49
(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;	50 51
(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;	52 53 54 55
(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.	56 57
(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows:	58 59 60
(1) A minor adjudicated to be an unruly child or delinquent child who, as a result of the adjudication, is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests. Upon receipt of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, shall consult with the person required to supervise the minor on probation. If after that consultation, the court, the superintendent, or the chief administrative officer finds the minor has failed to show the	61 62 63 64 65 66 67 68 69 70 71 72 73 74 75

restrictions will result in a substantial hardship or that the 76  
restrictions are not in the minor's best interests, the court, 77  
the superintendent, or the chief administrative officer shall 78  
uphold the restrictions. If after that consultation, the court, 79  
the superintendent, or the chief administrative officer finds 80  
the minor has shown the restricted hours will cause a 81  
substantial hardship or are not in the minor's best interests, 82  
the court, the superintendent, or the chief administrative 83  
officer shall establish differing hours of employment for the 84  
minor and notify the minor and the minor's employer of those 85  
hours, which shall be binding in lieu of the restrictions on the 86  
hours of employment described in division (D) of section 4109.07 87  
of the Revised Code. 88

(2) Any minor to whom division (C) (1) of this section does 89  
not apply may either file a petition in the juvenile court in 90  
whose jurisdiction the person resides, or apply to the 91  
superintendent or to the chief administrative officer who issued 92  
the minor's age and schooling certificate pursuant to section 93  
3331.01 of the Revised Code, alleging the restrictions on the 94  
hours of employment described in division (D) of section 4109.07 95  
of the Revised Code will cause a substantial hardship or are not 96  
in the minor's best interests. 97

If, as a result of a petition or application, the court, 98  
the superintendent, or the chief administrative officer, as 99  
appropriate, finds the minor has failed to show such 100  
restrictions will result in a substantial hardship or that the 101  
restrictions are not in the minor's best interests, the court, 102  
the superintendent, or the chief administrative officer shall 103  
uphold the restrictions. If the court, the superintendent, or 104  
the chief administrative officer finds the minor has shown the 105  
restricted hours will cause a substantial hardship or are not in 106

the minor's best interests, the court, the superintendent, or 107  
the chief administrative officer shall establish the hours of 108  
employment for the minor and shall notify the minor and the 109  
minor's employer of those hours. 110

(D) Section 4109.03, divisions (A) and (C) of section 111  
4109.02, and division (B) of section 4109.08 of the Revised Code 112  
do not apply to minors who are sixteen or seventeen years of age 113  
and who are employed at a seasonal amusement or recreational 114  
establishment. 115

(E) This chapter does not apply to a minor who is employed 116  
as a referee, umpire, or official in a youth athletic program, 117  
as long as the following conditions are met: 118

(1) The minor is at least twelve years of age. 119

(2) An adult representing the youth athletic program is on 120  
the premises where the athletic event in which the minor is 121  
employed as a referee, umpire, or official is occurring. 122

(F) As used in this section, "certificate of high school 123  
equivalence" means a statement issued by the state board of 124  
education or an equivalent agency of another state that the 125  
holder of the statement has achieved the equivalent of a high 126  
school education as measured by scores obtained on the tests of 127  
general educational development published by the American 128  
council on education. 129

**Section 2.** That existing section 4109.06 of the Revised 130  
Code is hereby repealed. 131