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HOUSE BILL NO. 947

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact §§ 40.1-78 and 40.1-79.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-100.3, relating to the employment of children on tobacco farms; civil penalty.

Patron—Lopez

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-78 and 40.1-79.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 40.1-100.3 as follows:

§ 40.1-78. Employment of children under fourteen and sixteen.

A. No child under ~~fourteen~~ *14* years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation except as specified in this chapter.

B. No child under ~~sixteen~~ *16* years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation during school hours unless he has reached the age of ~~fourteen~~ *14* and is enrolled in a regular school work-training program and a work-training certificate has been issued for his employment as provided in § 40.1-88.

C. Nothing in this section shall affect the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, *40.1-100.3,* 40.1-101 and 40.1-102.

§ 40.1-79.01. Exemptions from chapter generally.

A. Nothing in this chapter, except the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, *40.1-100.3,* and 40.1-103, shall apply to:

1. A child engaged in domestic work when such work is performed in connection with the child's own home and directly for his parent or a person standing in place of his parent;

2. A child employed in occasional work performed outside school hours where such work is in connection with the employer's home but not in connection with the employer's business, trade, or profession;

3. A child 12 or 13 years of age employed outside school hours on farms, in orchards, or in gardens with the consent of his parent or a person standing in place of his parent;

4. A child between the ages of 12 and 18 employed as a page or clerk for either the House of Delegates or the Senate of Virginia;

5. A child participating in the activities of a volunteer emergency medical services agency;

6. A child under 16 years of age employed by his parent in an occupation other than manufacturing; or

7. A child 12 years of age or older employed by an eleemosynary organization or unit of state or local government as a referee for sports programs sponsored by that eleemosynary, state, or local organization or by an organization of referees sponsored by an organization recognized by the United States Olympic Committee under 36 U.S.C. § 220522.

B. Nothing in this chapter, except §§ 40.1-100.1, 40.1-100.2, *40.1-100.3,* and 40.1-103, shall be construed to apply to a child employed by his parent or a person standing in place of his parent on farms, in orchards or in gardens owned or operated by such parent or person.

§ 40.1-100.3. Employment on tobacco farm; civil penalty.

No person shall employ, permit, or suffer a child under 18 years of age to work in direct contact with tobacco plants or dried tobacco leaves unless (i) the owner of the farm or other location at which such work is conducted is the child's parent, grandparent, or legal guardian or (ii) the child's parent or legal guardian has consented in writing to such employment. Any person violating this section shall be subject to a civil monetary penalty in accordance with § 40.1-113.