

# HOUSE BILL NO. 4932

August 23, 2023, Introduced by Reps. Skaggs and Snyder and referred to the Committee on Higher Education.

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending sections 2, 3, 20, 21, and 22 (MCL 409.102, 409.103, 409.120, 409.121, and 409.122), section 2 as amended by 1996 PA 438, section 3 as amended by 1997 PA 132, and section 22 as amended by 1980 PA 436.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 2. As used in this act:
- 2           (a) "Department" means the department of labor and economic
- 3           opportunity.

1           **(b) "Director" means the director of the department or the**  
2 **director's designee.**

3           **(c) ~~(a)~~"Employ" means engage, permit, or allow to work.**

4           **(d) ~~(b)~~"Employer" means a person, firm, or corporation that**  
5 **employs a minor, and includes ~~the~~**this** state or a political**  
6 **subdivision of ~~the~~**this** state, an agency or instrumentality of ~~the~~**  
7 ****this** state, and an agent of an employer.**

8           **(e) ~~(c)~~"Issuing officer" means the chief administrator of a**  
9 **school district, intermediate school district, public school**  
10 **academy, or nonpublic school, or a person authorized by that chief**  
11 **administrator in writing to act on ~~his or her~~**the chief****  
12 **administrator's** behalf.

13           **(f) ~~(d)~~"Minor" means a person under 18 years of age.**

14           **(g) ~~(e)~~"Rule" means a rule promulgated ~~pursuant to~~**under** the**  
15 **administrative procedures act of 1969, ~~Act No. 306 of the Public~~**  
16 **~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~**  
17 **~~Compiled Laws~~**1969 PA 306, MCL 24.201 to 24.328.****

18           Sec. 3. (1) A minor ~~shall~~**must** not be employed in, about, or  
19 in connection with an occupation that is ~~hazardous~~**either of the**  
20 **following:**

21           **(a) Hazardous** or injurious to the minor's health or personal  
22 well-being. ~~or that is contrary~~

23           **(b) Contrary** to standards established under this act, unless a  
24 deviation is granted under section 20.

25           (2) The minimum age for employment of minors is 14 years,  
26 subject to the following exceptions and limitations:

27           (a) A minor at least 11 years of age and less than 14 years of  
28 age may be employed as a youth athletic program referee or umpire  
29 for an age bracket younger than ~~his or her~~**the minor's** own age if

1 an adult representing the athletic program is on the premises at  
2 which the athletic program event is occurring and a person  
3 responsible for the athletic program possesses a written  
4 acknowledgment of the minor's parent or guardian consenting to the  
5 minor's employment as a referee or umpire.

6 (b) A minor 11 years of age or older may be employed as a golf  
7 caddy.

8 (c) A minor 13 years of age or older may be employed in  
9 farming operations as described in section 4(3).

10 (d) A minor 11 years of age or older may be employed as a  
11 bridge caddy at any event sanctioned by the American contract  
12 bridge league or other national bridge league association.

13 (e) A minor 13 years of age or older may be employed to  
14 perform services ~~which~~ **that** entail setting traps for formal or  
15 informal trap, skeet, and sporting clays shooting events.

16 Sec. 20. (1) The ~~department of labor~~ **director** shall promulgate  
17 rules ~~prescribing that do both of the following:~~

18 (a) **Prescribe** standards **that are** not inconsistent with this  
19 act ~~as to~~ **regarding** the working conditions, safety, health, and  
20 personal well-being of minors in various types of employment.

21 (b) **Implement this act.**

22 (2) ~~Deviations~~ **Subject to subsection (3), the director shall**  
23 **grant deviations** from established standards or from hours by  
24 employment ~~shall be granted by the director of labor when if the~~  
25 **director determines that** it is ~~determined to be~~ in the best  
26 interests of the minor and the community. The **director shall**  
27 **prescribe** procedures for applying and issuing **the** deviations. ~~Shall~~  
28 ~~be prescribed by the department of labor.~~

29 (3) **The director shall not grant a deviation under subsection**

1 (2) if the deviation allows any of the following:

2 (a) A minor to be employed between 12 a.m. and 5 a.m.

3 (b) A minor to be employed in, about, or in connection with an  
4 occupation that is hazardous or injurious to the minor's health or  
5 personal well-being.

6 Sec. 21. (1) The ~~department of labor~~ **director** shall enforce  
7 this act and assist in the prosecution of this act. The ~~department~~  
8 ~~shall have the authority to~~ **director may** enter and inspect any  
9 place where a minor may be employed and ~~to have access to~~ work  
10 permits, age certificates, or other proof of age and time records  
11 of the employer, and other records ~~which~~ **that** may aid in the  
12 enforcement of this act.

13 (2) If a person violates this act or a rule promulgated under  
14 this act, the director may, after providing notice of and an  
15 opportunity for a hearing conducted in the same manner as a  
16 contested case under the administrative procedures act of 1969,  
17 1969 PA 306, MCL 24.201 to 24.328, impose an administrative fine of  
18 not more than \$5,000.00 for each violation. The director shall  
19 notify the attorney general if a person does not pay an  
20 administrative fine under this section. The attorney general shall  
21 bring a civil action to recover the administrative fine and costs  
22 and fees. An administrative fine collected or recovered under this  
23 subsection must be deposited in the general fund.

24 (3) In addition to any other action authorized under this act,  
25 the director may bring an action to do 1 or both of the following:

26 (a) Obtain a declaratory judgment that a method, act, or  
27 practice is in violation of this act.

28 (b) Obtain an injunction against a person who is engaging in,  
29 or about to engage in, a method, act, or practice that violates

1 **this act.**

2       Sec. 22. (1) Except as provided in subsection (2) or (3), a  
3 ~~person~~ **an employer or an agent of an employer** who employs a minor  
4 in violation of this act, violates this act or a rule promulgated  
5 under this act, or obstructs the ~~department of labor~~ **director** in  
6 the enforcement of this act is guilty of a **crime punishable as**  
7 **follows:**

8       **(a) For a first offense, a** misdemeanor punishable by  
9 imprisonment for not more than 1 year, ~~or~~ a fine of not more than  
10 ~~\$500.00,~~ **\$5,000.00**, or both.

11       ~~(2) A person who employs, permits, or suffers a minor in~~  
12 ~~violation of section 12a is guilty of a misdemeanor punishable by~~  
13 ~~imprisonment for not more than 1 year, or a fine of not more than~~  
14 ~~\$2,000.00, or both. A person who commits~~

15       **(b) For** a second offense, ~~under section 12a is guilty of a~~  
16 ~~misdemeanor,~~ **a felony** punishable by imprisonment for not more than  
17 2 years, ~~or~~ a fine of not more than ~~\$5,000.00,~~ **\$25,000.00**, or both.  
18 ~~A person who commits~~

19       **(c) For** a third or subsequent ~~violation of section 12a is~~  
20 ~~guilty of offense,~~ a felony  ~~punishable by imprisonment for not~~  
21 ~~more than 10~~ **5** years, ~~or~~ a fine of not more than ~~\$10,000.00,~~  
22 **\$50,000.00**, or both.

23       ~~(2) (3)~~ A person who employs, permits, or suffers a minor to  
24 be employed or to work in violation of section 14a is guilty of a  
25 felony  ~~punishable by imprisonment for not more than 20 years,~~ ~~or~~  
26 a fine of not more than \$20,000.00, or both.

27       **(3) If a minor who is the subject of an offense described in**  
28 **subsection (1) is killed or suffers great bodily harm while**  
29 **performing work for the minor's employer, the employer or**

1 employer's agent is guilty of a crime punishable as follows:

2 (a) For a first offense, a felony punishable by imprisonment  
3 for not more than 5 years.

4 (b) For a second offense, a felony punishable by imprisonment  
5 for not more than 10 years.

6 (c) For a third or subsequent offense, a felony punishable by  
7 imprisonment for not more than 20 years.