



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0696

Introduced 2/25/2021, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

820 ILCS 205/8	from Ch. 48, par. 31.8
820 ILCS 205/11	from Ch. 48, par. 31.11
820 ILCS 205/12	from Ch. 48, par. 31.12

Amends the Child Labor Law to provide that a person authorized to issue employment certificates to minors may determine that a minor may utilize a remote application process. Provides that a minor shall be accompanied by his or her parent, guardian, or custodian, whether applying in person or remotely. Removes certain provisions allowing the City or County Superintendent of Schools to waive the in-person application requirement if a minor resides in another state. Effective immediately.

LRB102 10728 BMS 16057 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Labor Law is amended by changing  
5 Sections 8, 11, and 12 as follows:

6 (820 ILCS 205/8) (from Ch. 48, par. 31.8)

7 Sec. 8. Authority to issue employment certificates.

8 (a) Notwithstanding the provisions of this Act, the City  
9 or County Superintendent of Schools, or their duly authorized  
10 agents, are authorized to issue an employment certificate for  
11 any minor under sixteen (16) years of age, said certificate  
12 authorizing and permitting the appearance of such minor in a  
13 play or musical comedy with a professional traveling  
14 theatrical production on the stage of a duly licensed theatre  
15 wherein not more than two performances are given in any one day  
16 and not more than eight performances are given in any one week,  
17 or nine when a holiday occurs during the week, or in a musical  
18 recital or concert: Provided, that such minor is accompanied  
19 by his parent or guardian or by a person in whose care the  
20 parent or guardian has placed the minor and whose connection  
21 with the performance or with the operation of the theatre in  
22 which the minor is to appear is limited to the care of such  
23 minor or of minors appearing therein: And provided further,

1 that such minor shall not appear on said stage or in a musical  
2 recital or concert, attend rehearsals, or be present in  
3 connection with such appearance or rehearsals, in the theatre  
4 where the play or musical comedy is produced or in the place  
5 where the concert or recital is given, for more than a total of  
6 six (6) hours in any one day, or on more than six (6) days in  
7 any one week, or for more than a total of twenty-four (24)  
8 hours in any one week, or after the hour of 11 postmeridian;  
9 and provided further, no such minor shall be excused from  
10 attending school except as authorized pursuant to Section 26-1  
11 of the School Code. Application for such certificate shall be  
12 made by the manager of the theatre, or by the person in the  
13 district responsible for the musical recital or concert, and  
14 by the parent or guardian of such minor to the City or County  
15 Superintendent of Schools or his authorized agent at least  
16 fourteen (14) days in advance of such appearance. The City or  
17 County Superintendent of Schools or his agent may issue a  
18 permit if satisfied that adequate provision has been made for  
19 the educational instruction of such minor, for safeguarding  
20 his health and for the proper moral supervision of such minor,  
21 and that proper rest and dressing room facilities are provided  
22 in the theatre for such minor.

23 (b) Notwithstanding the provisions of this Act, the City  
24 or Regional Superintendent of Schools, or their duly  
25 authorized agents, are authorized to issue an employment  
26 certificate for any minor under 16 years of age, such

1 certificate authorizing and permitting the appearance of such  
2 minor as a model or in a motion picture, radio or television  
3 production: Provided, that no such minor shall be excused from  
4 attending school except as authorized pursuant to Section 26-1  
5 of The School Code. The Department of Labor shall promulgate  
6 rules and regulations to carry out the provisions of this  
7 subsection. Such rules and regulations shall be designed to  
8 protect the health and welfare of child models or actors and to  
9 insure that the conditions under which minors are employed,  
10 used or exhibited will not impair their health, welfare,  
11 development or proper education.

12 (c) In situations where a minor from another state seeks  
13 to obtain an Illinois employment certificate, the Department  
14 shall work with a City or Regional Superintendent of Schools,  
15 or the State Superintendent of Education, or his or her duly  
16 authorized agents, to issue the certificate. ~~The~~  
17 ~~Superintendent may waive the requirement in Section 12 of this~~  
18 ~~Act that a minor submit his or her application in person, if~~  
19 ~~the minor resides in another state.~~

20 (Source: P.A. 96-1247, eff. 7-23-10.)

21 (820 ILCS 205/11) (from Ch. 48, par. 31.11)

22 Sec. 11. Employment certificate issuance; duration;  
23 revocation.

24 (a) The employment certificate shall be issued by the City  
25 or County Superintendent of Schools or by their duly

1 authorized agents and shall be valid for a period of one year.  
2 The person issuing these certificates shall have authority to  
3 administer the oaths provided for herein, but no fee shall be  
4 charged. It shall be the duty of the school board or local  
5 school authority, to designate a place or places where  
6 certificates shall be issued and recorded, and physical  
7 examinations made without fee, as hereinafter provided, and to  
8 establish and maintain the necessary records and clerical  
9 services for carrying out the provisions of this Act.

10 The issuing officer shall notify the principal of the  
11 school attended by the minor for whom an employment  
12 certificate for out of school work is issued by him.

13 The parent or legal guardian of a minor, or the principal  
14 of the school attended by the minor for whom an employment  
15 certificate has been issued may ask for the revocation of the  
16 certificate by petition to the Department of Labor in writing,  
17 stating the reasons he believes that the employment is  
18 interfering with the best physical, intellectual or moral  
19 development of the minor. The Department of Labor shall  
20 thereupon revoke the employment certificate by notice in  
21 writing to the employer of the minor.

22 (b) In situations where a minor from another state seeks  
23 to obtain an Illinois employment certificate, the Department  
24 shall work with a City or Regional Superintendent of Schools,  
25 or the State Superintendent of Education, or his or her duly  
26 authorized agents, to issue the certificate. ~~The~~

1 ~~Superintendent may waive the requirement in Section 12 of this~~  
2 ~~Act that a minor submit his or her application in person, if~~  
3 ~~the minor resides in another state.~~

4 (Source: P.A. 96-1247, eff. 7-23-10.)

5 (820 ILCS 205/12) (from Ch. 48, par. 31.12)

6 Sec. 12. The person authorized to issue employment  
7 certificates shall issue a certificate only after examining  
8 and approving the written application and other papers  
9 required under this Section. The application shall be signed  
10 by the applicant's parent or legal guardian. The application  
11 shall be submitted in person by the minor desiring employment,  
12 unless the issuing officer determines that the minor may  
13 utilize a remote application process. The minor shall be  
14 accompanied by his or her parent, guardian, or custodian,  
15 whether applying in person or remotely. The following papers  
16 shall be submitted with the application:

17 1. A statement of intention to employ signed by the  
18 prospective employer, or by someone duly authorized by him,  
19 setting forth the specific nature of the occupation in which  
20 he intends to employ such minor and the exact hours of the day  
21 and number of hours per day and days per week during which the  
22 minor shall be employed.

23 2. Evidence of age showing that the minor is of the age  
24 required by this Act, which evidence shall be documentary, and  
25 shall be required in the order designated, as follows:

1           a. a birth certificate or transcript thereof furnished  
2           by the State or County or a signed statement of the  
3           recorded date and place of birth issued by a registrar of  
4           vital records, or other officer charged with the duty of  
5           recording births, such registration having been completed  
6           within 10 years after the date of birth;

7           b. a certificate of baptism, or transcript thereof,  
8           duly certified, showing the date of birth and place of  
9           baptism of the child;

10          c. other documentary proof of age (other than a school  
11          record or an affidavit of age) such as a bona fide record  
12          of the date and place of the child's birth, kept in the  
13          Bible in which the records of births, marriages and deaths  
14          in the family of the child are preserved; a certificate of  
15          confirmation or other church ceremony at least one year  
16          old, showing the age of the child and the date and place of  
17          the confirmation or ceremony; or a certificate of arrival  
18          in the United States, issued by the United States  
19          Immigration Officer, showing the age of the child; or a  
20          life insurance policy at least one year old showing the  
21          age of the child;

22          d. If none of the proofs of age described in items a, b  
23          and c are obtainable, and only in that case, the issuing  
24          officer may accept a certificate signed by a physician,  
25          who shall be a public health officer or a public school  
26          physician, stating that he has examined the child and that

1 in his opinion the child is at least of the age required by  
2 this Act. The certificate shall show the height and weight  
3 of the child, the condition of the child's teeth, and any  
4 other facts concerning the child's physical development  
5 revealed by the examination and upon which his opinion as  
6 to the child's age is based, and shall be accompanied by a  
7 school record of age.

8 3. A statement on a form approved by the Department of  
9 Labor and signed by the principal of the school that the minor  
10 attends, or during school holidays when the principal is not  
11 available, then by the regional superintendent of schools or  
12 by a person designated by him for that purpose, showing the  
13 minor's name, address, social security number, grade last  
14 completed, and the names of his parents, provided that the  
15 statement shall be required only in the case of a minor who is  
16 employed on school days outside school hours, or on Saturdays  
17 or other school holidays during the school term.

18 4. A statement of physical fitness signed by a public  
19 health or public school physician who has examined the minor,  
20 certifying that the minor is physically fit to be employed in  
21 all legal occupations or to be employed in legal occupations  
22 under limitations specified. If the statement of physical  
23 fitness is limited, the employment certificate issued thereon  
24 shall state clearly the limitations upon its use, and shall be  
25 valid only when used under the limitations so stated.

26 In any case where the physician deems it advisable he may



1 issue a certificate of physical fitness for a specified period  
2 of time, at the expiration of which the person for whom it was  
3 issued shall appear and be re-examined before being permitted  
4 to continue work.

5 Examinations shall be made in accordance with the  
6 standards and procedures prescribed by the State Director of  
7 the Department of Labor, in consultation with the State  
8 Director of the Department of Public Health and the State  
9 Superintendent of Education, and shall be recorded on a form  
10 furnished by the Department of Labor. When made by public  
11 health or public school physicians, the examination shall be  
12 made without charge to the minor. In case a public health or  
13 public school physician is not available, a statement from a  
14 private physician who has examined the minor may be accepted,  
15 provided that the examination is made in accordance with the  
16 standards and procedures established by the Department of  
17 Labor.

18 If the issuing officer refuses to issue a certificate to a  
19 minor, the issuing officer shall send to the principal of the  
20 school last attended by the minor the name and address of the  
21 minor and the reason for the refusal to issue the certificate.

22 (Source: P.A. 87-895; 88-365.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.