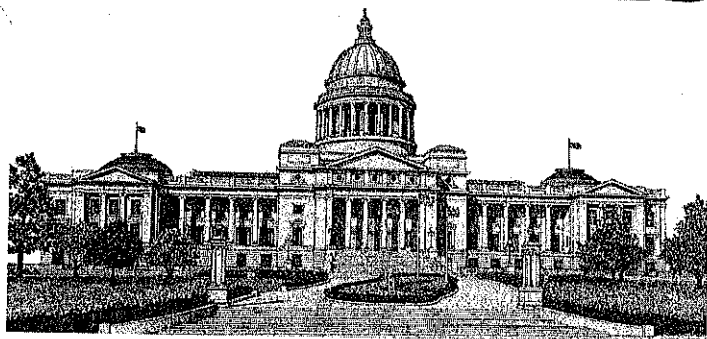


# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Labor

Department Labor Standards Division

Contact Denise P. Oxley E-mail denise.oxley@arkansas.gov Phone (501)682-4502

Statutory Authority for Promulgating Rules Ark. Code Ann. 11-12-105.

Rule Title: Child Labor Rules, The Entertainment Industry

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published .....

9/14/2018-9/16/2018

☐ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment .....

10/29/2018

☒ Other January 1, 2019

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council .....

12/18/2018

Adopted by State Agency .....

12/18/2018

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Denise P. Oxley

denise.oxley@arkansas.gov

Dec. 19, 2019

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Leon Jones

Signature

(501)682-4541

leon.jones@arkansas.gov

Phone Number

E-mail Address

Director of Labor, State of Arkansas

Title

December 19, 2019

Date



## THE ENTERTAINMENT INDUSTRY

### 010.14-311 Definitions

As used in this section:

- (1) "Child" means any minor under sixteen (16) years of age;
- (2) "Department" means the Arkansas Department of Labor;
- (3) "Director" means the Director of the Arkansas Department of Labor;
- (4) "Employ" means to use the services of an individual in any remunerative occupation;
- (5) "Employer" means any individual, company, firm, partnership, association, or corporation employing or seeking to employ a child in the entertainment industry;
- (6) "Entertainment Industry" means any individual, partnership, corporation, association, or group of persons using the services of a child in motion picture productions, television or radio productions, theatrical productions, modeling productions, horse shows, rodeos, and musical performances;
- (7) "Guardian" means an individual who legally has the care and management of the person and the estate of a child during its minority;
- (8) "Nurse" means any licensed RN or LPN;
- (9) "Special effects person" means an individual qualified by training and experience in the planning, setting up and performance of the type of special effect involved; and
- (10) "Stunt coordinator" means an individual qualified by training and experience in the planning, setting up and performance of and type of stunt involved.

### 010.14-312 Entertainment Work Permit

(a)(1) No child may be employed in the entertainment industry without an Entertainment Work Permit issued by the Director.

(2) No Entertainment Work Permit will be issued without the following:

(A) an application for an Entertainment Work Permit on a form provided by the Director;

(B) one of the following as proof of age;

- (i) birth certificate.
- (ii) record of baptism or confirmation.
- (iii) passport or certificate of arrival in the U.S.
- (iv) insurance policy at least one (1) year old.
- (v) a bona fide contemporary record of birth in the family bible.
- (vi) certified school record;

(C) the written consent of the child's parent or guardian for the issuance of the Entertainment Work Permit;

(D) a written statement from the school in which the child is enrolled as to the

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JACK HARTY  
CLERK OF STATE  
STATE OF ARKANSAS

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(D) a written statement from the school in which the child is enrolled as to the

academic standing of the child, the advisability of allowing the child to work, and the arrangements for meeting the state's compulsory attendance law, unless:

(i) the child is not enrolled in school (children ages 7 through 16 inclusive must be enrolled in school), or

(ii) the child will not be employed during a time school is in session;

(Parents of home-schooled children may provide his information upon verification that the child is enrolled in home school);

(E) a written statement from the employer as to:

(i) the length of time, including dates and hours, the child will be employed;

(ii) the child's rate of pay;

(F) a written statement from a doctor licensed to practice medicine in the State of Arkansas as to the health of any child under six (6) years of age and the advisability of allowing the child to work. If the child is not a resident of Arkansas, a written statement from a doctor licensed to practice medicine in the state of the child's residence may be submitted;

(G) proof of workers compensation coverage or insurance coverage as required by Rule 010.14-314.

(b) The Director may refuse to issue an Entertainment Work Permit or may suspend or revoke any Entertainment Work Permit for cause, which includes, but is not limited to finding that any of the following conditions exist:

(1) that the child, the child's parent or guardian, or the employer has knowingly submitted false information to the Department in application of an Entertainment Work Permit;

(2) that the child, the child's parent or guardian, or the employer has violated any provisions of Ark. Code Ann. §§ 11-12-101 *et seq.* or any rules lawfully promulgated thereunder;

(3) that the work for which an application of an Entertainment Work Permit is sought is hazardous or detrimental to the health, safety, morals, education or welfare of the child;

(4) that the child is lawfully removed from the custody of the parent or guardian who consented to the issuance of the Entertainment Work Permit.

(c) No child under the age of fifteen (15) days shall be issued an Entertainment Work Permit.

(d) An Entertainment Work Permit shall be issued for the period designated on the face of the permit, not to exceed six (6) months. Application renewal must be made in the same

manner and under the same conditions as the original permit.

(e) Prior to the issuance of the Entertainment Work Permit, the Director may require a physical examination of the child to ensure that the child's physical condition permits the minor to perform the work or activity called for by the application for an Entertainment Work Permit without danger to the child's health, safety or welfare. The Director may require a personal interview with the child, the parent or guardian, or the employer for the same purpose.

#### **010.14-313 Hours and Rest Time**

(a) No child shall be permitted at the place of employment, except in compliance with the following:

(1) Children who have reached the age of fifteen (15) days, but have not reached the age of six (6) months, may be at the place of employment for a maximum of two (2) hours between the hours of 9:00 A.M. and 4:30 P.M. The day's work shall not exceed twenty (20) minutes, and under no circumstances shall the child be exposed to bright lights for more than thirty (30) seconds at any one time. When children under six (6) weeks of age are used, a nurse must be provided for each three children or fraction thereof. When children from age six (6) weeks to age six (6) months are used, one nurse must be provided for each ten (10) children or fraction thereof.

(2) Children who have reached the age of six (6) months, but have not reached the age of two (2) years may be at the place of employment for a maximum of four (4) hours per workday, with two (2) hours for work and two (2) hours for rest and recreation.

(3) Children who have reached the age of two (2) years, but have not reached the age of six (6) years may be at the place of employment for a maximum of six (6) hours per workday, with three (3) hours for work and three (3) hours for rest and recreation.

(4) Children who have reached the age of six (6) years, but have not reached the age of nine (9) years may be at the place of employment a maximum of eight (8) hours per workday. Such eight (8) hour period shall consist of not more than four (4) hours of work, with four (4) hours for school, rest and recreation.

(5) Children who have reached the age of nine (9) years, but have not reached the age of sixteen (16) years may be at the place of employment a maximum of nine (9) hours per workday. Such nine (9) hour period shall consist of not more than five (5) hours of work, with four (4) hours for school, rest and recreation.

(6) On days when school is not in session, school age children may work an additional two (2) hours per day.

(7) On all days, school age children must have at least one (1) hour of rest and recreation.

(8) In cases involving a studio teacher, by prior arrangement with the teacher, up to two (2) hours of school may be banked (stored) to offset additional work hours on other days. There must be at least one (1) hour of school on each day the child's regular school is in session.

(b) No child shall be required to report for work before 5:00 A.M. No child shall be at the place of employment later than 10:00 P.M. The 10:00 P.M. restriction may be extended to 12:30 A.M. on nights preceding non-school days. Special requests for a child to work other hours may be granted by the Director for night exteriors shot as exteriors and live television, musical or theatrical performances or for other reasons. Each such request must be submitted in writing at least two (2) working days prior to the time needed.

(c) With the exception of children under six (6) months of age, all of the hours in which a child may be at the place of employment are exclusive of meal periods, which must be of at least one-half (1/2) hour, and no more than one (1) hour duration. In no event may a child be at the place of employment for a period longer than six (6) hours without a meal break.

(d) A child shall receive a twelve (12) hour rest break at the end of his or her workday and prior to the commencement of his or her next day of work for the same employment. Special requests for a child to receive a ten (10) hour rest break may be granted by the Director for one-time performances, provided such requests are submitted in writing at least two (2) working days prior to the time needed.

(e) The time spent by children in rehearsals and in learning or practicing any of the arts, such as singing or dancing, for or under the direction of a motion picture studio, theater, or television studio, shall be counted as work time when such learning or practicing is connected with or is in contemplation of particular pictures or shows.

(f) School age children may not be employed in violation of any state or local school attendance requirements applicable to the child.

#### **010.14-314 Insurance**

(a) An Entertainment Work Permit will not be issued unless provision is made by the employer to provide workers compensation coverage or insurance for injury or death caused by an accident when the accident hazard arises while the child is on the business of the employer or performing activities required by the employer. If insurance apart from workers compensation is provided, the schedule of benefits will be as follows:

(1) At least fifty thousand dollars (\$50,000) for accidental death, and this sum shall be reasonably and equitably prorated for dismemberment: and

(2) Blanket medical coverage for all hospital and medical expenses up to twenty-five thousand dollars (\$25,000) and this hospital and medical expense protection shall be excess insurance coverage or indemnity over and above any other collectable insurance.

#### **010.14-315 Safety and Supervision**

(a) The parent or guardian of a child must be present at all times the child is at the place of employment, and will accompany the child to wardrobe, makeup, hairdressing and dressing room facilities. The parent or guardian may designate an individual, other than an agent of the employer, to accompany the child during times the child is at the place of employment, provided the designation is made in writing, signed by the parent or guardian, and presented to the employer prior to the child's scheduled work. A copy of the written designation must be immediately mailed by the employer to the Arkansas Department of Labor.

(b) The employer must designate one individual on each set, stage, or other place of employment to coordinate all matters relating to the welfare of children, and shall notify the parent or guardian of each child of the name of such individual.

(c) A child must be provided a suitable place to rest or play. Under no circumstances will a car, van or truck constitute a suitable place to rest or play. However, this prohibition does not include recreational vehicles and mobile homes or trailers fully equipped for the comfort and safety of the child.

(d) No child shall be required to work in a situation which places the child in clear and present danger to life or limb. If a child believes he or she to be in such a dangerous situation after having discussed the matter with his or her parent or guardian and the employer or stunt coordinator, then the child shall not be required to perform in such situation, regardless of the validity or reasonableness of his or her belief.

(e) No child shall be required to work with an animal which a reasonable person would regard as dangerous in the circumstances, unless an animal trainer or handler qualified by training and experience is present.

(f) Where scripted or unscripted stunts or other potentially hazardous activity involve a child, a stunt coordinator shall be engaged and present. No child shall be required to perform a stunt without prior consultation between the child, the child's parent or guardian, and the stunt coordinator.

(g) The prior written consent of the child's parent or guardian must be obtained for the performance of any unusual physical, athletic or acrobatic activity, stunts, work involving special effects, or other potentially hazardous activity.

(h) When any unusual physical, athletic or acrobatic activity, stunts, special effects, or other potentially hazardous activity involving a child is contemplated, the employer shall have available a person qualified to administer medical assistance on an emergency basis and transportation to the nearest medical facility providing emergency services. First-aid kits shall always be available at a child's place of employment.

(i) No child shall work in close proximity to explosives or the functioning parts of unguarded and dangerous moving equipment, aircraft or vessels, or of functioning blades or propellers.

**010.14-316 Schooling**

An Entertainment Work Permit does not authorize a child to be absent from school in violation of the requirements of state law or administrative rules or policies of the State Board of Education, the Arkansas Department of Education, or the local School Board.