

LEGAL NOTICE

The Arkansas Department of Labor will hold a public hearing on **Monday, October 29, 2018 at 10:00 a.m. in Room 216 of the Arkansas Department of Labor, 10421 West Markham Street, Little Rock, Arkansas 72205**. The public hearing will be conducted for the purpose of accepting public comment on proposed amendments to the administrative rules regarding child labor. The first proposed amendment concerns the employment of children in the entertainment industry. It would expand the hours a school age child with an entertainment work permit can be at the place of employment; and it would also expand the times of day a child with an entertainment work permit can be at the place of employment. There would be two (2) changes modifying or reducing requirements for obtaining an entertainment industry work permit for a child. The second proposed amendment would amend the agency's general child labor rules, specifically by removing all references to hour restrictions or record-keeping requirements related to hour restrictions on 17-year olds; and by adding an existing statutory exemption for children 16 years old who have graduated high school, vocational school, or technical school, or who is married or is a parent. Additionally, the child labor rules would be re-numbered; some references updated; and some grammatical and stylistic changes made.

Written comment will be accepted through Monday, October 29, 2018 at 10:00 a.m. by the Arkansas Department of Labor at the above address. A copy of the proposed amendments may be obtained by calling the Labor Standards Division at (501)682-4501. A copy of proposed amendments can also be accessed on the Department of Labor's website at:

<http://www.labor.arkansas.gov/proposed-rule-making>

or the Secretary of State's website at:

http://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new

Leon Jones, Jr., Director

Arkansas Department of Labor

This notice published in the Arkansas Democrat Gazette September 14-16, 2018.

**SUMMARY OF PROPOSED AMENDMENTS TO THE
CHILD LABOR RULES, THE ENTERTAINMENT INDUSTRY
DEPARTMENT OF LABOR,
STATE OF ARKANSAS**

Arkansas Department of Labor
May 30, 2018

The proposed amendments to the Department of Labor's child labor rules would accomplish the following:

1. Expand the number of hours a school age child with an entertainment work permit can be at the place of employment;
2. Expand the times of day a child with an entertainment work permit can be at the place of employment;
3. Make two (2) changes modifying or reducing requirements for permitting.
4. Re-number the rules to conform to the Secretary of State's numbering convention, as well as the agency's overall numbering convention; and
5. Make some grammatical and stylistic changes.

~~SECTION 400~~—THE ENTERTAINMENT INDUSTRY

~~2.400~~ 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.

~~2.401~~ 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:

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(D) a written statement from ~~the principal~~ of 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, ~~together with a copy of the doctor's license~~ may be submitted;

(G) proof of workers compensation coverage or insurance coverage as required by Rule ~~2-403~~ 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 ~~Act 647 of 1987~~ Ark. Code Ann. §§ 11-12-101 et seq. or any rules and regulations 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

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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.

2.402 010.14-313 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, or older 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, with four (4) hours of work and four (4) hours for school, rest and recreation. ~~On days school is not in session, working hours may be increased to six (6) hours with the consent of the child's parent or guardian and the prior approval of the Department. Requests for approval by the Department must be signed by the employer and the parent or guardian and submitted in writing at least two (2) working days prior to the time needed. 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

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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 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 ~~7:00~~ 5:00 A.M. No child shall be ~~required to work at the place of employment later than 6:30~~ 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 after 6:30 P.M. other hours may be granted by the Director for night exteriors shot as exteriors and live television, musical or theatrical performances after 6:30 P.M. 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 ~~five and one-half (5 1/2)~~ 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.

2.403 010.14-314 Insurance

(a) An Entertainment Work Permit will not be issued unless provision is made by the

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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.

~~2.404~~ 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.

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(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.

2.405-010.14-316 Schooling

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

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:

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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

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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.

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(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.

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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

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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.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Labor

DIVISION Labor Standards Division

PERSON COMPLETING THIS STATEMENT Denise P. Oxley

TELEPHONE 502-682-4502 **FAX** 501-682-4535 **EMAIL:** denise.oxley@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE 010.14-311 through -316, Child Labor Rules, The Entertainment Industry

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

- (b) The reason for adoption of the more costly rule;

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

- (b) What is the additional cost of the state rule? The costs of adoption are the only costs to the agency.

Current Fiscal Year

General Revenue	\$200.00
Federal Funds	
Cash Funds	
Special Revenue	
Other (Identify)	
Total	\$200.00

Next Fiscal Year

General Revenue	-0-
Federal Funds	
Cash Funds	
Special Revenue	
Other (Identify)	
Total	-0-

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ -0-

Next Fiscal Year

\$ -0-

There are no increased costs to any employer subject to the rule, only costs savings. The cost savings are dependent on the need for child performers in any movie, television, or stage production.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ -0-

Next Fiscal Year

\$ -0-

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.