



January 31, 2020

SENATE BILL No. 409

DIGEST OF SB 409 (Updated January 29, 2020 3:38 pm - DI 132)

Citations Affected: IC 3-6; IC 3-11.5; IC 9-24; IC 20-23; IC 20-24; IC 20-30; IC 20-33; IC 20-37; IC 22-1; IC 22-2; IC 22-3.

Synopsis: Employment of minors. Moves provisions on employment of students from Title 20 (Education) to Title 22 (Labor and Safety). Replaces the term "child" with "minor". Provides that a minor who is at least 14 years of age and less than 16 years of age: (1) may not work before 7 a.m. or after 7 p.m.; and (2) may work until 9 p.m. from June 1 through Labor Day. (Current law provides that a child who is at least 14 years of age and less than 16 years of age may not work before 7 a.m. or after 7 p.m. on a day that precedes a school day or after 10 p.m. on a day that does not precede a school day.) Provides that a minor who is at least 16 years of age and less than 18 years of age: (1) may not work for more than nine hours in any one day, 40 hours in a school week, 48 hours in a nonschool week, and six days in any one week; (2) may not begin a work day before 6 a.m.; (3) may work in certain occupations until 10 p.m. on nights that are followed by a school day; and (4) may work until 11 p.m. on a night followed by a school day with written permission from the minor's parent. (Current law: (1) provides that a child who is at least 16 years of age and less than 17 years of age: (A) may not work for more than eight hours in any one day, 30 hours in any one week, and six days in any one week; (B) may not begin a work day before 6 a.m.; and (C) may work until 11 p.m. on a night followed by a school day with written permission from the child's parent; (2) provides that a child who is at least 17 years of age and less than 18 years of age: (A) may not work for more than eight

(Continued next page)

Effective: Upon passage; May 1, 2020.

Messmer, Doriot, Zay

January 14, 2020, read first time and referred to Committee on Pensions and Labor.
January 30, 2020, amended, reported favorably — Do Pass.

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Digest Continued

hours in any one day, 30 hours in any one week, and six days in any one week; (B) may not begin a work day before 6 a.m. on a school day; and (C) may work until 11:30 p.m. on nights that are followed by a school day and 1 a.m. on a following day with written permission from the child's parent; and (3) allows a child who is at least 16 years of age and less than 18 years of age to be employed for up to 40 hours during a school week, not exceeding nine hours in any one day, and a total of 48 hours in any one nonschool week with written permission from the child's parent.) Provides that an employer may notify the issuing officer if the minor's employment terminates. (Current law provides that an employer must notify the issuing officer.) Removes provisions: (1) requiring rest breaks for a child who is less than 18 years of age; (2) prohibiting employment of a child who is less than 18 years of age from 7:30 a.m. to 3:30 p.m. unless the child presents a written exception from the child's school; (3) prohibiting a child who is less than 18 years of age from working after 10 p.m. or before 6 a.m. in an establishment that is open to the public unless another employee at least 18 years of age works in the establishment during the same hours as the child; (4) requiring a child less 18 years of age who is not a resident of Indiana or a minor who is a resident but attends a nonpublic school that employs less than one employee to obtain an employment certificate; (5) exempting minors who act as news carriers from the requirements of obtaining an employment certificate; (6) allowing a minor who is less than 14 years of age to act as a news carrier; (7) allowing the state board of education the ability to revoke a employment certificate; and (8) providing that the state board of education adopt rules and approve forms related to employment certificates. Provides that the transfer in the bill of provisions related to employment certificates and employment of minors from Title 20 (Education) to Title 22 (Labor and Safety) expires June 30, 2021. Provides that after June 30, 2021, certain provisions that were transferred to Title 22 are transferred and relocated to a new chapter within Title 22, including provisions related to: (1) the maximum number of hours a minor may be employed or permitted to work each day of the week and the hours beginning and ending each day; (2) civil penalties; and (3) age restrictions. Renames the bureau of child labor to the "bureau of youth employment". Replaces the term "child labor" throughout the Indiana Code. Provides that a principal of a school may send notice to the bureau of youth employment and the bureau of motor vehicles to revoke the student's employment certificate and driver's license or learner's permit. (Current law provides that the principal must send notice.) Provides that the Indiana department of labor may establish recommendations for rest breaks. Requires certain employers to register with and pay a registration fee to the Indiana department of labor. Provides that the labor education and youth employment fund shall be used for the expenses of hiring and salaries of additional inspectors to enforce the new chapter and any remaining funds may be used for the purposes of education and awarding grants to provide educational programs. Requires the Indiana department of labor to prepare a report outlining a plan to develop and maintain a database displaying certain employers that employ minors by August 1, 2020, and develop the database by July 1, 2021. Makes conforming changes.

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January 31, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 409

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-6-6-39, AS AMENDED BY P.L.76-2014,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 MAY 1, 2020]: Sec. 39. (a) The county election board by unanimous
4 vote of the entire membership of the board may permit an individual
5 who is not a voter to serve as any precinct election officer (other than
6 inspector), or to assist a precinct election officer, if the individual
7 satisfies all the following:
8 (1) The individual is at least sixteen (16) years of age but not
9 eighteen (18) years of age or older.
10 (2) The individual is a citizen of the United States.
11 (3) The individual is a resident of the county.
12 (4) The individual has a cumulative grade point average
13 equivalent to not less than 3.0 on a 4.0 scale.
14 (5) The individual has the written approval of the principal of the
15 school the individual attends at the time of the appointment or, if

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1 the student is educated in the home, the approval of the individual
2 responsible for the education of the student.

3 (6) The individual has the approval of the individual's parent or
4 legal guardian.

5 (7) The individual has satisfactorily completed any training
6 required by the county election board.

7 (8) The individual otherwise is eligible to serve as a precinct
8 election officer under this chapter but is not required to be a
9 registered voter of the county.

10 (b) An individual appointed to a precinct election office or assistant
11 under this section, while serving as a precinct election officer or
12 assistant:

13 (1) is not required to obtain an employment certificate under
14 ~~IC 20-33-3~~; **IC 22-2-18 (before its expiration on June 30,**
15 **2021)**; and

16 (2) is not subject to the limitations on time and duration of
17 employment under ~~IC 20-33-3~~. **IC 22-2-18 (before its expiration**
18 **on June 30, 2021) or IC 22-2-18.1.**

19 (c) **The county election board is not required to register as an**
20 **employer under IC 22-2-18.1.**

21 SECTION 2. IC 3-11.5-4-23, AS AMENDED BY P.L.201-2017,
22 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 MAY 1, 2020]: Sec. 23. (a) Not later than noon fifty (50) days before
24 election day, each county election board shall notify the county
25 chairmen of the two (2) political parties that have appointed members
26 on the county election board of the number of:

27 (1) absentee voter boards;

28 (2) teams of absentee ballot counters; and

29 (3) teams of couriers;

30 to be appointed under section 22 of this chapter.

31 (b) The county chairmen shall make written recommendations for
32 the appointments to the county election board not later than forty-six
33 (46) days before election day. The county election board shall make the
34 appointments as recommended.

35 (c) If a county chairman fails to make any recommendations, then
36 the county election board may appoint any voters of the county who
37 comply with section 22 of this chapter.

38 (d) The county election board may permit an individual who is not
39 a voter to serve as an absentee ballot counter or courier if the
40 individual:

41 (1) satisfies the requirements under IC 3-6-6-39; and

42 (2) is approved by the unanimous vote of the entire membership



- 1 of the county election board.
- 2 (e) An individual appointed to serve as an absentee ballot counter
3 or courier under subsection (d), while serving as an absentee ballot
4 counter or courier:
- 5 (1) is not required to obtain an employment certificate under
6 ~~IC 20-33-3~~; **IC 22-2-18 (before its expiration on June 30,**
7 **2021)**; and
- 8 (2) is not subject to the limitations on time and duration of
9 employment under ~~IC 20-33-3~~. **IC 22-2-18 (before its expiration**
10 **on June 30, 2021) or IC 22-2-18.1.**
- 11 **(f) The county election board is not required to register as an**
12 **employer under IC 22-2-18.1.**
- 13 SECTION 3. IC 9-24-2-1, AS AMENDED BY P.L.125-2012,
14 SECTION 166, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE MAY 1, 2020]: Sec. 1. (a) The bureau shall suspend the
16 driving privileges or invalidate the learner's permit of an individual less
17 than eighteen (18) years of age who meets any of the following
18 conditions:
- 19 (1) Is a habitual truant under IC 20-33-2-11.
- 20 (2) Is under at least a second suspension from school for the
21 school year under IC 20-33-8-14 or IC 20-33-8-15.
- 22 (3) Is under an expulsion from school under IC 20-33-8-14,
23 IC 20-33-8-15, or IC 20-33-8-16.
- 24 (4) Is considered a dropout under IC 20-33-2-28.5.
- 25 (b) At least five (5) days before holding an exit interview under
26 IC 20-33-2-28.5, the school corporation shall give notice by certified
27 mail or personal delivery to the student, the student's parent, or the
28 student's guardian that the student's failure to attend an exit interview
29 under IC 20-33-2-28.5 or return to school if the student does not meet
30 the requirements to withdraw from school under IC 20-33-2-28.5 **will**
31 **may** result in the revocation or denial of the student's:
- 32 (1) driver's license or learner's permit; and
- 33 (2) employment certificate **issued under IC 22-2-18 (before its**
34 **expiration on June 30, 2021).**
- 35 SECTION 4. IC 20-23-18-3, AS ADDED BY P.L.213-2018(ss),
36 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 MAY 1, 2020]: Sec. 3. (a) Except as provided in subsection (c), the
38 Muncie Community school corporation is subject to all applicable
39 federal and state laws.
- 40 (b) If a provision of this chapter conflicts with any other law,
41 including IC 20-23-4, the provision in this chapter controls.
- 42 (c) Notwithstanding subsection (a), to provide all administrative and



1 academic flexibility to implement innovative strategies, the Muncie
 2 Community school corporation is subject only to the following IC 20
 3 **and IC 22** provisions:

- 4 (1) IC 20-26-5-10 (criminal history).
 5 (2) IC 20-28-5-8 (conviction of certain felonies; notice and
 6 hearing; permanent revocation of license; data base of school
 7 employees who have been reported).
 8 (3) IC 20-28-10-17 (school counselor immunity).
 9 (4) IC 20-29 (collective bargaining) to the extent required by
 10 subsection (e).
 11 (5) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 12 observances).
 13 (6) The following:
 14 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge
 15 of Allegiance).
 16 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the
 17 constitutions of Indiana and the United States; writings,
 18 documents, and records of American history or heritage).
 19 (C) IC 20-30-5-4 (system of government; American history).
 20 (D) IC 20-30-5-5 (morals instruction).
 21 (E) IC 20-30-5-6 (good citizenship instruction).
 22 (7) IC 20-32-4, concerning graduation requirements.
 23 (8) IC 20-32-5.1, concerning the Indiana's Learning Evaluation
 24 Assessment Readiness Network (ILEARN) program.
 25 (9) IC 20-32-8.5 (IRead3).
 26 (10) IC 20-33-2 (compulsory school attendance).
 27 ~~(11) IC 20-33-3 (limitations on employment of students).~~
 28 ~~(12)~~ **(11)** IC 20-33-8-16 (firearms and deadly weapons).
 29 ~~(13)~~ **(12)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
 30 (student due process and judicial review).
 31 ~~(14)~~ **(13)** IC 20-33-7 (parental access to education records).
 32 ~~(15)~~ **(14)** IC 20-33-9 (reporting of student violations of law).
 33 ~~(16)~~ **(15)** IC 20-34-3 (health and safety measures).
 34 ~~(17)~~ **(16)** IC 20-35 (concerning special education).
 35 ~~(18)~~ **(17)** IC 20-39 (accounting and financial reporting
 36 procedures).
 37 ~~(19)~~ **(18)** IC 20-40 (government funds and accounts).
 38 ~~(20)~~ **(19)** IC 20-41 (extracurricular funds and accounts).
 39 ~~(21)~~ **(20)** IC 20-42 (fiduciary funds and accounts).
 40 ~~(22)~~ **(21)** IC 20-42.5 (allocation of expenditures to student
 41 instruction and learning).
 42 ~~(23)~~ **(22)** IC 20-43 (state tuition support).



- 1 ~~(24)~~ **(23)** IC 20-44 (property tax levies).
 2 ~~(25)~~ **(24)** IC 20-46 (levies other than general fund levies).
 3 ~~(26)~~ **(25)** IC 20-47 (related entities; holding companies; lease
 4 agreements).
 5 ~~(27)~~ **(26)** IC 20-48 (borrowing and bonds).
 6 ~~(28)~~ **(27)** IC 20-49 (state management of common school funds;
 7 state advances and loans).
 8 ~~(29)~~ **(28)** IC 20-50 (concerning homeless children and foster care
 9 children).
 10 **(29) IC 22-2-18, before its expiration on June 30, 2021**
 11 **(limitation on employment of minors).**
 12 (d) The Muncie Community school corporation is subject to
 13 required audits by the state board of accounts under IC 5-11-1-9.
 14 (e) Except to the extent required under a collective bargaining
 15 agreement entered into before July 1, 2018, the Muncie Community
 16 school corporation is not subject to IC 20-29 unless the school
 17 corporation voluntarily recognizes an exclusive representative under
 18 IC 20-29-5-2. If the school corporation voluntarily recognizes an
 19 exclusive representative under IC 20-29-5-2, the school corporation
 20 may authorize a school within the corporation to opt out of bargaining
 21 allowable subjects or discussing discussion items by specifying the
 22 excluded items on the notice required under IC 20-29-5-2(b). The
 23 notice must be provided to the education employment relations board
 24 at the time the notice is posted.
 25 SECTION 5. IC 20-24-8-5, AS AMENDED BY P.L.242-2017,
 26 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 MAY 1, 2020]: Sec. 5. The following statutes and rules and guidelines
 28 adopted under the following statutes apply to a charter school:
 29 (1) IC 5-11-1-9 (required audits by the state board of accounts).
 30 (2) IC 20-39-1-1 (unified accounting system).
 31 (3) IC 20-35 (special education).
 32 (4) IC 20-26-5-10 (criminal history).
 33 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
 34 agencies).
 35 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
 36 (7) IC 20-28-10-14 (teacher freedom of association).
 37 (8) IC 20-28-10-17 (school counselor immunity).
 38 (9) For conversion charter schools only if the conversion charter
 39 school elects to collectively bargain under IC 20-24-6-3(b),
 40 IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and
 41 IC 20-28-10.
 42 (10) IC 20-33-2 (compulsory school attendance).



- 1 ~~(11)~~ IC 20-33-3 (~~limitations on employment of children~~);
 2 ~~(12)~~ **(11)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
 3 (student due process and judicial review).
 4 ~~(13)~~ **(12)** IC 20-33-8-16 (firearms and deadly weapons).
 5 ~~(14)~~ **(13)** IC 20-34-3 (health and safety measures).
 6 ~~(15)~~ **(14)** IC 20-33-9 (reporting of student violations of law).
 7 ~~(16)~~ **(15)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic
 8 commemorative observances).
 9 ~~(17)~~ **(16)** IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year
 10 ending before July 1, 2018), IC 20-32-5.1 (for a school year
 11 beginning after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as
 12 provided in IC 20-32-8.5-2(b) (academic standards, accreditation,
 13 assessment, and remediation).
 14 ~~(18)~~ **(17)** IC 20-33-7 (parental access to education records).
 15 ~~(19)~~ **(18)** IC 20-31 (accountability for school performance and
 16 improvement).
 17 ~~(20)~~ **(19)** IC 20-30-5-19 (personal financial responsibility
 18 instruction).
 19 ~~(21)~~ **(20)** IC 20-26-5-37.3, before its expiration (career and
 20 technical education reporting).
 21 **(21) IC 22-2-18, before its expiration on June 30, 2021**
 22 **(limitations on employment of minors).**

23 SECTION 6. IC 20-30-2-2.2, AS AMENDED BY P.L.192-2018,
 24 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 MAY 1, 2020]: Sec. 2.2. (a) As used in this section, "eligible student"
 26 means a student in grade 11 or 12 who has:

- 27 (1) failed the graduation exam (before July 1, 2022) or is not on
 28 track to complete a postsecondary readiness competency;
 29 (2) been determined to be chronically absent, by missing ten
 30 percent (10%) or more of a school year for any reason;
 31 (3) been determined to be a habitual truant, as identified under
 32 IC 20-33-2-11;
 33 (4) been significantly behind in credits for graduation, as
 34 identified by an individual's school principal;
 35 (5) previously undergone at least a second suspension from school
 36 for the school year under IC 20-33-8-14 or IC 20-33-8-15;
 37 (6) previously undergone an expulsion from school under
 38 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or
 39 (7) been determined by the individual's principal and the
 40 individual's parent or guardian to benefit by participating in the
 41 school flex program.
 42 (b) An eligible student who participates in a school flex program



- 1 must:
- 2 (1) attend school for at least three (3) hours of instructional time
- 3 per school day;
- 4 (2) pursue a timely graduation;
- 5 (3) provide evidence of college or technical career education
- 6 enrollment and attendance or proof of employment and labor that
- 7 is aligned with the student's career academic sequence under rules
- 8 established by the ~~Indiana~~ bureau of ~~child labor~~; **youth**
- 9 **employment**;
- 10 (4) not be suspended or expelled while participating in a school
- 11 flex program;
- 12 (5) pursue course and credit requirements for an Indiana diploma
- 13 with a general designation; and
- 14 (6) maintain a ninety-five percent (95%) attendance rate.
- 15 (c) A school may allow an eligible student in grade 11 or 12 to
- 16 complete an instructional day that consists of three (3) hours of
- 17 instructional time if the student participates in the school flex program.
- 18 SECTION 7. IC 20-33-2-28.5, AS AMENDED BY P.L.185-2006,
- 19 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 MAY 1, 2020]: Sec. 28.5. (a) This section applies to an individual:
- 21 (1) who:
- 22 (A) attends or last attended a public school;
- 23 (B) is at least sixteen (16) years of age but less than eighteen
- 24 (18) years of age; and
- 25 (C) has not completed the requirements for graduation;
- 26 (2) who:
- 27 (A) wishes to withdraw from school before graduation;
- 28 (B) fails to return at the beginning of a semester; or
- 29 (C) stops attending school during a semester; and
- 30 (3) who has no record of transfer to another school.
- 31 (b) An individual to whom this section applies may withdraw from
- 32 school only if all of the following conditions are met:
- 33 (1) An exit interview is conducted.
- 34 (2) The individual's parent consents to the withdrawal.
- 35 (3) The school principal approves of the withdrawal.
- 36 (4) The withdrawal is due to:
- 37 (A) financial hardship and the individual must be employed to
- 38 support the individual's family or a dependent;
- 39 (B) illness; or
- 40 (C) an order by a court that has jurisdiction over the child.
- 41 During the exit interview, the school principal shall provide to the
- 42 student and the student's parent a copy of statistics compiled by the



1 department concerning the likely consequences of life without a high
 2 school diploma. The school principal shall advise the student and the
 3 student's parent that the student's withdrawal from school may prevent
 4 the student from receiving or result in the revocation of the student's
 5 employment certificate and driver's license or learner's permit.

6 (c) For purposes of this section, the following must be in written
 7 form:

8 (1) An individual's request to withdraw from school.

9 (2) A parent's consent to a withdrawal.

10 (3) A principal's consent to a withdrawal.

11 (d) If the individual's principal does not consent to the individual's
 12 withdrawal under this section, the individual's parent may appeal the
 13 denial of consent to the governing body of the public school that the
 14 individual last attended.

15 (e) Each public school, including each school corporation and each
 16 charter school (as defined in IC 20-24-1-4), shall provide an annual
 17 report to the department setting forth the following information:

18 (1) The total number of individuals:

19 (A) who withdrew from school under this section; and

20 (B) who either:

21 (i) failed to return to school at the beginning of a semester;
 22 or

23 (ii) stopped attending school during a semester;

24 and for whom there is no record of transfer to another school.

25 (2) The number of individuals who withdrew from school
 26 following an exit interview.

27 (f) If an individual to which this section applies:

28 (1) has not received consent to withdraw from school under this
 29 section; and

30 (2) fails to return to school at the beginning of a semester or
 31 during the semester;

32 the principal of the school that the individual last attended ~~shall may~~
 33 deliver by certified mail or personal delivery to the bureau of ~~child~~
 34 ~~labor~~ **youth employment** a record of the individual's failure to return
 35 to school so that the bureau of ~~child labor~~ **youth employment** revokes
 36 any employment certificates issued **under IC 22-2-18 (before its**
 37 **expiration on June 30, 2021)** to the individual and does not issue any
 38 additional employment certificates to the individual. For purposes of
 39 ~~IC 20-33-3-13~~, **IC 22-2-18-21 (before its expiration on June 30,**
 40 **2021)**, the individual shall be considered a dropout.

41 (g) At the same time that a school principal delivers the record
 42 under subsection (f), the principal ~~shall may~~ deliver by certified mail



1 or personal delivery to the bureau of motor vehicles a record of the
 2 individual's failure to return to school so that the bureau of motor
 3 vehicles revokes any driver's license or learner's permit issued to the
 4 individual and does not issue any additional driver's licenses or
 5 learner's permits to the individual before the individual is at least
 6 eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual
 7 shall be considered a dropout.

8 (h) If:

9 (1) a principal has delivered the record required under subsection
 10 (f) or (g), or both; and

11 (2) the school subsequently gives consent to the individual to
 12 withdraw from school under this section;

13 the principal of the school shall send a notice of withdrawal to the
 14 bureau of ~~child labor~~ **youth employment** and the bureau of motor
 15 vehicles by certified mail or personal delivery and, for purposes of
 16 ~~IC 20-33-3-13~~ **IC 22-2-18-21 (before its expiration on June 30, 2021)**
 17 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

18 SECTION 8. IC 20-33-2-28.6, AS ADDED BY P.L.268-2013,
 19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 MAY 1, 2020]: Sec. 28.6. (a) This section applies to a high school
 21 student who is transferring to a nonaccredited nonpublic school.

22 (b) Before a student withdraws from a public school, the principal
 23 of the student's school shall provide to the student and to the student's
 24 parent information on a form developed by the department and
 25 approved by the state board that explains the legal requirements of
 26 attending a nonaccredited nonpublic school located in Indiana. The
 27 principal and a parent of the student shall both sign the form to
 28 acknowledge that the parent understands the content of the form.

29 (c) If the parent of the student refuses to sign the form provided by
 30 the principal under subsection (b), the student is considered a dropout
 31 and the principal ~~shall~~ **may** report the student to the bureau of motor
 32 vehicles for action under section 28.5(g) of this chapter. The student is
 33 considered a dropout for purposes of calculating a high school's
 34 graduation rate under IC 20-26-13-10.

35 SECTION 9. IC 20-33-3 IS REPEALED [EFFECTIVE MAY 1,
 36 2020]. (Limitations on the Employment of Students).

37 SECTION 10. IC 20-37-2-8, AS AMENDED BY P.L.234-2007,
 38 SECTION 129, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE MAY 1, 2020]: Sec. 8. (a) A student in career and
 40 technical education and employed under section 7 of this chapter:

41 (1) is entitled to the rights of recovery of a worker of at least
 42 seventeen (17) years of age under the worker's compensation and



1 occupational diseases laws (IC 22-3-2 through IC 22-3-7); and
 2 (2) may not recover any additional benefit otherwise payable as
 3 a result of being less than seventeen (17) years of age under the
 4 definition of a minor in IC 22-3-6-1.

5 The student is considered the employee of the employer while
 6 performing services for the employer under section 7 of this chapter.

7 (b) A student performing services for an employer under section 7
 8 of this chapter is considered a full-time employee in computing
 9 compensation for permanent impairment under the worker's
 10 compensation law (IC 22-3-2 through IC 22-3-6).

11 (c) Employers and students under section 7 of this chapter are
 12 exempt from ~~IC 20-33-3-35~~. **IC 22-2-18-41 (before its expiration on**
 13 **June 30, 2021) and IC 22-2-18.1-23.**

14 SECTION 11. IC 22-1-1-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE MAY 1, 2020]: Sec. 4. The following
 16 bureaus are created within the department of labor:

- 17 (1) The bureau of mines and mine safety.
- 18 (2) The bureau of ~~child labor~~ **youth employment**.

19 SECTION 12. IC 22-1-1-5, AS AMENDED BY P.L.35-2007,
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 MAY 1, 2020]: Sec. 5. (a) The bureau of mines and mining safety shall
 22 do the following:

- 23 (1) have immediate charge of the administration of the
 24 underground mine laws of this state;
- 25 (2) provide safety consultation services to any underground mine
 26 operator at the request of the operator;
- 27 (3) provide mine safety and health education information to all
 28 underground mine operators; and
- 29 (4) investigate all fatalities occurring in underground mine
 30 operations for the purpose of data collection; however, an
 31 investigation shall not interfere with investigations by the federal
 32 Mine Safety and Health Administration.

33 (b) The bureau of ~~child labor~~ **youth employment** shall have
 34 immediate charge of the supervision of children who are gainfully
 35 employed, including employment certificate violations under
 36 ~~IC 20-33-3-38.5, IC 20-33-3-39, and IC 20-33-3-40~~. **IC 22-2-18-44**
 37 **(before its expiration on June 30, 2021), IC 22-2-18-45 (before its**
 38 **expiration on June 30, 2021), and IC 22-2-18-46 (before its**
 39 **expiration on June 30, 2021) or violations under IC 22-2-18.1-30.**
 40 A child employee under the jurisdiction of the bureau of ~~child labor~~
 41 **youth employment** may file a complaint with the bureau of ~~child labor~~
 42 **youth employment** if the employer of the child employee requires



1 noncompliance by the child employee with the provisions of
 2 ~~IC 20-33-3-38.5~~; **IC 22-2-18-44 (before its expiration).**
 3 SECTION 13. IC 22-1-1-23 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: **Sec. 23. (a) Before August 1, 2020, the**
 6 **department shall prepare a report outlining a plan to develop and**
 7 **maintain, before July 1, 2021, a data base that is accessible by the**
 8 **public that displays an employer that has registered as an**
 9 **employer who employs minors to the interim study committee on**
 10 **employment and labor (established by IC 2-5-1.3-4). The report**
 11 **must be in an electronic format under IC 5-14-6.**
 12 **(b) Before July 1, 2021, the department shall develop a data**
 13 **base that is accessible by the public that displays an employer that**
 14 **has registered as an employer who employs minors.**
 15 **(c) This section expires July 1, 2022.**
 16 SECTION 14. IC 22-2-18 IS ADDED TO THE INDIANA CODE
 17 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
 18 MAY 1, 2020]:
 19 **Chapter 18. Limitations on the Employment of Minors**
 20 **Sec. 1. This chapter does not apply to:**
 21 **(1) a parent who employs the parent's own child;**
 22 **(2) a person standing in place of a parent who employs a child**
 23 **in the person's custody; or**
 24 **(3) a legal entity whose ownership is limited to the parents of**
 25 **the employed child or persons standing in place of the parent**
 26 **of the employed child;**
 27 **except in the instances of underage employment (as set forth in**
 28 **section 36 of this chapter) and employment in hazardous**
 29 **occupations designated by federal law (as set forth in section 41 of**
 30 **this chapter).**
 31 **Sec. 2. As used in this chapter, "department" refers to the**
 32 **department of labor created by IC 22-1-1-1.**
 33 **Sec. 3. As used in this chapter, "high school" has the meaning**
 34 **set forth in IC 20-18-2-7.**
 35 **Sec. 4. As used in this chapter, "nonpublic school" has the**
 36 **meaning set forth in IC 20-18-2-12.**
 37 **Sec. 5. As used in this chapter, "nonschool week" refers to a**
 38 **week that contains two (2) or fewer school days.**
 39 **Sec. 6. As used in this chapter, "parent" has the meaning set**
 40 **forth in IC 20-18-2-13.**
 41 **Sec. 7. As used in this chapter, "principal" has the meaning set**
 42 **forth in IC 20-18-2-14.**



1 **Sec. 8.** As used in this chapter, "public school" has the meaning
2 set forth in IC 20-18-2-15.

3 **Sec. 9.** As used in this chapter, "school corporation" has the
4 meaning set forth in IC 20-18-2-16.

5 **Sec. 10.** As used in this chapter, "school day" refers to a day
6 that contains more than four (4) hours of classroom instruction.

7 **Sec. 11.** As used in this chapter, "school week" refers to a week
8 that contains at least three (3) school days.

9 **Sec. 12.** As used in this chapter, "school year" has the meaning
10 set forth in IC 20-18-2-17.

11 **Sec. 13.** It is unlawful for a person, firm, limited liability
12 company, or corporation to hire, employ, or permit a minor who
13 is:

14 (1) at least fourteen (14) years of age; and

15 (2) less than eighteen (18) years of age;

16 to work in a gainful occupation until the person, firm, limited
17 liability company, or corporation has secured and placed on file in
18 its office an employment certificate issued by the proper issuing
19 officer under this chapter.

20 **Sec. 14. (a)** An employment certificate is not required for a
21 minor who is at least fourteen (14) years of age but less than
22 eighteen (18) years of age to:

23 (1) perform:

24 (A) farm labor; or

25 (B) domestic service; or

26 (2) act as a caddie for a person playing the game of golf.

27 **(b)** An employment certificate is not required for a minor who
28 is:

29 (1) at least twelve (12) years of age but less than eighteen (18)
30 years of age; and

31 (2) employed or works as a youth athletic program referee,
32 umpire, or official under section 37 of this chapter.

33 **(c)** An exemption under subsection (a) or (b) applies only when
34 a minor is engaged in an occupation listed in this section during the
35 hours when the minor is not required to be in school.

36 **(d)** An employment certificate is not required for a minor less
37 than eighteen (18) years of age who:

38 (1) works as an actor or performer if the provisions of section
39 38 of this chapter are met; or

40 (2) has graduated from high school.

41 **(e)** An employment certificate is not required for a minor less
42 than eighteen (18) years of age, who would otherwise be required



1 to obtain an employment certificate under this chapter if the minor
2 is:

- 3 (1) not a resident of Indiana; or
4 (2) is a resident of Indiana but attends a nonpublic school that
5 employs less than one (1) employee.

6 **Sec. 15. (a) This chapter applies to a minor less than eighteen**
7 **(18) years of age who is employed or is seeking employment in**
8 **Indiana.**

9 (b) A minor less than eighteen (18) years of age who requires an
10 employment certificate shall obtain the employment certificate
11 from the issuing officer of the:

- 12 (1) accredited school (as described in IC 20-19-2-8(a)(4)) that
13 the minor attends; or
14 (2) school corporation in which the minor resides.

15 (c) The judge of a court with juvenile jurisdiction may suspend
16 the application of this chapter in cases involving juvenile
17 delinquents or incorrigibles whenever, in the opinion of the judge,
18 the welfare of a minor warrants this action.

19 **Sec. 16. (a) The issuing officer in each accredited school (as**
20 **described in IC 20-19-2-8(a)(4)) shall be an individual who is:**

- 21 (1) a guidance counselor;
22 (2) a school social worker; or
23 (3) an attendance officer for the school corporation and a
24 teacher licensed by the division of professional standards of
25 the department of education under IC 20-28-4 or IC 20-28-5;

26 and designated in writing by the principal.

27 (b) During the times in which the individual described in
28 subsection (a) is not employed by the school or when school is not
29 in session, there shall be an issuing officer available:

- 30 (1) who is a teacher licensed by the division of professional
31 standards of the department of education under IC 20-28-4 or
32 IC 20-28-5; and
33 (2) whose identity and hours of work shall be determined by
34 the principal.

35 **Sec. 17. When an employer wants to employ an individual who**
36 **represents the individual's age to be at least eighteen (18) years of**
37 **age but less than twenty-one (21) years of age, the employer may**
38 **request the issuing officer to issue an employment certificate for**
39 **the prospective employee. It is the duty of the issuing officer to**
40 **issue an employment certificate when an employer makes a request**
41 **under this section.**

42 **Sec. 18. (a) Except as provided in subsection (b), an issuing**



1 officer may issue an employment certificate only to a minor whose
 2 employment is necessary and only after receipt of the following two
 3 (2) documents:

- 4 (1) Proof of age as set forth under section 19 of this chapter.
 5 (2) Proof of prospective employment as set forth under section
 6 20 of this chapter.

7 (b) This subsection applies to a student who attends a
 8 nonaccredited nonpublic school. An issuing officer shall issue an
 9 employment certificate only after receipt of the following two (2)
 10 documents:

- 11 (1) Proof of age as set forth under section 19 of this chapter.
 12 (2) Proof of prospective employment as set forth under section
 13 20 of this chapter.

14 Sec. 19. (a) As proof of age, the issuing officer shall require one
 15 (1) of the following documents:

16 (1) A birth certificate or duly attested transcript of a birth
 17 certificate issued by the registrar of vital statistics or any
 18 other officer charged with the duty of recording births. The
 19 registrar may not charge a fee for a certificate or transcript
 20 as provided by IC 16-37-1-9(c)(2). School records of age that
 21 have been verified by a birth certificate may be substituted by
 22 the issuing officer for a birth certificate.

23 (2) A baptismal certificate or a certified transcript of the
 24 record of baptism showing the minor's date of birth and place
 25 of baptism.

26 (3) Other documentation, including:

27 (A) a bona fide contemporary record of the minor's birth,
 28 comprising a part of the family record of births in the
 29 Bible;

30 (B) other documentary evidence satisfactory to the
 31 department, including a certificate of arrival in the United
 32 States issued by United States immigration officers and
 33 showing the minor's age; or

34 (C) a life insurance policy.

35 Documentary evidence under this subdivision must have been
 36 in existence for at least one (1) year.

37 (4) A sworn statement by a public health physician, a public
 38 school physician, or the superintendent that states, in the
 39 opinion of the signatory, the minor's physical age. This
 40 statement shall show the minor's height and weight and other
 41 facts upon which the signatory's opinion is based. The
 42 physician's or superintendent's statement shall be



1 accompanied by a statement of the minor's age signed by the
2 minor's parent and by available school records.

3 (b) The documents that may constitute proof of age under this
4 section are listed in preferential order. The issuing officer shall
5 require the document of age under subsection (a)(1) in preference
6 to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid
7 delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may
8 be accepted if the issuing officer files a written statement that
9 verification of date of birth has been requested from the
10 appropriate governmental agency but has not been received.

11 Sec. 20. (a) As proof of prospective employment, the issuing
12 officer shall require a written statement that:

- 13 (1) is signed by the person for whom the minor is to work;
- 14 (2) sets forth the nature of work that the minor is to perform;
- 15 and
- 16 (3) specifies the maximum number of hours per week that the
17 minor will work for the employer.

18 (b) When a minor's employment terminates, the employer may
19 notify the issuing officer in writing of the:

- 20 (1) termination; and
- 21 (2) date on which it occurred.

22 This notice shall be on a blank form attached to the minor's
23 employment certificate.

24 (c) An employment certificate may be used at not more than two
25 (2) locations within the same enterprise if the enterprise complies
26 with the hour restrictions prescribed in sections 31 through 34 of
27 this chapter.

28 Sec. 21. (a) Upon presentation to the issuing officer of the
29 documents required by section 18 of this chapter, an employment
30 certificate shall be issued immediately to the minor. The
31 employment certificate shall state the maximum number of hours
32 that the minor may be employed by the employer. However, an
33 issuing officer may deny an employment certificate to a minor:

- 34 (1) whose attendance is not in good standing; or
- 35 (2) whose academic performance does not meet the school
36 corporation's standard.

37 (b) Not more than five (5) days after issuing an employment
38 certificate, the issuing officer shall send a copy of the employment
39 certificate to the department. The issuing officer shall keep a
40 record in the issuing officer's office of each employment certificate
41 issued. The issuing officer shall keep for each student who has been
42 issued more than one (1) employment certificate a record of the



1 maximum number of hours that the student may work each week
2 for all employers.

3 (c) A student may appeal the denial of an employment
4 certificate under subsection (a) to the principal.

5 Sec. 22. (a) A minor may hold more than one (1) employment
6 certificate at a time. However, a minor who holds more than one
7 (1) employment certificate at a time is subject to the penalties set
8 forth in section 44 of this chapter for any of the following:

9 (1) Hour violations under sections 31 through 34 of this
10 chapter.

11 (2) A violation of section 32(4) of this chapter.

12 (b) An employer of a minor who holds more than one (1)
13 employment certificate under subsection (a) is subject to the
14 penalties set forth in sections 45 and 46 of this chapter for:

15 (1) hour violations under sections 31 through 34 of this
16 chapter; or

17 (2) a violation of section 32(4) of this chapter;
18 for the employment of the minor with the employer only.

19 Sec. 23. (a) The department may revoke an employment
20 certificate at any time, if, in the judgment of the department, the
21 certificate was improperly issued or if the department has
22 knowledge that the minor is or was illegally employed.

23 (b) To determine when a minor is illegally employed, the
24 department and agents of the department may:

25 (1) investigate the age of a minor who is employed;

26 (2) subpoena witnesses;

27 (3) hear evidence; and

28 (4) require the production of relevant books or documents.

29 (c) If the department revokes an employment certificate under
30 this section, the issuing officer and the minor's employer shall be
31 notified in writing. This notice may be delivered in person or by
32 registered mail. Immediately after receiving notice of revocation,
33 the employer shall return the employment certificate to the issuing
34 officer.

35 (d) A minor whose employment certificate has been revoked
36 may not be employed or allowed to work until the minor legally
37 has obtained a new employment certificate.

38 Sec. 24. (a) Each employment certificate issued for a minor must
39 state the:

40 (1) full name and the date and place of birth of the minor;

41 (2) name and address of the minor's parents;

42 (3) name and address of the employer; and



- 1 (4) nature of the work that the minor is to perform.
- 2 (b) The employment certificate must certify that the minor has:
- 3 (1) appeared before the issuing officer; and
- 4 (2) submitted the proof of age and prospective employment as
- 5 required under this chapter.
- 6 (c) The issuing officer may require the presence of the minor's
- 7 parents before issuing the employment certificate.
- 8 Sec. 25. All forms necessary to carry out this chapter shall be
- 9 prepared by the department and supplied to issuing officers by
- 10 means of electronic or printed publication.
- 11 Sec. 26. (a) An officer charged with enforcement of this chapter
- 12 may investigate the age of a minor:
- 13 (1) who is employed or allowed to work in an occupation; and
- 14 (2) for whom an employment certificate is not on file.
- 15 (b) If the officer finds that the age of the minor is below the age
- 16 authorized for an employee without an employment certificate, the:
- 17 (1) employment; or
- 18 (2) fact that the minor is allowed to work;
- 19 is prima facie evidence of unlawful employment.
- 20 Sec. 27. (a) Except as provided in subsection (c), whenever the
- 21 department requires, a minor who is:
- 22 (1) at least fourteen (14) years of age and less than eighteen
- 23 (18) years of age; and
- 24 (2) at work in an occupation for which an employment
- 25 certificate is required under sections 13 and 14 of this
- 26 chapter;
- 27 shall submit to a physical examination. The physical examination
- 28 shall be conducted by a medical inspector of the department or by
- 29 a physician designated by the department. A female employee is
- 30 entitled to have the physical examination made by a female. An
- 31 employer shall not require or attempt to require a female employee
- 32 to submit to a physical examination by a male.
- 33 (b) The result of a physical examination conducted under this
- 34 section shall be recorded on a printed form furnished by and kept
- 35 on file at the department.
- 36 (c) The department may not require a minor to undergo a
- 37 physical examination under this chapter when the minor's parent
- 38 objects on religious grounds. A religious objection:
- 39 (1) consists of a good faith reliance on spiritual means or
- 40 prayer for healing; and
- 41 (2) is not effective unless the objection is:
- 42 (A) made in writing;



1 (B) signed by the minor's parent; and

2 (C) delivered to the department.

3 **Sec. 28. (a) If:**

4 (1) a minor fails to submit to a physical examination as
5 required under section 27 of this chapter; or

6 (2) on examination, the medical inspector finds the minor to
7 be physically unfit to be employed in the work in which the
8 minor is engaged and files a report to that effect;

9 the department shall revoke the minor's employment certificate. A
10 report of physical incapacity shall be kept at the office of the
11 department.

12 (b) Written notice of a revocation under this section shall be
13 served on the issuing officer and the minor's employer in person or
14 by registered mail. Immediately after receiving notice of a
15 revocation, the employer shall deliver the revoked employment
16 certificate to the department. A minor whose employment
17 certificate has been revoked under this section may obtain a new
18 certificate if the minor is found, after physical examination, to be
19 physically fit for the new occupation in which the minor proposes
20 to engage.

21 **Sec. 29. (a) An employment certificate may be revoked by the**
22 **issuing officer if the issuing officer determines that there has been**
23 **a significant decrease in any of the following since the issuance of**
24 **the permit:**

25 (1) The student's grade point average.

26 (2) The student's attendance at school.

27 (b) A student whose employment certificate is revoked under
28 subsection (a) is entitled to a periodic review of the student's grade
29 record or attendance record, or both, to determine whether the
30 revocation should continue. A periodic review may not be
31 conducted less than one (1) time each school year.

32 (c) If upon review the issuing officer determines that the
33 student's grade point average or attendance, or both, have
34 improved substantially, the issuing officer may reissue an
35 employment certificate to the student.

36 (d) A student may appeal the revocation of an employment
37 certificate under subsection (a) or the refusal to reissue an
38 employment certificate under subsection (c) to the school principal.

39 (e) An issuing officer who revokes an employment certificate
40 shall immediately send written notice of the revocation to the
41 student's employer.

42 **Sec. 30. Sections 31 through 35 of this chapter apply only to the**



- 1 following:
- 2 (1) Employment for which a minor who is at least fourteen
- 3 (14) years of age and less than eighteen (18) years of age must
- 4 obtain an employment certificate under this chapter.
- 5 (2) Employment for which a minor who is at least fourteen
- 6 (14) years of age and less than eighteen (18) years of age is not
- 7 required to obtain an employment certificate under this
- 8 chapter because of the application of section 14(e) of this
- 9 chapter.
- 10 Sec. 31. The following apply only to a minor who is at least
- 11 fourteen (14) years of age and less than sixteen (16) years of age:
- 12 (1) The minor may not work before 7 a.m. or after 7 p.m.
- 13 However, the minor may work until 9 p.m. from June 1
- 14 through Labor Day.
- 15 (2) The minor may not work:
- 16 (A) more than three (3) hours on a school day;
- 17 (B) more than eighteen (18) hours in a school week;
- 18 (C) more than eight (8) hours on a nonschool day; or
- 19 (D) more than forty (40) hours in a nonschool week.
- 20 Sec. 32. A minor who is at least sixteen (16) years of age and less
- 21 than eighteen (18) years of age may not:
- 22 (1) work for more than nine (9) hours in any one (1) day;
- 23 (2) work for more than forty (40) hours in a school week;
- 24 (3) work for more than forty-eight (48) hours in a nonschool
- 25 week;
- 26 (4) work for more than six (6) days in any one (1) week; or
- 27 (5) begin a work day before 6 a.m.
- 28 Sec. 33. A minor who is at least sixteen (16) years of age and less
- 29 than eighteen (18) years of age may work until 10 p.m. on nights
- 30 that are followed by a school day in any occupation except those
- 31 that the commissioner of labor determines to be:
- 32 (1) dangerous to life or limb; or
- 33 (2) injurious to health or morals.
- 34 Sec. 34. A minor who is at least sixteen (16) years of age and less
- 35 than eighteen (18) years of age may work until 11 p.m. on a night
- 36 followed by a school day if the employer has obtained written
- 37 permission from the minor's parent and placed the written
- 38 permission on file in the employer's office.
- 39 Sec. 35. A minor who is at least sixteen (16) years of age and less
- 40 than eighteen (18) years of age may be employed at the same daily
- 41 and weekly hours and at the same times of day as adults if the
- 42 minor is a member of any of the following categories:



- 1 (1) The minor is a high school graduate.
- 2 (2) The minor has completed an approved career and
- 3 technical education program or special education program.
- 4 (3) The minor is not enrolled in a regular school term.
- 5 Sec. 36. This section does not apply to a minor who is employed
- 6 or works as a youth athletic program referee, umpire, or official
- 7 under section 37 of this chapter. A minor less than:
- 8 (1) fourteen (14) years of age may not be employed or allowed
- 9 to work in any gainful occupation except as a farm laborer,
- 10 domestic service worker, or caddie for persons playing the
- 11 game of golf; and
- 12 (2) twelve (12) years of age may not be permitted to work at
- 13 farm labor except on a farm operated by the minor's parent.
- 14 Sec. 37. (a) If the conditions of subsections (b) and (c) are
- 15 satisfied, a minor who is less than eighteen (18) years of age is
- 16 exempt from the requirements of this chapter whenever the minor
- 17 is employed or works as a youth athletic program referee, umpire,
- 18 or official.
- 19 (b) A minor must satisfy all of the following:
- 20 (1) The minor is at least twelve (12) years of age.
- 21 (2) The minor is certified as a referee, umpire, or official by
- 22 a national certification program.
- 23 (3) The minor is a referee, umpire, or official for an age
- 24 bracket younger than the minor's own age.
- 25 (c) In addition to the requirements of subsection (b), one (1) of
- 26 the following must be satisfied:
- 27 (1) The minor:
- 28 (A) works with a person who is:
- 29 (i) at least eighteen (18) years of age; and
- 30 (ii) also working as a referee, umpire, or official at the
- 31 same athletic event at which the minor is working as a
- 32 referee, umpire, or official; and
- 33 (B) has on file with the person responsible for assigning the
- 34 minor to officiate for the youth athletic program the
- 35 original or a copy of a written consent to the minor's
- 36 employment as a referee, umpire, or official signed by the
- 37 minor's parent or guardian.
- 38 (2) A minor's parent or guardian is present during the athletic
- 39 event at which the minor is working as a referee, umpire, or
- 40 official.
- 41 Sec. 38. This chapter may not prevent a minor of any age from
- 42 singing, playing, or performing in a studio, circus, theatrical, or



1 musical exhibition, concert, or festival, in radio and television
 2 broadcasts, or as a live or photographic model. Employment
 3 certificates are not required for employment or appearances set
 4 forth in this section, but a minor less than eighteen (18) years of
 5 age may not be employed except under the following conditions:

6 (1) The activities described in this section must not:

7 (A) be detrimental to the life, health, safety, or welfare of
 8 the minor; or

9 (B) interfere with the schooling of the minor.

10 Provision shall be made for education equivalent to full-time
 11 school attendance in the public schools for minors less than
 12 sixteen (16) years of age.

13 (2) A parent shall accompany a minor less than sixteen (16)
 14 years of age at all rehearsals, appearances, and performances.

15 (3) The employment or appearance may not be in a cabaret,
 16 dance hall, night club, tavern, or other similar place.

17 Sec. 39. The employment of minors by the:

18 (1) Indiana School for the Deaf; and

19 (2) Indiana School for the Blind and Visually Impaired;

20 is subject to the general restrictions imposed on the employment of
 21 minors under this chapter.

22 Sec. 40. Every person, firm, corporation, or company that
 23 employs a minor at least fourteen (14) years of age and less than
 24 eighteen (18) years of age in an occupation for which the minor
 25 must obtain an employment certificate shall post and keep posted
 26 a printed notice in a conspicuous place or in places where notices
 27 to employees are customarily posted. This notice must state:

28 (1) the maximum number of hours a minor may be employed
 29 or permitted to work each day of the week; and

30 (2) the hours of beginning and ending each day.

31 The forms for this notice shall be furnished by the department.

32 Sec. 41. The department shall prohibit a minor who is less than
 33 eighteen (18) years of age from working in an occupation
 34 designated as hazardous by the child labor provisions of the federal
 35 Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et
 36 seq.), except when the minor is working for the minor's parent or
 37 a person standing in the place of the minor's parent on a farm
 38 owned or operated by the parent or person.

39 Sec. 42. This chapter does not prevent a student from working
 40 on a properly guarded machine in the training department of a
 41 school when an instructor provides personal supervision.

42 Sec. 43. (a) The department and its authorized inspectors and



- 1 agents:
- 2 (1) shall enforce this chapter and ensure that all violators are
- 3 prosecuted; and
- 4 (2) may visit and inspect, at all reasonable hours and when as
- 5 practicable and necessary, all establishments affected by this
- 6 chapter.
- 7 (b) It is unlawful for any person to interfere with, obstruct, or
- 8 hinder any inspector or agent of the department while the
- 9 inspector or agent performs official duties or to refuse to properly
- 10 answer questions asked by an inspector or agent of the department.
- 11 (c) When requested in writing by the department, the attorney
- 12 general shall assist the prosecuting attorney in the prosecution of
- 13 persons charged with a violation of this chapter.
- 14 Sec. 44. (a) For an hour violation under sections 31 through 34
- 15 of this chapter or a violation of section 32(4) of this chapter
- 16 committed by a minor, the civil penalties are as follows:
- 17 (1) A warning letter for a first violation.
- 18 (2) Revocation of the employment certificate or certificates
- 19 held by the minor for thirty (30) calendar days.
- 20 (b) The department shall assess the civil penalties set forth in
- 21 subsection (a).
- 22 (c) If the department revokes an employment certificate under
- 23 this section, the issuing officer and the minor's employer shall be
- 24 notified in writing. The notice may be delivered in person or by
- 25 registered mail. Immediately after receiving notice of revocation,
- 26 the employer shall return the employment certificate to the issuing
- 27 officer.
- 28 (d) A minor whose employment certificate or certificates have
- 29 been revoked may not be employed or allowed to work until the
- 30 minor legally has obtained a new employment certificate.
- 31 Sec. 45. An individual who is an employer, a firm, a limited
- 32 liability company, or a corporation that violates this chapter may
- 33 be assessed the civil penalties described in this section by the
- 34 department. For an employment certificate violation under section
- 35 13 or 23 of this chapter, an hour violation of not more than thirty
- 36 (30) minutes under sections 31 through 34 of this chapter, a
- 37 violation of section 32(4) of this chapter, or a posting violation
- 38 under section 40 of this chapter the civil penalties are as follows:
- 39 (1) A warning letter for any violations identified during an
- 40 initial inspection.
- 41 (2) Fifty dollars (\$50) per instance for a second violation
- 42 identified in a subsequent inspection.



1 (3) Seventy-five dollars (\$75) per instance for a third violation
2 that is identified in a subsequent inspection.

3 (4) One hundred dollars (\$100) per instance for a fourth or
4 subsequent violation that is identified in an inspection
5 subsequent to the inspection under subdivision (3) and occurs
6 not more than two (2) years after a prior violation.

7 Sec. 46. An individual who is an employer, a firm, a limited
8 liability company, or a corporation that violates this chapter may
9 be assessed the civil penalties described in this section by the
10 department. For an hour violation of more than thirty (30) minutes
11 under sections 31 through 34 of this chapter, an age violation
12 under section 36 or 38 of this chapter, or a hazardous occupation
13 violation under section 41 of this chapter the civil penalties are as
14 follows:

15 (1) A warning letter for any violations identified during an
16 initial inspection.

17 (2) One hundred dollars (\$100) per instance for each violation
18 identified in a subsequent inspection.

19 (3) Two hundred dollars (\$200) per instance for a third
20 violation that is identified in a subsequent inspection.

21 (4) Four hundred dollars (\$400) per instance for a fourth or
22 subsequent violation that is identified in an inspection
23 subsequent to the inspection under subdivision (3) and occurs
24 not more than two (2) years after a prior violation.

25 Sec. 47. (a) A civil penalty assessed under section 45 or 46 of this
26 chapter:

27 (1) is subject to IC 4-21.5-3-6; and

28 (2) becomes effective without a proceeding under IC 4-21.5-3
29 unless a person requests an administrative review not later
30 than thirty (30) days after notice of the assessment is given.

31 (b) For purposes of determining:

32 (1) whether a second violation has occurred when assessing a
33 civil penalty under subsection (a), a first violation expires one

34 (1) year after the date of issuance of a warning letter by the
35 department under section 45 or 46 of this chapter; and

36 (2) recurring violations of this section, each location of an
37 employer shall be considered separate and distinct from
38 another location of the same employer.

39 Sec. 48. (a) There is established an employment of youth fund to
40 educate affected parties on the purposes and contents of this
41 chapter and the responsibilities of all parties under this chapter.

42 (b) One-half (1/2) of the employment of youth fund each year



1 shall be used for the purpose of the education provision of this
 2 subsection, and may be used to award grants to provide
 3 educational programs. The remaining one-half (1/2) of the
 4 employment of youth fund shall be used each year for the expenses
 5 of hiring and salaries of additional inspectors to enforce this
 6 chapter under section 45 of this chapter.

7 (c) The employment of youth fund shall be administered by the
 8 department. The expenses of administering the employment of
 9 youth fund shall be paid from money in the fund. The treasurer of
 10 state shall invest the money in the employment of youth fund not
 11 currently needed to meet the obligations of the fund in the same
 12 manner as other public funds may be invested. Interest that
 13 accrues from these investments shall be deposited in the
 14 employment of youth fund. Money in the employment of youth
 15 fund at the end of a state fiscal year does not revert to the state
 16 general fund.

17 (d) Revenue received from civil penalties under this section shall
 18 be deposited in the employment of youth fund.

19 (e) All inspectors hired to enforce this chapter shall also be
 20 available to educate affected parties on the purposes and contents
 21 of this chapter and the responsibilities of all parties under this
 22 chapter.

23 **Sec. 49. (a) An employment certificate shall be issued:**

24 (1) in a form approved by; and

25 (2) under rules adopted under IC 4-22-2 by;

26 the department.

27 (b) The style of the form and the rules adopted under this
 28 section must:

29 (1) be consistent with this chapter; and

30 (2) promote uniformity and efficiency in the administration of
 31 this chapter.

32 **Sec. 50. On May 1, 2020, the auditor of state shall transfer the**
 33 **balance that remains on April 30, 2020, in the employment of youth**
 34 **fund established by IC 20-33-4-42 (before its repeal) to the**
 35 **employment of youth fund established by section 48 of this chapter.**

36 **Sec. 51. This chapter expires June 30, 2021.**

37 SECTION 15. IC 22-2-18.1 IS ADDED TO THE INDIANA CODE
 38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 39 MAY 1, 2020]:

40 **Chapter 18.1. Employment of Minors**

41 **Sec. 1. This chapter is effective July 1, 2021.**

42 **Sec. 2. This chapter does not apply to:**



- 1 (1) a parent who employs the parent's own child;
 2 (2) a person standing in place of a parent who employs a child
 3 in the person's custody; or
 4 (3) a legal entity whose ownership is limited to the parents of
 5 the employed child or persons standing in place of the parent
 6 of the employed child;

7 except in the instances of underage employment (as set forth in
 8 section 12 of this chapter) and employment in hazardous
 9 occupations designated by federal law (as set forth in section 23 of
 10 this chapter).

11 Sec. 3. This chapter applies to a minor less than eighteen (18)
 12 years of age who is employed or is seeking employment in Indiana.

13 Sec. 4. As used in this chapter, "department" refers to the
 14 department of labor created by IC 22-1-1-1.

15 Sec. 5. As used in this chapter, "employer" means a person,
 16 firm, limited liability company, or corporation that hires, employs,
 17 or permits a minor to work in a gainful occupation.

18 Sec. 6. As used in this chapter, "high school" has the meaning
 19 set forth in IC 20-18-2-7.

20 Sec. 7. As used in this chapter, "nonschool week" refers to a
 21 week that contains two (2) or fewer school days.

22 Sec. 8. As used in this chapter, "parent" has the meaning set
 23 forth in IC 20-18-2-13.

24 Sec. 9. As used in this chapter, "public school" has the meaning
 25 set forth in IC 20-18-2-15.

26 Sec. 10. As used in this chapter, "school day" refers to a day
 27 that contains more than four (4) hours of classroom instruction.

28 Sec. 11. As used in this chapter, "school week" refers to a week
 29 that contains at least three (3) school days.

30 Sec. 12. This section does not apply to a minor who is employed
 31 or works as a youth athletic program referee, umpire, or official
 32 under section 13 of this chapter. A minor less than:

- 33 (1) fourteen (14) years of age may not be employed or allowed
 34 to work in any gainful occupation except as a farm laborer,
 35 domestic service worker, or caddie for persons playing the
 36 game of golf; and

- 37 (2) twelve (12) years of age may not be permitted to work at
 38 farm labor except on a farm operated by the minor's parent.

39 Sec. 13. (a) If the conditions of subsections (b) and (c) are
 40 satisfied, a minor who is less than eighteen (18) years of age is
 41 exempt from the requirements of this chapter whenever the minor
 42 is employed or works as a youth athletic program referee, umpire,



- 1 or official.
- 2 (b) A minor must satisfy all of the following:
- 3 (1) The minor is at least twelve (12) years of age.
- 4 (2) The minor is certified as a referee, umpire, or official by
- 5 a national certification program.
- 6 (3) The minor is a referee, umpire, or official for an age
- 7 bracket younger than the minor's own age.
- 8 (c) In addition to the requirements of subsection (b), one (1) of
- 9 the following must be satisfied:
- 10 (1) The minor:
- 11 (A) works with a person who is:
- 12 (i) at least eighteen (18) years of age; and
- 13 (ii) also working as a referee, umpire, or official at the
- 14 same athletic event at which the minor is working as a
- 15 referee, umpire, or official; and
- 16 (B) has on file with the person responsible for assigning the
- 17 minor to officiate for the youth athletic program the
- 18 original or a copy of a written consent to the minor's
- 19 employment as a referee, umpire, or official signed by the
- 20 minor's parent or guardian.
- 21 (2) A minor's parent or guardian is present during the athletic
- 22 event at which the minor is working as a referee, umpire, or
- 23 official.
- 24 Sec. 14. This chapter may not prevent a minor of any age from
- 25 singing, playing, or performing in a studio, circus, theatrical, or
- 26 musical exhibition, concert, or festival, in radio and television
- 27 broadcasts, or as a live or photographic model. A minor less than
- 28 eighteen (18) years of age may not be employed except under the
- 29 following conditions:
- 30 (1) The activities described in this section must not:
- 31 (A) be detrimental to the life, health, safety, or welfare of
- 32 the minor; or
- 33 (B) interfere with the schooling of the minor.
- 34 Provision shall be made for education equivalent to full-time
- 35 school attendance in the public schools for minors less than
- 36 sixteen (16) years of age.
- 37 (2) A parent shall accompany a minor less than sixteen (16)
- 38 years of age at all rehearsals, appearances, and performances.
- 39 (3) The employment or appearance may not be in a cabaret,
- 40 dance hall, night club, tavern, or other similar place.
- 41 Sec. 15. The employment of minors by the:
- 42 (1) Indiana School for the Deaf; and



1 **(2) Indiana School for the Blind and Visually Impaired;**
 2 **is subject to the general restrictions imposed on the employment of**
 3 **minors under this chapter.**

4 **Sec. 16. (a) Except as provided in subsection (b), sections 17**
 5 **through 22 of this chapter apply only to the employment of a minor**
 6 **who is less than eighteen (18) years of age.**

7 **(b) Sections 17 through 22 of this chapter do not apply to the**
 8 **following:**

9 **(1) A minor who is at least fourteen (14) years of age but less**
 10 **than eighteen (18) years of age who:**

11 **(A) performs:**

12 **(i) farm labor; or**

13 **(ii) domestic service; or**

14 **(B) acts as a caddie for a person playing the game of golf.**

15 **(2) A minor who is:**

16 **(A) at least twelve (12) years of age but less than eighteen**
 17 **(18) years of age; and**

18 **(B) employed or works as a youth athletic program**
 19 **referee, umpire, or official under section 13 of this chapter.**

20 **(3) A minor less than eighteen (18) years of age who:**

21 **(A) works as an actor or performer if the provisions of**
 22 **section 14 of this chapter are met; or**

23 **(B) has graduated from high school.**

24 **Sec. 17. The following apply only to a minor who is at least**
 25 **fourteen (14) years of age and less than sixteen (16) years of age:**

26 **(1) The minor may not work before 7 a.m. or after 7 p.m.**
 27 **However, the minor may work until 9 p.m. from June 1**
 28 **through Labor Day.**

29 **(2) The minor may not work:**

30 **(A) more than three (3) hours on a school day;**

31 **(B) more than eighteen (18) hours in a school week;**

32 **(C) more than eight (8) hours on a nonschool day; or**

33 **(D) more than forty (40) hours in a nonschool week.**

34 **Sec. 18. A minor who is at least sixteen (16) years of age and less**
 35 **than eighteen (18) years of age may not:**

36 **(1) work for more than nine (9) hours in any one (1) day;**

37 **(2) work for more than forty (40) hours in a school week;**

38 **(3) work for more than forty-eight (48) hours in a nonschool**
 39 **week;**

40 **(4) work for more than six (6) days in any one (1) week; or**

41 **(5) begin a work day before 6 a.m.**

42 **Sec. 19. A minor who is at least sixteen (16) years of age and less**



1 than eighteen (18) years of age may work until 10 p.m. on nights
 2 that are followed by a school day in any occupation except those
 3 that the commissioner of labor determines to be:

4 (1) dangerous to life or limb; or

5 (2) injurious to health or morals.

6 Sec. 20. A minor who is at least sixteen (16) years of age and less
 7 than eighteen (18) years of age may work until 11 p.m. on a night
 8 followed by a school day if the employer has obtained written
 9 permission from the minor's parent and placed the written
 10 permission on file in the employer's office.

11 Sec. 21. A minor who is at least sixteen (16) years of age and less
 12 than eighteen (18) years of age may be employed at the same daily
 13 and weekly hours and at the same times of day as adults if the
 14 minor is a member of any of the following categories:

15 (1) The minor is a high school graduate.

16 (2) The minor has completed an approved career and
 17 technical education program or special education program.

18 (3) The minor is not enrolled in a regular school term.

19 Sec. 22. Every employer that employs a minor at least fourteen
 20 (14) years of age and less than eighteen (18) years of age shall post
 21 and keep posted a printed notice in a conspicuous place or in places
 22 where notices to employees are customarily posted. This notice
 23 must state:

24 (1) the maximum number of hours a minor may be employed
 25 or permitted to work each day of the week; and

26 (2) the hours of beginning and ending each day.

27 The forms for this notice shall be furnished by the department.

28 Sec. 23. The department shall prohibit a minor who is less than
 29 eighteen (18) years of age from working in an occupation
 30 designated as hazardous by the child labor provisions of the federal
 31 Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et
 32 seq.), except when the minor is working for the minor's parent or
 33 a person standing in the place of the minor's parent on a farm
 34 owned or operated by the parent or person.

35 Sec. 24. This chapter does not prevent a student from working
 36 on a properly guarded machine in the training department of a
 37 school when an instructor provides personal supervision.

38 Sec. 25. (a) The department shall create and maintain a data
 39 base that is accessible by the public and that displays each
 40 employer that is required to register under this chapter.

41 (b) The data base must include the name and electronic mail
 42 address of each employer registered under this chapter.



1 **Sec. 26. (a) Each employer that hires, employs, or permits at**
 2 **least five (5) minors who are:**

- 3 **(1) at least fourteen (14) years of age; and**
 4 **(2) less than eighteen (18) years of age;**

5 **to work in a gainful occupation must register with the department**
 6 **and pay a registration fee to the department under this chapter.**

7 **(b) An employer that must register under this chapter must**
 8 **provide, in the form and manner prescribed by the department, the**
 9 **following information:**

- 10 **(1) The name of the employer.**
 11 **(2) The electronic mail address of the employer.**
 12 **(3) The number of minors whom the employer has hired,**
 13 **employed, or permitted to work in a gainful occupation.**
 14 **(4) Any other information required by the department.**

15 **(c) The fee to register with the department is as follows:**

- 16 **(1) For an employer that hires, employs, or permits at least**
 17 **five (5) and not more than fourteen (14) minors to work in a**
 18 **gainful occupation, two hundred dollars (\$200).**
 19 **(2) For an employer that hires, employs, or permits at least**
 20 **fifteen (15) and not more than forty-nine (49) minors to work**
 21 **in gainful occupation, four hundred dollars (\$400).**
 22 **(3) For an employer that hires, employs, or permits at least**
 23 **fifty (50) and not more than ninety-nine (99) minors to work**
 24 **in a gainful occupation, eight hundred dollars (\$800).**
 25 **(4) For an employer that hires, employs, or permits at least**
 26 **one hundred (100) minors to work in a gainful occupation, one**
 27 **thousand six hundred dollars (\$1,600).**

28 **Sec. 27. (a) The department shall adopt rules under IC 4-22-2,**
 29 **including emergency rules adopted in the manner provided under**
 30 **IC 4-22-2-37.1, to:**

- 31 **(1) develop a schedule for payment of the registration fee and**
 32 **submission of the registration under section 26 of this**
 33 **chapter; and**
 34 **(2) implement this chapter.**

35 **(b) The department may establish recommendations for rest**
 36 **breaks.**

37 **Sec. 28. (a) The department and its authorized inspectors and**
 38 **agents:**

- 39 **(1) shall enforce this chapter and ensure that all violators are**
 40 **prosecuted; and**
 41 **(2) may visit and inspect, at all reasonable hours and when as**
 42 **practicable and necessary, all establishments affected by this**



1 chapter.

2 (b) It is unlawful for any person to interfere with, obstruct, or
3 hinder any inspector or agent of the department while the
4 inspector or agent performs official duties or to refuse to properly
5 answer questions asked by an inspector or agent of the department.

6 (c) When requested in writing by the department, the attorney
7 general shall assist the prosecuting attorney in the prosecution of
8 persons charged with a violation of this chapter.

9 Sec. 29. (a) The department and its authorized inspectors and
10 agents may investigate the age of a minor who is employed or
11 allowed to work in an occupation.

12 (b) If the department or its authorized inspectors and agents
13 find that the age of the minor is below the age authorized under
14 this chapter, the:

15 (1) employment; or

16 (2) fact that the minor is allowed to work;

17 is prima facie evidence of unlawful employment.

18 Sec. 30. (a) An employer that violates this chapter may be
19 assessed the civil penalties described in this section by the
20 department.

21 (b) For an hour violation of not more than thirty (30) minutes
22 under sections 17 through 20 of this chapter, a violation of section
23 18(4) of this chapter, or a posting violation under section 22 of this
24 chapter the civil penalties are as follows:

25 (1) A warning letter for any violations identified during an
26 initial inspection.

27 (2) Fifty dollars (\$50) per instance for a second violation
28 identified in a subsequent inspection.

29 (3) Seventy-five dollars (\$75) per instance for a third violation
30 that is identified in a subsequent inspection.

31 (4) One hundred dollars (\$100) per instance for a fourth or
32 subsequent violation that is identified in an inspection
33 subsequent to the inspection under subdivision (3) and that
34 occurs not more than two (2) years after a prior violation.

35 (c) For a failure to register or failing to register the correct
36 number of minors employed under section 26 of this chapter, an
37 hour violation of more than thirty (30) minutes under sections 17
38 through 20 of this chapter, an age violation under section 12 or 14
39 of this chapter, or a hazardous occupation violation under section
40 23 of this chapter the civil penalties are as follows:

41 (1) A warning letter for any violations identified during an
42 initial inspection.



- 1 **(2) One hundred dollars (\$100) per instance for each violation**
- 2 **identified in a subsequent inspection.**
- 3 **(3) Two hundred dollars (\$200) per instance for a third**
- 4 **violation that is identified in a subsequent inspection.**
- 5 **(4) Four hundred dollars (\$400) per instance for a fourth or**
- 6 **subsequent violation that is identified in an inspection**
- 7 **subsequent to the inspection under subdivision (3) and that**
- 8 **occurs not more than two (2) years after a prior violation.**

9 **Sec. 31. (a) A civil penalty assessed under section 30 of this**
 10 **chapter:**

- 11 **(1) is subject to IC 4-21.5-3-6; and**
- 12 **(2) becomes effective without a proceeding under IC 4-21.5-3**
- 13 **unless a person requests an administrative review not later**
- 14 **than thirty (30) days after notice of the assessment is given.**
- 15 **(b) For purposes of determining:**
- 16 **(1) whether a second violation has occurred when assessing a**
- 17 **civil penalty under subsection (a), a first violation expires one**
- 18 **(1) year after the date of issuance of a warning letter by the**
- 19 **department under section 30 of this chapter; and**
- 20 **(2) recurring violations of this section, each location of an**
- 21 **employer shall be considered separate and distinct from**
- 22 **another location of the same employer.**

23 **Sec. 32. (a) There is established a labor education and youth**
 24 **employment fund to educate affected parties on the purposes and**
 25 **contents of this chapter and the responsibilities of all parties under**
 26 **this chapter.**

27 **(b) The labor education and youth employment fund shall be**
 28 **used each year for the expenses of hiring and salaries of additional**
 29 **inspectors to enforce this chapter under section 30 of this chapter.**
 30 **Any remaining funds may be used for the purpose of the education**
 31 **provision of this subsection and may be used to award grants to**
 32 **provide educational programs.**

33 **(c) The labor education and youth employment fund shall be**
 34 **administered by the department. The expenses of administering the**
 35 **labor education and youth employment fund shall be paid from**
 36 **money in the fund. The treasurer of state shall invest the money in**
 37 **the labor education and youth employment fund not currently**
 38 **needed to meet the obligations of the fund in the same manner as**
 39 **other public funds may be invested. Interest that accrues from**
 40 **these investments shall be deposited in the labor education and**
 41 **youth employment fund. Money in the labor education and youth**
 42 **employment fund at the end of a state fiscal year does not revert to**



1 the state general fund.

2 (d) Revenue received from registrations under section 26 of this
3 chapter and civil penalties under section 30 of this chapter shall be
4 deposited in the labor education and youth employment fund.

5 (e) All inspectors hired to enforce this chapter shall also be
6 available to educate affected parties on the purposes and contents
7 of this chapter and the responsibilities of all parties under this
8 chapter.

9 Sec. 33. On July 1, 2021, the auditor of state shall transfer the
10 balance that remains on June 30, 2021, in the employment of youth
11 fund established by IC 22-2-18-48 (before its expiration) to the
12 labor education and youth employment fund established by section
13 32 of this chapter.

14 Sec. 34. The department shall submit, not later than December
15 1 of each year, an annual report listing all registered employers
16 under section 25 of this chapter to the governor's workforce
17 cabinet established by IC 4-3-27-3.

18 SECTION 16. IC 22-3-6-1, AS AMENDED BY P.L.63-2019,
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 MAY 1, 2020]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the
21 context otherwise requires:

22 (a) "Employer" includes the state and any political subdivision, any
23 municipal corporation within the state, any individual or the legal
24 representative of a deceased individual, firm, association, limited
25 liability company, limited liability partnership, or corporation or the
26 receiver or trustee of the same, using the services of another for pay. A
27 corporation, limited liability company, or limited liability partnership
28 that controls the activities of another corporation, limited liability
29 company, or limited liability partnership, or a corporation and a limited
30 liability company or a corporation and a limited liability partnership
31 that are commonly owned entities, or the controlled corporation,
32 limited liability company, limited liability partnership, or commonly
33 owned entities, and a parent corporation and its subsidiaries shall each
34 be considered joint employers of the corporation's, the controlled
35 corporation's, the limited liability company's, the limited liability
36 partnership's, the commonly owned entities', the parent's, or the
37 subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31.
38 Both a lessor and a lessee of employees shall each be considered joint
39 employers of the employees provided by the lessor to the lessee for
40 purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured,
41 the term includes the employer's insurer so far as applicable. However,
42 the inclusion of an employer's insurer within this definition does not



1 allow an employer's insurer to avoid payment for services rendered to
2 an employee with the approval of the employer. The term also includes
3 an employer that provides on-the-job training under the federal School
4 to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set
5 forth in IC 22-3-2-2.5. The term does not include a nonprofit
6 corporation that is recognized as tax exempt under Section 501(c)(3)
7 of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the
8 extent the corporation enters into an independent contractor agreement
9 with a person for the performance of youth coaching services on a
10 part-time basis.

11 (b) "Employee" means every person, including a minor, in the
12 service of another, under any contract of hire or apprenticeship, written
13 or implied, except one whose employment is both casual and not in the
14 usual course of the trade, business, occupation, or profession of the
15 employer.

16 (1) An executive officer elected or appointed and empowered in
17 accordance with the charter and bylaws of a corporation, other
18 than a municipal corporation or governmental subdivision or a
19 charitable, religious, educational, or other nonprofit corporation,
20 is an employee of the corporation under IC 22-3-2 through
21 IC 22-3-6. An officer of a corporation who is an employee of the
22 corporation under IC 22-3-2 through IC 22-3-6 may elect not to
23 be an employee of the corporation under IC 22-3-2 through
24 IC 22-3-6. An officer of a corporation who is also an owner of any
25 interest in the corporation may elect not to be an employee of the
26 corporation under IC 22-3-2 through IC 22-3-6. If an officer
27 makes this election, the officer must serve written notice of the
28 election on the corporation's insurance carrier and the board. An
29 officer of a corporation may not be considered to be excluded as
30 an employee under IC 22-3-2 through IC 22-3-6 until the notice
31 is received by the insurance carrier and the board.

32 (2) An executive officer of a municipal corporation or other
33 governmental subdivision or of a charitable, religious,
34 educational, or other nonprofit corporation may, notwithstanding
35 any other provision of IC 22-3-2 through IC 22-3-6, be brought
36 within the coverage of its insurance contract by the corporation by
37 specifically including the executive officer in the contract of
38 insurance. The election to bring the executive officer within the
39 coverage shall continue for the period the contract of insurance is
40 in effect, and during this period, the executive officers thus
41 brought within the coverage of the insurance contract are
42 employees of the corporation under IC 22-3-2 through IC 22-3-6.



- 1 (3) Any reference to an employee who has been injured, when the
 2 employee is dead, also includes the employee's legal
 3 representatives, dependents, and other persons to whom
 4 compensation may be payable.
- 5 (4) An owner of a sole proprietorship may elect to include the
 6 owner as an employee under IC 22-3-2 through IC 22-3-6 if the
 7 owner is actually engaged in the proprietorship business. If the
 8 owner makes this election, the owner must serve upon the owner's
 9 insurance carrier and upon the board written notice of the
 10 election. No owner of a sole proprietorship may be considered an
 11 employee under IC 22-3-2 through IC 22-3-6 until the notice has
 12 been received. If the owner of a sole proprietorship:
- 13 (A) is an independent contractor in the construction trades and
 14 does not make the election provided under this subdivision,
 15 the owner must obtain a certificate of exemption under
 16 IC 22-3-2-14.5; or
- 17 (B) is an independent contractor and does not make the
 18 election provided under this subdivision, the owner may obtain
 19 a certificate of exemption under IC 22-3-2-14.5.
- 20 (5) A partner in a partnership may elect to include the partner as
 21 an employee under IC 22-3-2 through IC 22-3-6 if the partner is
 22 actually engaged in the partnership business. If a partner makes
 23 this election, the partner must serve upon the partner's insurance
 24 carrier and upon the board written notice of the election. No
 25 partner may be considered an employee under IC 22-3-2 through
 26 IC 22-3-6 until the notice has been received. If a partner in a
 27 partnership:
- 28 (A) is an independent contractor in the construction trades and
 29 does not make the election provided under this subdivision,
 30 the partner must obtain a certificate of exemption under
 31 IC 22-3-2-14.5; or
- 32 (B) is an independent contractor and does not make the
 33 election provided under this subdivision, the partner may
 34 obtain a certificate of exemption under IC 22-3-2-14.5.
- 35 (6) Real estate professionals are not employees under IC 22-3-2
 36 through IC 22-3-6 if:
- 37 (A) they are licensed real estate agents;
- 38 (B) substantially all their remuneration is directly related to
 39 sales volume and not the number of hours worked; and
- 40 (C) they have written agreements with real estate brokers
 41 stating that they are not to be treated as employees for tax
 42 purposes.



- 1 (7) A person is an independent contractor and not an employee
 2 under IC 22-3-2 through IC 22-3-6 if the person is an independent
 3 contractor under the guidelines of the United States Internal
 4 Revenue Service.
- 5 (8) An owner-operator that provides a motor vehicle and the
 6 services of a driver under a written contract that is subject to
 7 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier
 8 is not an employee of the motor carrier for purposes of IC 22-3-2
 9 through IC 22-3-6. The owner-operator may elect to be covered
 10 and have the owner-operator's drivers covered under a worker's
 11 compensation insurance policy or authorized self-insurance that
 12 insures the motor carrier if the owner-operator pays the premiums
 13 as requested by the motor carrier. An election by an
 14 owner-operator under this subdivision does not terminate the
 15 independent contractor status of the owner-operator for any
 16 purpose other than the purpose of this subdivision.
- 17 (9) A member or manager in a limited liability company may elect
 18 to include the member or manager as an employee under
 19 IC 22-3-2 through IC 22-3-6 if the member or manager is actually
 20 engaged in the limited liability company business. If a member or
 21 manager makes this election, the member or manager must serve
 22 upon the member's or manager's insurance carrier and upon the
 23 board written notice of the election. A member or manager may
 24 not be considered an employee under IC 22-3-2 through IC 22-3-6
 25 until the notice has been received.
- 26 (10) An unpaid participant under the federal School to Work
 27 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the
 28 extent set forth in IC 22-3-2-2.5.
- 29 (11) A person who enters into an independent contractor
 30 agreement with a nonprofit corporation that is recognized as tax
 31 exempt under Section 501(c)(3) of the Internal Revenue Code (as
 32 defined in IC 6-3-1-11(a)) to perform youth coaching services on
 33 a part-time basis is not an employee for purposes of IC 22-3-2
 34 through IC 22-3-6.
- 35 (12) An individual who is not an employee of the state or a
 36 political subdivision is considered to be a temporary employee of
 37 the state for purposes of IC 22-3-2 through IC 22-3-6 while
 38 serving as a member of a mobile support unit on duty for training,
 39 an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).
- 40 (13) A driver providing drive away operations is an independent
 41 contractor and not an employee when:
 42 (A) the vehicle being driven is the commodity being delivered;



- 1 and
- 2 (B) the driver has entered into an agreement with the party
- 3 arranging for the transportation that specifies the driver is an
- 4 independent contractor and not an employee.
- 5 (c) "Minor" means an individual who has not reached seventeen
- 6 (17) years of age.
- 7 (1) Unless otherwise provided in this subsection, a minor
- 8 employee shall be considered as being of full age for all purposes
- 9 of IC 22-3-2 through IC 22-3-6.
- 10 (2) If the employee is a minor who, at the time of the accident, is
- 11 employed, required, suffered, or permitted to work in violation of
- 12 ~~IC 20-33-3-35~~, **IC 22-2-18-41 (before its expiration on June 30,**
- 13 **2021) and IC 22-2-18.1-23**, the amount of compensation and
- 14 death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall
- 15 be double the amount which would otherwise be recoverable. The
- 16 insurance carrier shall be liable on its policy for one-half (1/2) of
- 17 the compensation or benefits that may be payable on account of
- 18 the injury or death of the minor, and the employer shall be liable
- 19 for the other one-half (1/2) of the compensation or benefits. If the
- 20 employee is a minor who is not less than sixteen (16) years of age
- 21 and who has not reached seventeen (17) years of age and who at
- 22 the time of the accident is employed, suffered, or permitted to
- 23 work at any occupation which is not prohibited by law, this
- 24 subdivision does not apply.
- 25 (3) A minor employee who, at the time of the accident, is a
- 26 student performing services for an employer as part of an
- 27 approved program under IC 20-37-2-7 shall be considered a
- 28 full-time employee for the purpose of computing compensation
- 29 for permanent impairment under IC 22-3-3-10. The average
- 30 weekly wages for such a student shall be calculated as provided
- 31 in subsection (d)(4).
- 32 (4) The rights and remedies granted in this subsection to a minor
- 33 under IC 22-3-2 through IC 22-3-6 on account of personal injury
- 34 or death by accident shall exclude all rights and remedies of the
- 35 minor, the minor's parents, or the minor's personal
- 36 representatives, dependents, or next of kin at common law,
- 37 statutory or otherwise, on account of the injury or death. This
- 38 subsection does not apply to minors who have reached seventeen
- 39 (17) years of age.
- 40 (d) "Average weekly wages" means the earnings of the injured
- 41 employee in the employment in which the employee was working at the
- 42 time of the injury during the period of fifty-two (52) weeks



1 immediately preceding the date of injury, divided by fifty-two (52),
 2 except as follows:

3 (1) If the injured employee lost seven (7) or more calendar days
 4 during this period, although not in the same week, then the
 5 earnings for the remainder of the fifty-two (52) weeks shall be
 6 divided by the number of weeks and parts thereof remaining after
 7 the time lost has been deducted.

8 (2) Where the employment prior to the injury extended over a
 9 period of less than fifty-two (52) weeks, the method of dividing
 10 the earnings during that period by the number of weeks and parts
 11 thereof during which the employee earned wages shall be
 12 followed, if results just and fair to both parties will be obtained.
 13 Where by reason of the shortness of the time during which the
 14 employee has been in the employment of the employee's employer
 15 or of the casual nature or terms of the employment it is
 16 impracticable to compute the average weekly wages, as defined
 17 in this subsection, regard shall be had to the average weekly
 18 amount which during the fifty-two (52) weeks previous to the
 19 injury was being earned by a person in the same grade employed
 20 at the same work by the same employer or, if there is no person so
 21 employed, by a person in the same grade employed in the same
 22 class of employment in the same district.

23 (3) Wherever allowances of any character made to an employee
 24 in lieu of wages are a specified part of the wage contract, they
 25 shall be deemed a part of the employee's earnings.

26 (4) In computing the average weekly wages to be used in
 27 calculating an award for permanent impairment under
 28 IC 22-3-3-10 for a student employee in an approved training
 29 program under IC 20-37-2-7, the following formula shall be used.
 30 Calculate the product of:

- 31 (A) the student employee's hourly wage rate; multiplied by
- 32 (B) forty (40) hours.

33 The result obtained is the amount of the average weekly wages for
 34 the student employee.

35 (e) "Injury" and "personal injury" mean only injury by accident
 36 arising out of and in the course of the employment and do not include
 37 a disease in any form except as it results from the injury.

38 (f) "Billing review service" refers to a person or an entity that
 39 reviews a medical service provider's bills or statements for the purpose
 40 of determining pecuniary liability. The term includes an employer's
 41 worker's compensation insurance carrier if the insurance carrier
 42 performs such a review.



1 (g) "Billing review standard" means the data used by a billing
2 review service to determine pecuniary liability.

3 (h) "Community" means a geographic service area based on ZIP
4 code districts defined by the United States Postal Service according to
5 the following groupings:

6 (1) The geographic service area served by ZIP codes with the first
7 three (3) digits 463 and 464.

8 (2) The geographic service area served by ZIP codes with the first
9 three (3) digits 465 and 466.

10 (3) The geographic service area served by ZIP codes with the first
11 three (3) digits 467 and 468.

12 (4) The geographic service area served by ZIP codes with the first
13 three (3) digits 469 and 479.

14 (5) The geographic service area served by ZIP codes with the first
15 three (3) digits 460, 461 (except 46107), and 473.

16 (6) The geographic service area served by the 46107 ZIP code and
17 ZIP codes with the first three (3) digits 462.

18 (7) The geographic service area served by ZIP codes with the first
19 three (3) digits 470, 471, 472, 474, and 478.

20 (8) The geographic service area served by ZIP codes with the first
21 three (3) digits 475, 476, and 477.

22 (i) "Medical service provider" refers to a person or an entity that
23 provides services or products to an employee under IC 22-3-2 through
24 IC 22-3-6. Except as otherwise provided in IC 22-3-2 through
25 IC 22-3-6, the term includes a medical service facility.

26 (j) "Medical service facility" means any of the following that
27 provides a service or product under IC 22-3-2 through IC 22-3-6 and
28 uses the CMS 1450 (UB-04) form for Medicare reimbursement:

29 (1) A hospital (as defined in IC 16-18-2-179).

30 (2) A hospital based health facility (as defined in
31 IC 16-18-2-180).

32 (3) A medical center (as defined in IC 16-18-2-223.4).

33 The term does not include a professional corporation (as defined in
34 IC 23-1.5-1-10) comprised of health care professionals (as defined in
35 IC 23-1.5-1-8) formed to render professional services as set forth in
36 IC 23-1.5-2-3(a)(4) or a health care professional (as defined in
37 IC 23-1.5-1-8) who bills for a service or product provided under
38 IC 22-3-2 through IC 22-3-6 as an individual or a member of a group
39 practice or another medical service provider that uses the CMS 1500
40 form for Medicare reimbursement.

41 (k) "Pecuniary liability" means the responsibility of an employer or
42 the employer's insurance carrier for the payment of the charges for each



1 specific service or product for human medical treatment provided
2 under IC 22-3-2 through IC 22-3-6, as follows:

3 (1) This subdivision applies before July 1, 2014, to all medical
4 service providers, and after June 30, 2014, to a medical service
5 provider that is not a medical service facility. Payment of the
6 charges in a defined community, equal to or less than the charges
7 made by medical service providers at the eightieth percentile in
8 the same community for like services or products.

9 (2) Payment of the charges in a reasonable amount, which is
10 established by payment of one (1) of the following:

11 (A) The amount negotiated at any time between the medical
12 service facility and any of the following, if an amount has been
13 negotiated:

14 (i) The employer.

15 (ii) The employer's insurance carrier.

16 (iii) A billing review service on behalf of a person described
17 in item (i) or (ii).

18 (iv) A direct provider network that has contracted with a
19 person described in item (i) or (ii).

20 (B) Two hundred percent (200%) of the amount that would be
21 paid to the medical service facility on the same date for the
22 same service or product under the medical service facility's
23 Medicare reimbursement rate, if an amount has not been
24 negotiated as described in clause (A).

25 (l) "Service or product" or "services and products" refers to medical,
26 hospital, surgical, or nursing service, treatment, and supplies provided
27 under IC 22-3-2 through IC 22-3-6.

28 SECTION 17. IC 22-3-7-9, AS AMENDED BY P.L.204-2018,
29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 MAY 1, 2020]: Sec. 9. (a) As used in this chapter, "employer" includes
31 the state and any political subdivision, any municipal corporation
32 within the state, any individual or the legal representative of a deceased
33 individual, firm, association, limited liability company, limited liability
34 partnership, or corporation or the receiver or trustee of the same, using
35 the services of another for pay. A corporation, limited liability
36 company, or limited liability partnership that controls the activities of
37 another corporation, limited liability company, or limited liability
38 partnership, or a corporation and a limited liability company or a
39 corporation and a limited liability partnership that are commonly
40 owned entities, or the controlled corporation, limited liability company,
41 limited liability partnership, or commonly owned entities, and a parent
42 corporation and its subsidiaries shall each be considered joint



1 employers of the corporation's, the controlled corporation's, the limited
 2 liability company's, the limited liability partnership's, the commonly
 3 owned entities', the parent's, or the subsidiaries' employees for purposes
 4 of sections 6 and 33 of this chapter. Both a lessor and a lessee of
 5 employees shall each be considered joint employers of the employees
 6 provided by the lessor to the lessee for purposes of sections 6 and 33
 7 of this chapter. The term also includes an employer that provides
 8 on-the-job training under the federal School to Work Opportunities Act
 9 (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this
 10 chapter. If the employer is insured, the term includes the employer's
 11 insurer so far as applicable. However, the inclusion of an employer's
 12 insurer within this definition does not allow an employer's insurer to
 13 avoid payment for services rendered to an employee with the approval
 14 of the employer. The term does not include a nonprofit corporation that
 15 is recognized as tax exempt under Section 501(c)(3) of the Internal
 16 Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the
 17 corporation enters into an independent contractor agreement with a
 18 person for the performance of youth coaching services on a part-time
 19 basis.

20 (b) As used in this chapter, "employee" means every person,
 21 including a minor, in the service of another, under any contract of hire
 22 or apprenticeship written or implied, except one whose employment is
 23 both casual and not in the usual course of the trade, business,
 24 occupation, or profession of the employer. For purposes of this chapter
 25 the following apply:

26 (1) Any reference to an employee who has suffered disablement,
 27 when the employee is dead, also includes the employee's legal
 28 representative, dependents, and other persons to whom
 29 compensation may be payable.

30 (2) An owner of a sole proprietorship may elect to include the
 31 owner as an employee under this chapter if the owner is actually
 32 engaged in the proprietorship business. If the owner makes this
 33 election, the owner must serve upon the owner's insurance carrier
 34 and upon the board written notice of the election. No owner of a
 35 sole proprietorship may be considered an employee under this
 36 chapter unless the notice has been received. If the owner of a sole
 37 proprietorship:

38 (A) is an independent contractor in the construction trades and
 39 does not make the election provided under this subdivision,
 40 the owner must obtain a certificate of exemption under section
 41 34.5 of this chapter; or

42 (B) is an independent contractor and does not make the



- 1 election provided under this subdivision, the owner may obtain
 2 a certificate of exemption under section 34.5 of this chapter.
- 3 (3) A partner in a partnership may elect to include the partner as
 4 an employee under this chapter if the partner is actually engaged
 5 in the partnership business. If a partner makes this election, the
 6 partner must serve upon the partner's insurance carrier and upon
 7 the board written notice of the election. No partner may be
 8 considered an employee under this chapter until the notice has
 9 been received. If a partner in a partnership:
- 10 (A) is an independent contractor in the construction trades and
 11 does not make the election provided under this subdivision,
 12 the partner must obtain a certificate of exemption under
 13 section 34.5 of this chapter; or
- 14 (B) is an independent contractor and does not make the
 15 election provided under this subdivision, the partner may
 16 obtain a certificate of exemption under section 34.5 of this
 17 chapter.
- 18 (4) Real estate professionals are not employees under this chapter
 19 if:
- 20 (A) they are licensed real estate agents;
 21 (B) substantially all their remuneration is directly related to
 22 sales volume and not the number of hours worked; and
 23 (C) they have written agreements with real estate brokers
 24 stating that they are not to be treated as employees for tax
 25 purposes.
- 26 (5) A person is an independent contractor in the construction
 27 trades and not an employee under this chapter if the person is an
 28 independent contractor under the guidelines of the United States
 29 Internal Revenue Service.
- 30 (6) An owner-operator that provides a motor vehicle and the
 31 services of a driver under a written contract that is subject to
 32 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor
 33 carrier is not an employee of the motor carrier for purposes of this
 34 chapter. The owner-operator may elect to be covered and have the
 35 owner-operator's drivers covered under a worker's compensation
 36 insurance policy or authorized self-insurance that insures the
 37 motor carrier if the owner-operator pays the premiums as
 38 requested by the motor carrier. An election by an owner-operator
 39 under this subdivision does not terminate the independent
 40 contractor status of the owner-operator for any purpose other than
 41 the purpose of this subdivision.
- 42 (7) An unpaid participant under the federal School to Work



1 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the
2 extent set forth under section 2.5 of this chapter.

3 (8) A person who enters into an independent contractor agreement
4 with a nonprofit corporation that is recognized as tax exempt
5 under Section 501(c)(3) of the Internal Revenue Code (as defined
6 in IC 6-3-1-11(a)) to perform youth coaching services on a
7 part-time basis is not an employee for purposes of this chapter.

8 (9) An officer of a corporation who is an employee of the
9 corporation under this chapter may elect not to be an employee of
10 the corporation under this chapter. An officer of a corporation
11 who is also an owner of any interest in the corporation may elect
12 not to be an employee of the corporation under this chapter. If an
13 officer makes this election, the officer must serve written notice
14 of the election on the corporation's insurance carrier and the
15 board. An officer of a corporation may not be considered to be
16 excluded as an employee under this chapter until the notice is
17 received by the insurance carrier and the board.

18 (10) An individual who is not an employee of the state or a
19 political subdivision is considered to be a temporary employee of
20 the state for purposes of this chapter while serving as a member
21 of a mobile support unit on duty for training, an exercise, or a
22 response, as set forth in IC 10-14-3-19(c)(2)(B).

23 (c) As used in this chapter, "minor" means an individual who has
24 not reached seventeen (17) years of age. A minor employee shall be
25 considered as being of full age for all purposes of this chapter.
26 However, if the employee is a minor who, at the time of the last
27 exposure, is employed, required, suffered, or permitted to work in
28 violation of the ~~child labor~~ **employment of minors** laws of this state,
29 the amount of compensation and death benefits, as provided in this
30 chapter, shall be double the amount which would otherwise be
31 recoverable. The insurance carrier shall be liable on its policy for
32 one-half (1/2) of the compensation or benefits that may be payable on
33 account of the disability or death of the minor, and the employer shall
34 be wholly liable for the other one-half (1/2) of the compensation or
35 benefits. If the employee is a minor who is not less than sixteen (16)
36 years of age and who has not reached seventeen (17) years of age, and
37 who at the time of the last exposure is employed, suffered, or permitted
38 to work at any occupation which is not prohibited by law, the
39 provisions of this subsection prescribing double the amount otherwise
40 recoverable do not apply. The rights and remedies granted to a minor
41 under this chapter on account of disease shall exclude all rights and
42 remedies of the minor, the minor's parents, the minor's personal



1 representatives, dependents, or next of kin at common law, statutory or
2 otherwise, on account of any disease.

3 (d) This chapter does not apply to casual laborers as defined in
4 subsection (b), nor to farm or agricultural employees, nor to household
5 employees, nor to railroad employees engaged in train service as
6 engineers, firemen, conductors, brakemen, flagmen, baggagemen, or
7 foremen in charge of yard engines and helpers assigned thereto, nor to
8 their employers with respect to these employees. Also, this chapter
9 does not apply to employees or their employers with respect to
10 employments in which the laws of the United States provide for
11 compensation or liability for injury to the health, disability, or death by
12 reason of diseases suffered by these employees.

13 (e) As used in this chapter, "disablement" means the event of
14 becoming disabled from earning full wages at the work in which the
15 employee was engaged when last exposed to the hazards of the
16 occupational disease by the employer from whom the employee claims
17 compensation or equal wages in other suitable employment, and
18 "disability" means the state of being so incapacitated.

19 (f) For the purposes of this chapter, no compensation shall be
20 payable for or on account of any occupational diseases unless
21 disablement, as defined in subsection (e), occurs within two (2) years
22 after the last day of the last exposure to the hazards of the disease
23 except for the following:

24 (1) In all cases of occupational diseases caused by the inhalation
25 of silica dust or coal dust, no compensation shall be payable
26 unless disablement, as defined in subsection (e), occurs within
27 three (3) years after the last day of the last exposure to the hazards
28 of the disease.

29 (2) In all cases of occupational disease caused by the exposure to
30 radiation, no compensation shall be payable unless disablement,
31 as defined in subsection (e), occurs within two (2) years from the
32 date on which the employee had knowledge of the nature of the
33 employee's occupational disease or, by exercise of reasonable
34 diligence, should have known of the existence of such disease and
35 its causal relationship to the employee's employment.

36 (3) In all cases of occupational diseases caused by the inhalation
37 of asbestos dust, no compensation shall be payable unless
38 disablement, as defined in subsection (e), occurs within three (3)
39 years after the last day of the last exposure to the hazards of the
40 disease if the last day of the last exposure was before July 1, 1985.

41 (4) In all cases of occupational disease caused by the inhalation
42 of asbestos dust in which the last date of the last exposure occurs



- 1 on or after July 1, 1985, and before July 1, 1988, no compensation
 2 shall be payable unless disablement, as defined in subsection (e),
 3 occurs within twenty (20) years after the last day of the last
 4 exposure.
- 5 (5) In all cases of occupational disease caused by the inhalation
 6 of asbestos dust in which the last date of the last exposure occurs
 7 on or after July 1, 1988, no compensation shall be payable unless
 8 disablement (as defined in subsection (e)) occurs within
 9 thirty-five (35) years after the last day of the last exposure.
- 10 (g) For the purposes of this chapter, no compensation shall be
 11 payable for or on account of death resulting from any occupational
 12 disease unless death occurs within two (2) years after the date of
 13 disablement. However, this subsection does not bar compensation for
 14 death:
- 15 (1) where death occurs during the pendency of a claim filed by an
 16 employee within two (2) years after the date of disablement and
 17 which claim has not resulted in a decision or has resulted in a
 18 decision which is in process of review or appeal; or
- 19 (2) where, by agreement filed or decision rendered, a
 20 compensable period of disability has been fixed and death occurs
 21 within two (2) years after the end of such fixed period, but in no
 22 event later than three hundred (300) weeks after the date of
 23 disablement.
- 24 (h) As used in this chapter, "billing review service" refers to a
 25 person or an entity that reviews a medical service provider's bills or
 26 statements for the purpose of determining pecuniary liability. The term
 27 includes an employer's worker's compensation insurance carrier if the
 28 insurance carrier performs such a review.
- 29 (i) As used in this chapter, "billing review standard" means the data
 30 used by a billing review service to determine pecuniary liability.
- 31 (j) As used in this chapter, "community" means a geographic service
 32 area based on ZIP code districts defined by the United States Postal
 33 Service according to the following groupings:
- 34 (1) The geographic service area served by ZIP codes with the first
 35 three (3) digits 463 and 464.
- 36 (2) The geographic service area served by ZIP codes with the first
 37 three (3) digits 465 and 466.
- 38 (3) The geographic service area served by ZIP codes with the first
 39 three (3) digits 467 and 468.
- 40 (4) The geographic service area served by ZIP codes with the first
 41 three (3) digits 469 and 479.
- 42 (5) The geographic service area served by ZIP codes with the first



- 1 three (3) digits 460, 461 (except 46107), and 473.
 2 (6) The geographic service area served by the 46107 ZIP code and
 3 ZIP codes with the first three (3) digits 462.
 4 (7) The geographic service area served by ZIP codes with the first
 5 three (3) digits 470, 471, 472, 474, and 478.
 6 (8) The geographic service area served by ZIP codes with the first
 7 three (3) digits 475, 476, and 477.
 8 (k) As used in this chapter, "medical service provider" refers to a
 9 person or an entity that provides services or products to an employee
 10 under this chapter. Except as otherwise provided in this chapter, the
 11 term includes a medical service facility.
 12 (l) As used in this chapter, "medical service facility" means any of
 13 the following that provides a service or product under this chapter and
 14 uses the CMS 1450 (UB-04) form for Medicare reimbursement:
 15 (1) A hospital (as defined in IC 16-18-2-179).
 16 (2) A hospital based health facility (as defined in
 17 IC 16-18-2-180).
 18 (3) A medical center (as defined in IC 16-18-2-223.4).
 19 The term does not include a professional corporation (as defined in
 20 IC 23-1.5-1-10) comprised of health care professionals (as defined in
 21 IC 23-1.5-1-8) formed to render professional services as set forth in
 22 IC 23-1.5-2-3(a)(4) or a health care professional (as defined in
 23 IC 23-1.5-1-8) who bills for a service or product provided under this
 24 chapter as an individual or a member of a group practice or another
 25 medical service provider that uses the CMS 1500 form for Medicare
 26 reimbursement.
 27 (m) As used in this chapter, "pecuniary liability" means the
 28 responsibility of an employer or the employer's insurance carrier for the
 29 payment of the charges for each specific service or product for human
 30 medical treatment provided under this chapter as follows:
 31 (1) This subdivision applies before July 1, 2014, to all medical
 32 service providers, and after June 30, 2014, to a medical service
 33 provider that is not a medical service facility. Payment of the
 34 charges in a defined community, equal to or less than the charges
 35 made by medical service providers at the eightieth percentile in
 36 the same community for like services or products.
 37 (2) Payment of the charges in a reasonable amount, which is
 38 established by payment of one (1) of the following:
 39 (A) The amount negotiated at any time between the medical
 40 service facility and any of the following, if an amount has been
 41 negotiated:
 42 (i) The employer.



1 (ii) The employer's insurance carrier.
 2 (iii) A billing review service on behalf of a person described
 3 in item (i) or (ii).
 4 (iv) A direct provider network that has contracted with a
 5 person described in item (i) or (ii).
 6 (B) Two hundred percent (200%) of the amount that would be
 7 paid to the medical service facility on the same date for the
 8 same service or product under the medical service facility's
 9 Medicare reimbursement rate, if an amount has not been
 10 negotiated as described in clause (A).
 11 (n) "Service or product" or "services and products" refers to
 12 medical, hospital, surgical, or nursing service, treatment, and supplies
 13 provided under this chapter.
 14 SECTION 18. IC 22-3-7-9.2, AS AMENDED BY P.L.1-2005,
 15 SECTION 183, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE MAY 1, 2020]: Sec. 9.2. As used in section 9(c) of this
 17 chapter, the term "violation of the ~~child labor~~ **employment of minors**
 18 **laws of this state**" means a violation of ~~IC 20-33-3-35.~~ **IC 22-2-18-41**
 19 **(before its expiration on June 30, 2021) and IC 22-2-18.1-23.** The
 20 term does not include a violation of any other provision of ~~IC 20-33-3-~~
 21 **IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**
 22 SECTION 19. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 409, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 14, delete "IC 22-2-18;" and insert "**IC 22-2-18 (before its expiration on June 30, 2021);**".

Page 2, line 16, delete "IC 22-2-18." and insert "**IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**

(c) The county election board is not required to register as an employer under IC 22-2-18.1."

Page 3, line 2, delete "IC 22-2-18;" and insert "**IC 22-2-18 (before its expiration on June 30, 2021);**".

Page 3, line 4, delete "IC 22-2-18." and insert "**IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.**

(f) The county election board is not required to register as an employer under IC 22-2-18.1."

Page 3, line 25, delete "IC 22-2-18." and insert "**IC 22-2-18 (before its expiration on June 30, 2021)."**

Page 3, line 35, after "IC 20" insert "**and IC 22**".

Page 5, line 1, after "IC 22-2-18" insert "**, before its expiration on June 30, 2021"**.

Page 6, line 11, after "IC 22-2-18" insert "**, before its expiration on June 30, 2021"**.

Page 8, line 25, after "issued" insert "**under IC 22-2-18 (before its expiration on June 30, 2021)"**.

Page 8, line 27, delete "IC 22-2-18-21," and insert "**IC 22-2-18-21 (before its expiration on June 30, 2021),"**

Page 9, line 4, after "IC 22-2-18-21" insert "**(before its expiration on June 30, 2021)"**.

Page 9, line 42, delete "IC 22-2-18-41." and insert "**IC 22-2-18-41 (before its expiration on June 30, 2021) and IC 22-2-18.1-23."**

Page 10, line 23, delete "IC 22-2-18-44," and insert "**IC 22-2-18-44 (before its expiration on June 30, 2021),"**

Page 10, line 24, delete "IC 22-2-18-45, and IC 22-2-18-46." and insert "**IC 22-2-18-45 (before its expiration on June 30, 2021), and IC 22-2-18-46 (before its expiration on June 30, 2021) or violations under IC 22-2-18.1-30."**

Page 10, line 28, delete "IC 22-2-18-44." and insert "**IC 22-2-18-44 (before its expiration)."**

Page 10, line 33, delete "centralized electronic permitting" and



insert **"data base that is accessible by the public that displays an employer that has registered as an employer who employs minors"**.

Page 10, line 34, delete "system for employment certificates".

Page 10, line 37, delete "a" and insert **"a data base that is accessible by the public that displays an employer that has registered as an employer who employs minors."**

Page 10, delete lines 38 through 39.

Page 24, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 50. On May 1, 2020, the auditor of state shall transfer the balance that remains on April 30, 2020, in the employment of youth fund established by IC 20-33-4-42 (before its repeal) to the employment of youth fund established by section 48 of this chapter.

Sec. 51. This chapter expires June 30, 2021.

SECTION 15. IC 22-2-18.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2020]:

Chapter 18.1. Employment of Minors

Sec. 1. This chapter is effective July 1, 2021.

Sec. 2. This chapter does not apply to:

- (1) a parent who employs the parent's own child;
- (2) a person standing in place of a parent who employs a child in the person's custody; or
- (3) a legal entity whose ownership is limited to the parents of the employed child or persons standing in place of the parent of the employed child;

except in the instances of underage employment (as set forth in section 12 of this chapter) and employment in hazardous occupations designated by federal law (as set forth in section 23 of this chapter).

Sec. 3. This chapter applies to a minor less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

Sec. 4. As used in this chapter, "department" refers to the department of labor created by IC 22-1-1-1.

Sec. 5. As used in this chapter, "employer" means a person, firm, limited liability company, or corporation that hires, employs, or permits a minor to work in a gainful occupation.

Sec. 6. As used in this chapter, "high school" has the meaning set forth in IC 20-18-2-7.

Sec. 7. As used in this chapter, "nonschool week" refers to a week that contains two (2) or fewer school days.

Sec. 8. As used in this chapter, "parent" has the meaning set forth in IC 20-18-2-13.



Sec. 9. As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15.

Sec. 10. As used in this chapter, "school day" refers to a day that contains more than four (4) hours of classroom instruction.

Sec. 11. As used in this chapter, "school week" refers to a week that contains at least three (3) school days.

Sec. 12. This section does not apply to a minor who is employed or works as a youth athletic program referee, umpire, or official under section 13 of this chapter. A minor less than:

(1) fourteen (14) years of age may not be employed or allowed to work in any gainful occupation except as a farm laborer, domestic service worker, or caddie for persons playing the game of golf; and

(2) twelve (12) years of age may not be permitted to work at farm labor except on a farm operated by the minor's parent.

Sec. 13. (a) If the conditions of subsections (b) and (c) are satisfied, a minor who is less than eighteen (18) years of age is exempt from the requirements of this chapter whenever the minor is employed or works as a youth athletic program referee, umpire, or official.

(b) A minor must satisfy all of the following:

(1) The minor is at least twelve (12) years of age.

(2) The minor is certified as a referee, umpire, or official by a national certification program.

(3) The minor is a referee, umpire, or official for an age bracket younger than the minor's own age.

(c) In addition to the requirements of subsection (b), one (1) of the following must be satisfied:

(1) The minor:

(A) works with a person who is:

(i) at least eighteen (18) years of age; and

(ii) also working as a referee, umpire, or official at the same athletic event at which the minor is working as a referee, umpire, or official; and

(B) has on file with the person responsible for assigning the minor to officiate for the youth athletic program the original or a copy of a written consent to the minor's employment as a referee, umpire, or official signed by the minor's parent or guardian.

(2) A minor's parent or guardian is present during the athletic event at which the minor is working as a referee, umpire, or official.



Sec. 14. This chapter may not prevent a minor of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. A minor less than eighteen (18) years of age may not be employed except under the following conditions:

- (1) The activities described in this section must not:
 - (A) be detrimental to the life, health, safety, or welfare of the minor; or
 - (B) interfere with the schooling of the minor.

Provision shall be made for education equivalent to full-time school attendance in the public schools for minors less than sixteen (16) years of age.

- (2) A parent shall accompany a minor less than sixteen (16) years of age at all rehearsals, appearances, and performances.
- (3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.

Sec. 15. The employment of minors by the:

- (1) Indiana School for the Deaf; and
- (2) Indiana School for the Blind and Visually Impaired;

is subject to the general restrictions imposed on the employment of minors under this chapter.

Sec. 16. (a) Except as provided in subsection (b), sections 17 through 22 of this chapter apply only to the employment of a minor who is less than eighteen (18) years of age.

(b) Sections 17 through 22 of this chapter do not apply to the following:

- (1) A minor who is at least fourteen (14) years of age but less than eighteen (18) years of age who:
 - (A) performs:
 - (i) farm labor; or
 - (ii) domestic service; or
 - (B) acts as a caddie for a person playing the game of golf.
- (2) A minor who is:
 - (A) at least twelve (12) years of age but less than eighteen (18) years of age; and
 - (B) employed or works as a youth athletic program referee, umpire, or official under section 13 of this chapter.
- (3) A minor less than eighteen (18) years of age who:
 - (A) works as an actor or performer if the provisions of section 14 of this chapter are met; or
 - (B) has graduated from high school.



Sec. 17. The following apply only to a minor who is at least fourteen (14) years of age and less than sixteen (16) years of age:

- (1) The minor may not work before 7 a.m. or after 7 p.m. However, the minor may work until 9 p.m. from June 1 through Labor Day.
- (2) The minor may not work:
 - (A) more than three (3) hours on a school day;
 - (B) more than eighteen (18) hours in a school week;
 - (C) more than eight (8) hours on a nonschool day; or
 - (D) more than forty (40) hours in a nonschool week.

Sec. 18. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may not:

- (1) work for more than nine (9) hours in any one (1) day;
- (2) work for more than forty (40) hours in a school week;
- (3) work for more than forty-eight (48) hours in a nonschool week;
- (4) work for more than six (6) days in any one (1) week; or
- (5) begin a work day before 6 a.m.

Sec. 19. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be:

- (1) dangerous to life or limb; or
- (2) injurious to health or morals.

Sec. 20. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the minor's parent and placed the written permission on file in the employer's office.

Sec. 21. A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed at the same daily and weekly hours and at the same times of day as adults if the minor is a member of any of the following categories:

- (1) The minor is a high school graduate.
- (2) The minor has completed an approved career and technical education program or special education program.
- (3) The minor is not enrolled in a regular school term.

Sec. 22. Every employer that employs a minor at least fourteen (14) years of age and less than eighteen (18) years of age shall post and keep posted a printed notice in a conspicuous place or in places where notices to employees are customarily posted. This notice must state:



- (1) the maximum number of hours a minor may be employed or permitted to work each day of the week; and
- (2) the hours of beginning and ending each day.

The forms for this notice shall be furnished by the department.

Sec. 23. The department shall prohibit a minor who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), except when the minor is working for the minor's parent or a person standing in the place of the minor's parent on a farm owned or operated by the parent or person.

Sec. 24. This chapter does not prevent a student from working on a properly guarded machine in the training department of a school when an instructor provides personal supervision.

Sec. 25. (a) The department shall create and maintain a data base that is accessible by the public and that displays each employer that is required to register under this chapter.

(b) The data base must include the name and electronic mail address of each employer registered under this chapter.

Sec. 26. (a) Each employer that hires, employs, or permits at least five (5) minors who are:

- (1) at least fourteen (14) years of age; and
- (2) less than eighteen (18) years of age;

to work in a gainful occupation must register with the department and pay a registration fee to the department under this chapter.

(b) An employer that must register under this chapter must provide, in the form and manner prescribed by the department, the following information:

- (1) The name of the employer.
 - (2) The electronic mail address of the employer.
 - (3) The number of minors whom the employer has hired, employed, or permitted to work in a gainful occupation.
 - (4) Any other information required by the department.
- (c)** The fee to register with the department is as follows:
- (1) For an employer that hires, employs, or permits at least five (5) and not more than fourteen (14) minors to work in a gainful occupation, two hundred dollars (\$200).
 - (2) For an employer that hires, employs, or permits at least fifteen (15) and not more than forty-nine (49) minors to work in gainful occupation, four hundred dollars (\$400).
 - (3) For an employer that hires, employs, or permits at least fifty (50) and not more than ninety-nine (99) minors to work



in a gainful occupation, eight hundred dollars (\$800).

(4) For an employer that hires, employs, or permits at least one hundred (100) minors to work in a gainful occupation, one thousand six hundred dollars (\$1,600).

Sec. 27. (a) The department shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to:

(1) develop a schedule for payment of the registration fee and submission of the registration under section 26 of this chapter; and

(2) implement this chapter.

(b) The department may establish recommendations for rest breaks.

Sec. 28. (a) The department and its authorized inspectors and agents:

(1) shall enforce this chapter and ensure that all violators are prosecuted; and

(2) may visit and inspect, at all reasonable hours and when as practicable and necessary, all establishments affected by this chapter.

(b) It is unlawful for any person to interfere with, obstruct, or hinder any inspector or agent of the department while the inspector or agent performs official duties or to refuse to properly answer questions asked by an inspector or agent of the department.

(c) When requested in writing by the department, the attorney general shall assist the prosecuting attorney in the prosecution of persons charged with a violation of this chapter.

Sec. 29. (a) The department and its authorized inspectors and agents may investigate the age of a minor who is employed or allowed to work in an occupation.

(b) If the department or its authorized inspectors and agents find that the age of the minor is below the age authorized under this chapter, the:

(1) employment; or

(2) fact that the minor is allowed to work;

is prima facie evidence of unlawful employment.

Sec. 30. (a) An employer that violates this chapter may be assessed the civil penalties described in this section by the department.

(b) For an hour violation of not more than thirty (30) minutes under sections 17 through 20 of this chapter, a violation of section 18(4) of this chapter, or a posting violation under section 22 of this



chapter the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial inspection.
- (2) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.
- (3) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.
- (4) One hundred dollars (\$100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

(c) For a failure to register or failing to register the correct number of minors employed under section 26 of this chapter, an hour violation of more than thirty (30) minutes under sections 17 through 20 of this chapter, an age violation under section 12 or 14 of this chapter, or a hazardous occupation violation under section 23 of this chapter the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial inspection.
- (2) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.
- (3) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.
- (4) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

Sec. 31. (a) A civil penalty assessed under section 30 of this chapter:

- (1) is subject to IC 4-21.5-3-6; and
- (2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(b) For purposes of determining:

- (1) whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department under section 30 of this chapter; and
- (2) recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

Sec. 32. (a) There is established a labor education and youth



employment fund to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) The labor education and youth employment fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 30 of this chapter. Any remaining funds may be used for the purpose of the education provision of this subsection and may be used to award grants to provide educational programs.

(c) The labor education and youth employment fund shall be administered by the department. The expenses of administering the labor education and youth employment fund shall be paid from money in the fund. The treasurer of state shall invest the money in the labor education and youth employment fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the labor education and youth employment fund. Money in the labor education and youth employment fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from registrations under section 26 of this chapter and civil penalties under section 30 of this chapter shall be deposited in the labor education and youth employment fund.

(e) All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

Sec. 33. On July 1, 2021, the auditor of state shall transfer the balance that remains on June 30, 2021, in the employment of youth fund established by IC 22-2-18-48 (before its expiration) to the labor education and youth employment fund established by section 32 of this chapter.

Sec. 34. The department shall submit, not later than December 1 of each year, an annual report listing all registered employers under section 25 of this chapter to the governor's workforce cabinet established by IC 4-3-27-3."

Page 28, line 9, delete "IC 22-2-18-41," and insert "IC 22-2-18-41 (before its expiration on June 30, 2021) and IC 22-2-18.1-23,".

Page 38, line 14, delete "IC 22-2-18-41." and insert "IC 22-2-18-41 (before its expiration on June 30, 2021) and IC 22-2-18.1-23,".

Page 38, line 16, delete "IC 22-2-18." and insert "IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1,".



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 409 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 10, Nays 1.

