



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# SENATE BILL 391: Expand Youth Internship Opportunities.

2019-2020 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Commerce. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 18, 2019
<b>Introduced by:</b>	Sens. Ballard, Gunn, Newton	<b>Prepared by:</b>	Kara McCraw* Committee Counsel
<b>Analysis of:</b>	PCS to Second Edition S391-CSTC-35		

**OVERVIEW:** Senate Bill 391 would provide a limited exception to the prohibition on youth participating in occupations found detrimental by the Commissioner of Labor when the youth is participating in a supervised, practice experience.

The PCS would clarify that the Commissioner of Labor would be responsible for finding that the conditions for the exception are met.

**CURRENT LAW:** G.S. 95-25.5 governs the employment of people under the age of 18 (youths). G.S. 95.5(b) states that no youth can be employed in an occupation which the US Department of Labor has declared to be hazardous and without exemption under the Fair Labor Standards Act (FLSA). The FLSA allows for limited exceptions to the prohibition on youth labor in hazardous occupations, such as when the youth is part of an apprenticeship or student-learner program.

Additionally, under G.S. 95.5(b), no youth can be employed in an occupation which the North Carolina Commissioner of Labor has found and declared to be detrimental to the health and well-being of youths.

The Commissioner of Labor has declared the following occupations to be detrimental to youths:

- Welding, brazing, and torch cutting.
- Any process where quartz or any other form of silicon dioxide or asbestos silicate is present in powdered form.
- Any work involving exposure to lead or any of its compounds in any form.
- Any work involving exposure to benzene or any benzene compound that is volatile or can penetrate the skin.
- Occupations in canneries, seafood, and poultry processing that involve cutting or slicing machines, or freezing or packaging activities.
- Any work which involves the risk of falling a distance of 10 feet or more, including ladders and scaffolds.
- Any work as an electrician or an electrician's helper.
- Any work in confined spaces.
- Occupations requiring the use of respirators.

**BILL ANALYSIS:** Senate Bill 391 would create an exception to the prohibition on youth participating in occupations found detrimental by the Commissioner of Labor (occupations) for youth aged 16 to 18 who are participating in a supervised, practice experience. To be eligible for this exception, all of the following conditions would have to be found to be met by the Commissioner of Labor:

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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(1) The youth is enrolled in a public or nonpublic school that is partnering with an employer to offer the supervised, practice experience for the occupation, and

(2) The employer has submitted the written agreement that governs the supervised, practice experience to the Commissioner of Labor and the written agreement contains at least the following:

- The work is incidental to the youth's supervised, practice experience for the occupation.
- The work is intermittent and for short periods of time.
- The work is performed under direct and close supervision of a qualified and experienced person.
- The employer must give safety instructions and training to the youth before performing the work.
- The employer has prepared a schedule of organized and progressive work processes to be performed by the youth.

The terms of the written agreement would be consistent with the guidance provided in Child Labor Bulletin 101, published by the US Department of Labor, Wage and Hour Division.

**EFFECTIVE DATE:** This act would be effective when it becomes law and would apply to participation of youth in practical experience programs on or after that date.

**BACKGROUND:** Guidance on the employment of youths through an apprenticeship or student-learner program can be found in Child Labor Bulletin 101, published by the US Department of Labor, Wage and Hour Division. That document can be found at the following link:

<https://www.dol.gov/whd/regs/compliance/childlabor101.pdf>

*\*This summary was substantially contributed to by Samantha Yarborough, Committee Counsel.*