

P.L. 2021, CHAPTER 162, *approved July 7, 2021*
Assembly, No. 4804 (*First Reprint*)

1 AN ACT concerning working certificates for minors and amending
2 P.L.1940, c.153.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 8 of P.L.1940, c.153 (C.34:2-21.8) is amended to
8 read as follows:

9 8. **【The】** a. Except as provided in subsection b. of this
10 section, the issuing officer shall issue such certificates only upon
11 the application in person of the minor desiring employment, and
12 after having approved and filed the following papers:

13 (1) A promise of employment signed by the prospective
14 employer or by someone duly authorized by him, setting forth the
15 specific nature of the occupation in which he intends to employ
16 such minor, the wage to be paid such minor, and the number of
17 hours per day and days per week which said minor shall be
18 employed.

19 (2) Evidence of age showing that the minor is of the age
20 required by this act, which evidence shall consist of one of the
21 following proofs of age and shall be required in the order herein
22 designated, as follows:

23 (a) A birth certificate or certified transcript thereof or a signed
24 statement of the recorded date and place of birth issued by a
25 registrar of vital statistics or other officer charged with the duty of
26 recording births, or

27 (b) A baptismal certificate or attested transcript thereof showing
28 the date and place of birth, and date and place of baptism of the
29 minor, or

30 (c) Other documentary evidence of age satisfactory to the
31 issuing officer, such as a bona fide contemporary record of the date
32 and place of the minor's birth kept in the Bible in which the records
33 of the births in the family of the minor are preserved, or a passport,
34 showing the age of the minor, or a certificate of arrival in the
35 United States, issued by **【the Office of Immigration and**
36 **Naturalization Services】** U.S. Citizenship and Immigration
37 Services, showing the age of the minor, or a life insurance policy,
38 provided that such other documentary evidence has been in
39 existence at least one year prior to the time it is offered as evidence,

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLA committee amendments adopted February 11, 2021.

1 and provided further that a school record of age or an affidavit of a
2 parent or guardian or other written statement of age shall not be
3 accepted, except as specified in paragraph (d) of this section.

4 (d) In the case none of the aforesaid proofs of age shall be
5 obtainable and only in such case, the issuing officer may accept the
6 school record or the school-census record of the age of the minor
7 together with the sworn statement of a parent or guardian as to the
8 age of the minor and also with a certificate signed by the physician
9 or advanced practice nurse authorized to sign the statements of
10 physical fitness required by this section, specifying what in his
11 opinion is the physical age of the minor. Such certificates shall
12 show the height and weight of the minor and other facts concerning
13 his physical development which were revealed by such examination
14 and upon which the opinion of the physician or advanced practice
15 nurse is based as to the physical age of the minor. If the school or
16 school-census record of age is not obtainable, the sworn statement
17 of the minor's parent or guardian, certifying to the name, date and
18 place of birth of the minor, together with a physician's or advanced
19 practice nurse's certificate of age as hereinbefore specified, may be
20 accepted as evidence of age. The issuing officer shall administer
21 said sworn statement.

22 The issuing officer shall, in issuing a certificate for a minor,
23 require the evidence of age specified in paragraph (a) of this section
24 in preference to that specified in paragraphs (b), (c) and (d) of this
25 section and shall not accept the evidence of age permitted by any
26 subsequent paragraph unless he shall receive and file evidence that
27 the evidence of age required by the preceding paragraph or
28 paragraphs cannot be obtained.

29 (3) A statement of physical fitness, signed by a medical
30 inspector employed by the applicable board of education, or any
31 other physician licensed to practice medicine and surgery, or
32 advanced practice nurse, setting forth that such minor has been
33 thoroughly examined by such medical inspector, or such other
34 physician licensed to practice medicine and surgery, or advanced
35 practice nurse, that he either is physically fit for employment in
36 occupations permitted for persons under 18 years of age, or is
37 physically fit to be employed under certain limitations, specified in
38 the statement. If the statement of physical fitness is limited, the
39 employment certificate issued thereon shall state clearly the
40 limitations upon its use, and shall be valid only when used under
41 the limitations so stated. The method of making such examinations
42 shall be prescribed jointly by the Commissioner of Education and
43 the State Department of Health **【and Senior Services】**; provided,
44 however, no minor shall be required to submit to a physical
45 examination, whose parent or guardian objects thereto in writing on

1 the grounds such examination is contrary to his religious beliefs and
2 practices.

3 (4) A school record signed by the principal of the school which
4 the minor has last attended or by someone duly authorized by him,
5 giving the full name, date of birth, grade last completed, and
6 residence of the minor, provided, that in the case of a vacation
7 certificate issued for work before or after school hours, such record
8 shall also state that the child is a regular attendant at school, and in
9 the opinion of the principal may perform such work without
10 impairment of his progress in school, but such principal's statement
11 shall not be required for the issuance of a vacation certificate for
12 work during regular school vacations.

13 b. (1) During a state of emergency or public health emergency,
14 requiring the personal appearance of the minor, and, under certain
15 circumstances, the minor's parent or guardian, before the school
16 district issuing officer in order to apply for or sign employment
17 certificates may be satisfied through the use of audio-visual
18 technology.

19 (2) Each public school district shall develop and implement
20 procedures 'with respect to employment certificates issued during a
21 state of emergency or public health emergency' to satisfy the
22 statutory requirements without requiring in-person contact between
23 the school district issuing official and the minor, under the
24 following conditions:

25 (a) During the application process, the child and the school
26 district issuing officer may transmit a single copy of all required
27 documentation by way of electronic transmission, fax, or any other
28 means of transfer of documents developed by the school district that
29 avoids in-person contact, is secure, and maintains the
30 confidentiality of the documents;

31 (b) The video conference shall be live and must allow for
32 interaction between the child and the school district issuing officer,
33 and when applicable, the parent or guardian. During the video
34 conference, the child shall verify his or her identity, authenticate the
35 documents submitted, and sign the application, in a way that is
36 visible and audible to the school district issuing officer; '[and]'

37 (c) Following the video conference, the child shall transmit the
38 signed certificate, by electronic or other means as determined by the
39 school district, to the issuing officer, who shall make the requisite
40 copies and distribute the original and copies as required by this
41 section'; and

42 (d) The school district shall be responsible for performing the
43 physical examination at no cost to a student's parents or guardians,
44 except that the parent or guardian may have the student examined at
45 their own expense by a physician of their own choosing. A school
46 physical, including a sports physical, while at a high school shall be

1 valid for the entire time that the student is enrolled at the high
2 school, unless the school district policy specifies more frequent
3 physicals¹.

4 (3) If the state of emergency does not apply to the entire State, a
5 minor shall be regarded as a covered minor under this section only
6 if the minor resides in the area subject to the state of emergency.

7 c. As used in this section:

8 “Public health emergency” means an occurrence or imminent
9 threat of an illness or health condition, caused by bioterrorism,
10 epidemic or pandemic disease, or a novel and highly fatal infectious
11 agent or biological toxin, that poses a substantial risk of a
12 significant number of human fatalities or incidents or permanent or
13 long-term disability, and which has been declared a public health
14 emergency by the Governor.

15 “State of emergency” means a natural or human-made disaster or
16 emergency, including an epidemic or other health emergency, for
17 which a state of emergency has been declared by the President of
18 the United States, the Governor, a municipal emergency
19 management coordinator, or other public authority permitted by law
20 to declare a state of emergency.

21 (cf: P.L.2004, c.168, s.1)

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23 2. Section 10 of P.L.1940, c.153 (C.34:2-21.10) is amended to
24 read as follows:

25 10. a. An employment certificate shall state the name, sex,
26 color, date and place of birth, residence, color of hair and eyes,
27 height, weight, any distinguishing facial marks of the child--the
28 employer's name, address and type of business, the occupation of
29 the child, the kind of proof of age submitted, the grade completed,
30 physician's approval and the name and address of parent. **【Every】**
31 Except as provided in subsection b. of this section, every such
32 certificate shall be signed in the presence of the issuing officer by
33 the child in whose name it is issued.

34 b. During a state of emergency or public health emergency,
35 requiring the personal appearance of the minor, and, under certain
36 circumstances, the minor's parent or guardian, before the school
37 district issuing officer in order to apply for or sign employment
38 certificates may be satisfied through the use of audio-visual
39 technology.

40 If the state of emergency does not apply to the entire State, a
41 minor shall be regarded as a covered minor under this section only
42 if the minor resides in the area subject to the state of emergency.

43 c. As used in this section:

44 “Public health emergency” means an occurrence or imminent
45 threat of an illness or health condition, caused by bioterrorism,
46 epidemic or pandemic disease, or a novel and highly fatal infectious

1 agent or biological toxin, that poses a substantial risk of a
2 significant number of human fatalities or incidents or permanent or
3 long-term disability, and which has been declared a public health
4 emergency by the Governor.

5 "State of emergency" means a natural or human-made disaster or
6 emergency, including an epidemic or other health emergency, for
7 which a state of emergency has been declared by the President of
8 the United States, the Governor, a municipal emergency
9 management coordinator, or other public authority permitted by law
10 to declare a state of emergency.

11 (cf: P.L.1940, c.153, s.10)

12
13 ¹³. Section 3 of P.L.1962, c. 91 (C.34:2-21.59) is amended to
14 read as follows

15 a. Upon application of an employer, bearing the endorsed
16 approval of a parent or guardian of the minor a permit authorizing
17 employment of the minor in a theatrical production may be
18 issued if:

19 (a) The minor is in good health and will not likely be
20 endangered by the working conditions of the prospective
21 employment as certified by a currently issued statement of a
22 licensed physician based upon a physical examination which, for
23 minors under 8 years of age, includes a visual acuity screening if
24 practicable;

25 (b) The place of employment is approved by the Department of
26 Labor and the period for which the permit is desired is not in excess
27 of 3 months;

28 (c) The minor is not attending public school and the application
29 is for a period other than during the school summer vacation period,
30 that he is receiving equivalent instruction approved by the
31 Department of Education or by the state or county of his residence
32 if he be a nonresident of New Jersey;

33 (d) The proposed employment will not exceed two shows or
34 productions in a day or a total of eight shows or productions in any
35 week where the professional employment is reasonably separable
36 into discrete shows or productions; that the employment will not
37 be for more than 6 days in any week, 5 hours in any day or a total
38 of 24 hours, including rehearsal time, in any week and that the
39 minor will not be employed before 7:00 a.m. or after 11:30 p.m. and
40 that school and theatrical performance time shall not exceed 8
41 hours in any 1 day and that the combined time spent on a set or on
42 call and performance time shall not exceed a total of eight hours in
43 any one day;

44 (e) The employment does not involve a type of prohibited
45 performance as hereinafter defined; and

1 (f) The minor will be under the direct care and supervision of an
2 adult who is a parent, guardian or a representative of the employer,
3 named in the application, at all times during his employment or
4 while living away from home when required as an incident of such
5 employment.

6 b. A permit or certificate, as the case may be, may be issued by
7 the issuing officer or by the Commissioner of Labor in cases
8 involving a significant contribution to the development of the
9 motion picture industry in the State as determined by the Motion
10 Picture and Television Development Commission. In such cases,
11 the commissioner shall also have the authority to alter or amend the
12 hours of the day but not the total hours in the day during which a
13 minor may work as set forth in paragraph (d), subsection a. of this
14 section, if such alteration or amendment will not foreseeably impair
15 the educational instruction, supervision, health and welfare of the
16 minor, and such an alteration or amendment is necessary for good
17 reasons shown by the employer. The commissioner shall set forth
18 the terms of any alteration or amendment in the permit or
19 certificate.

20 c. During a state of emergency or public health emergency, any
21 aspect of the authorization requiring the personal appearance of the
22 minor or the minor's parent or guardian may be satisfied through
23 the use of audio-visual technology in a manner consistent with the
24 provisions of subsection b. of section 8 of P.L.1940, c.153 (C.34:2-
25 21.8).¹

26 (cf: P.L.1981, c.331, s.5)

27
28 ¹[3.] 4.¹ This act shall take effect immediately.

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33 Modifies process for obtaining working certificates for minors.