

LEGISLATIVE HISTORY OF 34:2-21.17  
(Child labor - prohibited employment)

- L. 1940 - C.153 - A174.  
 February 5 - Introduced by Ferster.  
 March 11 - Reported by two committee substitutes.  
 (Note: CSA 174 (A) became chapter 153; CSA 174 (B) became chapter 154).  
 April 8 - CSA 174A Passed in Assembly, amended.  
 June 11 - Passed in Senate, amended.  
 June 18 - Senate amendment passed in Assembly.  
 June 25 - Approved, chapter 153  
 Amended during passage; copy attached  
 Statement; copy attached.

This was amended by:

- L. 1941 - C. 139 - A400  
 March 31 - Introduced by Herbert.  
 April 28 - Passed in Assembly, amended.  
 April 30 - Passed in Senate.  
 May 16 - Approved, chapter 139.  
 Statement; copy attached.  
 Amended; copy attached.

This amendment exempted from the prohibition against employment of minors in places where alcoholic liquors are sold, etc., minors 16 or over who are employed as pin-setters in public bowling alleys.

- L. 1957 - C. 131 - A42.  
 January 24 - Introduced by Vanderbilt.  
 May 6 - Passed in Assembly, amended.  
 June 17 - Passed in Senate.  
 July 8 - Approved, Chapter 131.  
 Amended during passage; copy attached.  
 No statement.

This amendment added the transportation of payrolls other than within the premises of the employer to the list of prohibited employments, and substituted the words "such organizations or" for "the" preceding "schools" at the end of the final paragraph.

- L. 1968- C.61 - A94.  
 January 22 - Introduced by McDonough and five others.  
 April 18 - Passed in Assembly, amended.  
 May 27 - Passed in Senate, amended.  
 May 27 - Senate amendment passed in Assembly.  
 June 13 - Approved, Chapter 61.  
 Amended during passage; copy attached.  
 Statement; copy attached.

The following hearings and reports on child labor were located:

974.90	974.90	974.90
C536	C536	C536
1958	1957	1941

*These hearings and reports are enclosed.*

Also attached please find selected newspaper articles on child labor. We do not have newspaper articles dating back to 1940, so the attached articles deal with the 1957 amendment and the Child Labor Law Study Commission. All of our clippings since 1960 on child labor are included.

JH/eh

ASSEMBLY, No. 94

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1968

By Assemblymen McDONOUGH, WILSON, DENNIS, KALTEN-  
BACHER and A. S. SMITH

Referred to Committee on Labor Relations

AN ACT to amend and supplement "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June 25, 1940 (P. L. 1940, c. 153).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 1 of the act of which this act is amendatory is amended  
2 to read as follows:

3 1. As used in this act:

4 (a) "Employment certificate" means a certificate granted by  
5 the issuing officer authorizing the employment of a child as per-  
6 mitted under this act.

7 (b) "Age certificate" means a certificate issued for a person  
8 between the ages of 18 and 21 years.

9 (c) "Issuing officer" means any superintendent of schools, su-  
10 pervising principal, or teacher in a school district who is designated  
11 by the board of education in the district to issue certificates or  
12 permits in accordance with the provisions of this act.

13 (d) "School district" means any geographical area having au-  
14 thority over the public schools within that area.

15 (e) "Agriculture" includes farming in all its branches and  
16 among other things includes the cultivation and tillage of the soil,  
17 dairying, the production, cultivation, growing, and harvesting of  
18 any agricultural or horticultural commodities (including commo-  
19 dities defined as agricultural commodities in section 15 (g) of the  
20 Agricultural Marketing Act, as amended) the planting, transplant-  
21 ing and care of trees and shrubs and plants, the raising of live-  
22 stock, bees, fur-bearing animals or poultry, and any practices (in-

23 eluding any forestry or lumbering operations) performed by a  
24 farmer or on a farm as an incident to or in conjunction with such  
25 farming operations, including preparation for market, delivery to  
26 storage or to market or to carriers for transportation to market,  
27 provided that such practices shall be performed in connection with  
28 the handling of agricultural or horticultural commodities the major  
29 portion of which have been produced upon the premises of an own-  
30 ing or leasing employer.

31 (f) "Newspaperboy" means any male minor between 12 and 18  
32 years of age who engages in the occupation of delivering, soliciting,  
33 selling and collecting for, newspapers outside of school hours on  
34 residential routes.

35 (g) "Restaurant" means any establishment or business prima-  
36 rily engaged in the preparation and servicing of meals or refresh-  
37 ments, both food and drink, and shall include but not be limited to  
38 the following: dining establishments, catering establishments, in-  
39 dustrial caterers, and drive-in restaurants.

1 2. Section 3 of the act of which this act is amendatory is amended  
2 to read as follows:

3 3. Except as provided in section 15 and except for domestic  
4 service or messengers employed by communications companies  
5 subject to the supervision and control of the Federal Communica-  
6 tions Commission, no minor under 18 years of age shall be em-  
7 ployed, permitted, or suffered to work in, about, or in connection  
8 with any gainful occupation more than 6 consecutive days in any  
9 1 week, or more than 40 hours in any 1 week, or more than 8 hours  
10 in any 1 day, nor shall any minor under 16 years of age be so  
11 employed, permitted, or suffered to work before 7 o'clock in the  
12 morning or after 6 o'clock in the evening of any day; nor shall  
13 any minor between 16 and 18 years of age be so employed, per-  
14 mitted or suffered to work before 6 o'clock in the morning or after  
15 10 o'clock in the evening of any day; provided, that minors be-  
16 tween 14 and 18 years of age may be employed in a concert or a  
17 theatrical performance up to 11 post meridiem; and provided,  
18 further, that male minors between 16 and 18 years of age may be  
19 employed in any public bowling alley up to 11:30 post meridiem;  
20 and provided, further, that male minors not less than 16 years of  
21 age and who are attending school may be employed as pin-setters  
22 only in public bowling alleys up to 11:30 post meridiem during any  
23 regular school vacation season, but may not be so employed during  
24 the school term without a special written permit from the superin-  
25 tendent of schools or the supervising principal as the case may  
26 be, which permit must state that the boy has undergone a complete

27 physical examination by the medical inspector, and, in the opinion  
 28 of the superintendent or supervising principal may be so employed  
 29 without injury to health or interference with progress in school,  
 30 such special permits to be good for a period of 3 months only and  
 31 are revocable in the discretion of the superintendent or supervising  
 32 principal. Such permit may not be renewed until satisfactory evi-  
 33 dence has been submitted to the superintendent or supervising  
 34 principal showing that the boy has had a physical examination and  
 35 his health is not being injured by said work; and provided, further,  
 36 that male minors between 16 and 18 years of age may be employed  
 37 until 11 post meridiem during the regular school vacation seasons  
 38 but not in or for a factory or in any occupation otherwise prohibited  
 39 by law or by order or regulation made in pursuance of law. The  
 40 combined hours of work and hours in school of children under 16  
 41 employed outside school hours shall not exceed a total of 8 per day;  
 42 *and provided, further, that minors between 16 and 18 years of age*  
 43 *may be employed in any restaurant until 12 o'clock midnight unless*  
 44 *such minors are regularly attending school in which case such*  
 45 *minors may be employed until 12 o'clock midnight during any regu-*  
 46 *lar school vacation season and on such days which do not precede*  
 47 *a regularly scheduled school day\*\* , but no such minor employed in*  
 48 *any occupation in a restaurant shall be paid at a wage rate less*  
 49 *than that provided pursuant to law for such occupation\*\*.*

1 3. Section 17 of the act of which this act is amendatory is  
 2 amended to read as follows:

3 17. No minor under 16 years of age shall be employed, permitted  
 4 or suffered to work in, about, or in connection with power-driven  
 5 machinery.

6 No minor under 18 years of age shall be employed, permitted or  
 7 suffered to work in, about, or in connection with the following:

8 the manufacture or packing of paints, colors, white lead, or red  
 9 lead;

10 the handling of dangerous or poisonous acids or dyes; injuri-  
 11 ous quantities of toxic or noxious dust gases, vapors or  
 12 fumes;

13 work involving exposure to benzol or any benzol compound  
 14 which is volatile or which can penetrate the skin;

15 the manufacture, transportation or use of explosives or highly  
 16 inflammable substances;

17 oiling, wiping, or cleaning machinery in motion or assisting  
 18 therein;

19 operation or helping in the operation of power-driven wood-  
 20 working machinery; provided, that apprentices operating

21 under conditions of bona fide apprenticeship may operate  
 22 such machines under competent instruction and supervision;  
 23 grinding, abrasive, polishing or buffing machines, provided that  
 24 apprentices operating under conditions of bona fide appren-  
 25 ticeship may grind their own tools;  
 26 punch presses or stamping machines if the clearance between  
 27 the ram and the dye or the stripper exceeds  $\frac{1}{4}$  inch;  
 28 cutting machines having a guillotine action;  
 29 corrugating, crimping or embossing machines;  
 30 paper lace machines;  
 31 dough brakes or mixing machines in bakeries or cracker ma-  
 32 chinery;  
 33 calender rolls or mixing rolls in rubber manufacturing;  
 34 centrifugal extractors, or mangles in laundries or dry cleaning  
 35 establishments;  
 36 or reduction works, smelters, hot rolling mills, furnaces, foun-  
 37 dries, forging shops, or any other place in which the heating,  
 38 melting, or heat treatment of metals is carried on;  
 39 mines or quarries;  
 40 steam boilers carrying a pressure in excess of 15 pounds;  
 41 construction work of any kind;  
 42 fabrication or assembly of ships;  
 43 operation or repair of elevators or other hoisting apparatus;  
 44 the transportation of payrolls other than within the premises  
 45 of the employer.

46 No minor under 18 years of age shall be employed, permitted,  
 47 or suffered to work in, about, or in connection with any establish-  
 48 ment where alcoholic liquors are distilled, rectified, compounded,  
 49 brewed, manufactured, bottled, or are sold for consumption on the  
 50 premises, or in a pool or billiard room; provided, however, this  
 51 section shall not apply to minors 16 years of age or over, employed  
 52 as pin-setters only in public bowling alleys as provided in section 3  
 53 hereof. No girl under the age of 18 years shall be employed, per-  
 54 mitted, or suffered to work as a messenger in the distribution or  
 55 delivery of goods or messages for any person, firm or corporation  
 56 engaged in the business of transmitting or delivering goods or  
 57 messages.

58 No minor under 18 years of age shall be employed, permitted,  
 59 or suffered to work in any place of employment, or at any occu-  
 60 pation hazardous or injurious to the life, health, safety, or welfare  
 61 of such minor, as such occupation shall, from time to time, be  
 62 determined and declared by the Commissioner of Labor to be haz-  
 63 ardous or injurious to the life, health, safety, or welfare of such

64 minors, after a public hearing thereon and after such notice as the  
65 commissioner may by regulations prescribe.

66 *Nothing in this section shall be construed to prevent the employ-*  
67 *ment of minors between 16 and 18 years of age or more in a restau-*  
68 *rant as defined in section 1 and as provided for in section 3 of this*  
69 *act; provided, however, that no minor shall engage in the prepa-*  
70 *ration, sale or serving of alcoholic beverages\*, nor in the sale of*  
70A *cigarettes or other tobacco products, nor in the preparation or sale*  
70B *of photographs,\* \*\*nor in any dancing or theatrical exhibition or*  
70C *performance\*\* while so employed.*

71 Nothing in this section shall be deemed to apply to the work done  
72 by pupils in public or private schools of New Jersey, under the  
73 supervision and instruction of officers or teachers of such organi-  
74 zations or schools.

1 4. This act shall take effect immediately.

ASSEMBLY, No. 94

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1968

By Assemblymen McDONOUGH, WILSON, DENNIS, KALTENBACHER and A. S. SMITH

Referred to Committee on Labor Relations

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14 thority over the public schools within that area.

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22 stock, bees, fur-bearing animals or poultry, and any practices (in-



23 cluding any forestry or lumbering operations) performed by a  
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15 the manufacture, transportation or use of explosives or highly  
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 35 establishments;  
 36 or reduction works, smelters, hot rolling mills, furnaces, foun-  
 37 dries, forging shops, or any other place in which the heating,  
 38 melting, or heat treatment of metals is carried on;  
 39 mines or quarries;  
 40 steam boilers carrying a pressure in excess of 15 pounds;  
 41 construction work of any kind;  
 42 fabrication or assembly of ships;  
 43 operation or repair of elevators or other hoisting apparatus;  
 44 the transportation of payrolls other than within the premises  
 45 of the employer.

46 No minor under 18 years of age shall be employed, permitted,  
 47 or suffered to work in, about, or in connection with any establish-  
 48 ment where alcoholic liquors are distilled, rectified, compounded,  
 49 brewed, manufactured, bottled, or are sold for consumption on the  
 50 premises, or in a pool or billiard room; provided, however, this  
 51 section shall not apply to minors 16 years of age or over, employed  
 52 as pin-setters only in public bowling alleys as provided in section 3  
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 55 delivery of goods or messages for any person, firm or corporation  
 56 engaged in the business of transmitting or delivering goods or  
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 60 pation hazardous or injurious to the life, health, safety, or welfare  
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 62 determined and declared by the Commissioner of Labor to be haz-  
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 64 minors, after a public hearing thereon and after such notice as the  
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66 *Nothing in this section shall be construed to prevent the employ-*  
67 *ment of minors between 16 and 18 years of age or more in a restau-*  
68 *rant as defined in section 1 and as provided for in section 3 of this*  
69 *act; provided, however, that no minor shall engage in the prepa-*  
70 *ration, sale or serving of alcoholic beverages while so employed.*

71 Nothing in this section shall be deemed to apply to the work done  
72 by pupils in public or private schools of New Jersey, under the  
73 supervision and instruction of officers or teachers of such organi-  
74 zations or schools.

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STATEMENT

One of today's most severe social and economic problems is that of out-of-school, out-of-work youth. Millions of dollars are spent, with varying success, on efforts to meet this problem. Every year, New Jersey's restaurants receive numerous appeals from Federal and State officials to hire young people for part-time jobs, for summer vacation jobs and for full-time positions if they are out of school.

New Jersey's child labor laws, however, still prevent young people from taking gainful jobs that are going begging for want of available older persons to fill them. This bill would remove the 3 principal barriers to full-time employment of out-of-school youth and part-time work for school students.

The bill would permit 16- and 17-year-olds to work, by special permit, in establishments with alcoholic beverage licenses providing they do not prepare, sell or serve alcoholic beverages. The measure also would permit 16- and 17-year-olds to work in restaurants during that industry's vital hours between 10 P. M. and midnight—providing they are not scheduled to attend school the next day. On nights preceding a school day, the present 10 P. M. limit will be in effect for students. The final amendment would clarify a presently ambiguous provision in the law by exempting restaurant kitchens from the list of industrial-type areas in which employment of 16- and 17-year-olds is prohibited.

There are more than 9,000 restaurants in New Jersey. Thousands of minors (18, 19 and 20-year-olds) are employed in this industry. With these changes, New Jersey's restaurant industry is confident that thousands of additional jobs can be opened for young people.

Furthermore, this assurance of sufficient help for many businesses would secure the livelihood of thousands of older persons already employed in the industry—cooks, waiters and waitresses,

bartenders, managerial staff and all the others who work in restaurants that cannot operate to their full potential because of the lack of supporting help.

The new opportunities created by this bill would be particularly significant in New Jersey's resort industry—the State's largest single economic activity. These changes would open up a wide variety of summer vacation jobs for students.

ASSEMBLY COMMITTEE AMENDMENT TO

**ASSEMBLY, No. 94**

**STATE OF NEW JERSEY**

ADOPTED APRIL 8, 1968

Amend page 5, section 3, line 70, after the word "beverages", insert the following: ", nor in the sale of cigarettes or other tobacco products, nor in the preparation or sale of photographs,".