

CHAPTER 382

AN ACT concerning child labor laws and amending P.L.1962, c.91.

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

1. Section 1 of P.L.1962, c.91 (C.34:2-21.57) is amended to read as follows:

C.34:2-21.57 Definitions.

1. As used in P.L.1962, c.91 (C.34:2-21.57 et seq.):

"Professional employment" means employment for pay as an actor or performer in a theatrical production.

"Theatrical production" means and includes stage, motion picture, and television performances and rehearsals therefor.

"Prohibited performance" means and includes appearances as a rope or wire walker or rider, gymnast, wrestler, boxer, contortionist, acrobat, rider of a horse or other animal unless the minor is trained to safely ride such horse or animal, or rider of any vehicle other than that generally used by a minor of the same age, or appearance in any illegal, indecent, or immoral exhibition, practice, or theatrical production or in any practice, exhibition, or theatrical production dangerous to the life, limb, health, or morals of a minor, or appearance or exhibition of a minor with a physical or mental disability. "Prohibited performance" also means and includes, but is not limited to, the following:

The exposure of a minor between 15 days of age to six months of age to light exceeding 100 foot-candles for more than 30 seconds at a time;

The exposure of a minor between 15 days and two years of age to atmospheric smoke;

Requiring, coercing, or otherwise permitting a minor to pose nude or perform acts which are sexually explicit; and

A minor's presence on a set while adults are posing nude or performing acts which are sexually explicit.

2. Section 2 of P.L.1962, c.91 (C.34:2-21.58) is amended to read as follows:

C.34:2-21.58 Theatrical productions; employment of minors under 16.

2. a. Notwithstanding any provision of the child labor laws of this State, the professional employment of minors under the age of 18 years in theatrical productions is authorized upon compliance with the conditions in P.L.1962, c.91 (C.34:2-21.57 et seq.) set forth.

b. (1) If a minor is guaranteed three or more days of employment, the employer shall provide time during the workday for the minor to fulfill the minor's educational requirements.

(2) This instructional time shall average at least three hours per missed day of school day, calculated on a weekly basis.

(3) Extra teaching time above three hours per day provided to the child performer may be carried over to another day in the same week or another week, subject to the following limit: no more than 10 hours of teaching time may be carried over from week to week.

(4) Any hours carried over from week to week shall be subject to the discretion of the teacher who has been provided by the employer.

(5) The minor shall receive equivalent instruction approved by the Department of Education or by the state or county of the minor's residence if the minor is not a resident of New Jersey.

(6) The employer shall provide a teacher who is credentialed for the level of education required by State law or regulation for the minor from the third missed day of school through the remainder of the minor's employment in the theatrical production.

c. The daily working hours of minors shall be as follows:

(1) infants between 15 days and six months of age may work up to 20 minutes, and time on set shall not exceed two hours;

(2) infants and minors between six months and under two years of age may work up to two hours, and time on set shall not exceed four hours;

(3) minors between two years old and under six years old may work up to three hours, and time on set shall not exceed six hours;

(4) minors between six years old and under nine years old, up to four hours on a school day and up to six hours on a non-school day, and time on set shall not exceed eight hours;

(5) minors between nine years old and under 16 years old, up to five hours on a school day and up to seven hours on a non-school day, and time on set shall not exceed nine hours; and

(6) minors between 16 years old and under 18 years old to work on set for up to six hours on a school day and up to nine hours on a non-school day, and time on set shall not exceed 10 hours.

d. The minor shall be under the direct care and supervision of an adult who is a parent, guardian, or a designated representative at all times during the minor's employment or while living away from home when required as an incident of the employment.

e. Employment of a minor shall not be for more than six days in any seven-day period. The minor shall not be employed before 5:00 a.m. or after 10:00 p.m. on any day preceding a school day. A minor may be employed between the hours of 5:00 a.m. and 12:30 a.m. on any day preceding a non-school day.

f. Nothing in P.L.1962, c.91 (C.34:2-21.57 et seq.) shall prevent the employer of a minor in a theatrical production from complying with a collective bargaining agreement or other contract that establishes more stringent standards than those contained in P.L.1962, c.91 (C.34:2-21.57 et seq.), and nothing in P.L.1962, c.91 (C.34:2-21.57 et seq.) shall be construed as reducing, limiting, or curtailing the rights of a minor employed in a theatrical production.

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

C.34:2-21.59 Permit; grounds for issuance.

3. a. (1) Prior to employing any minor in any work or activity, an employer in the entertainment industry shall apply to the Department of Labor and Workforce Development for a permit to employ minors in that work or activity.

Upon application of the employer, the Department of Labor and Workforce Development shall issue a permit to employ minors valid for a period of one year if the conditions as to permissible work or activity, as prescribed in P.L.1962, c.91 (C.34:2-21.57 et seq.), are met, and the employment does not involve a type of prohibited performance as defined in section 1 of P.L.1962, c.91 (C.34:2-21.57) or any work or activity which is not hazardous or detrimental to the health, safety, morals, or education of the minors.

(2) Prior to a minor commencing employment in the entertainment industry, the parent or guardian of the minor shall submit an application to the Department of Labor and Workforce Development to obtain an entertainment work permit for the minor.

The application shall include, but not be limited to:

(1) the minor's name, age, birth date, and address, and the parent or guardian's name, age, birth date, and address;

(2) written verification from the appropriate school district to confirm the minor's school record, attendance, and compliance with the district's standards for age, academic performance, attendance, and health;

(3) for minors who are not yet of age for mandatory school attendance and in other circumstances in which the department's review of school records warrants additional information, the department may require a physical examination to ensure the minor is physically able to perform the work specified in the permit; and

(4) any additional information as deemed necessary and appropriate by the commissioner.

Upon the filing of an application and a determination that all requirements have been met, the department shall issue an entertainment work permit. The permit shall authorize the minor to work only under the conditions specified by P.L.1962, c.91 (C.34:2-21.57 et seq.) and in accordance with all applicable laws regarding the working hours, health, safety, and welfare of minors.

An application for a permit authorizing employment of a minor in a theatrical production made by a parent or guardian of the minor under this section shall be valid for a period of one year that shall permit a minor to work for multiple employers or on multiple productions in accordance with the requirements of P.L.1962, c.91 (C.34:2-21.57 et seq.).

b. A waiver to the requirements for a permit may be issued by the issuing officer or by the Commissioner of Labor and Workforce Development in cases involving a significant contribution to the development of the motion picture industry in the State, as determined by the Motion Picture and Television Development Commission, or for good cause shown, as determined by the issuing officer or the commissioner. In such cases, the commissioner shall also have the authority to alter or amend the hours of the day but not the total hours in the day during which a minor may work if the waiver will not foreseeably impair the educational instruction, supervision, health, and welfare of the minor, and the waiver is necessary for good reasons shown by the employer. The commissioner shall set forth the terms of any waiver in the permit. The department may issue a waiver to an employer electronically, and the employer shall maintain a copy of the waiver at the place of employment. The employer shall make the waiver available to the department for inspection upon request.

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

d. The Department of Labor and Workforce Development shall establish and maintain a registration system for authorizing permits to an employer to employ a minor or to a minor to authorize the minor to work in a theatrical production that is independent from the registration database for minors established in section 6 of P.L.2022, c.63 (C.34:2-21.1a). The registration system for employment of a minor in accordance with this section shall require the creation of a registration account for the purpose of obtaining a permit for employment of a minor in a theatrical production by:

(1) the parent or guardian of the minor seeking authorization for the minor to work; and

(2) the employer seeking to employ a minor.

The registration system shall provide for a minor to create an account that is linked to the account of the parent or guardian of the minor.

Any person applying for a permit pursuant to this section shall not also be required to register in the database established in section 6 of P.L.2022, c.63 (C.34:2-21.1a) if the sole purpose for the registration is for the permit authorizing the employment of the minor in a

theatrical production because the registration system created by P.L.2025, c.382 shall be the exclusive process for obtaining that permit.

e. Upon application by a parent or guardian, and prior to the first employment of a minor in a theatrical production, the commissioner may issue a temporary child performer permit in order to give the parent or guardian of the minor time to:

- (1) establish a trust account for the minor as required by law; or
- (2) produce all documentation required by the department for the issuance of a permit authorizing the employment of a minor in a theatrical production.

f. A temporary child performer permit issued in accordance with subsection e. of this section shall be valid for 15 days from the date of issuance and may be issued only once for a specified minor.

g. (1) In accordance with subsection b. of this section, an employer may apply for a waiver of any permit requirement for the employment of a minor when compliance would be impracticable due to production-specific circumstances, provided that the health, safety, and welfare of the minor are maintained. An employer shall submit a request for a waiver of a permit requirement for the employment of a minor in writing, which may include electronic communication and shall include a summary of:

- (a) any provision for which a waiver is requested;
- (b) the circumstances necessitating the request;
- (c) the anticipated duration of the waiver; and
- (d) the minor impacted by the waiver.

(2) An employer shall submit a request for a waiver under this subsection as far in advance as is reasonable and practical under the circumstances. The department may consider and approve a request for a waiver on an expedited basis, including, but not limited to, a request made on short notice, when deemed necessary and appropriate.

4. This act shall take effect on the first day of the seventh month next following the date of enactment, except that the commissioner shall take any anticipatory administrative action as may be necessary to effectuate the provisions of this act.

Approved January 20, 2026.