



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**CHAPTER 294 - CHILD LABOR**

**294.005 Purpose of chapter.** – The purpose of this chapter is to ensure that no child under sixteen years of age is employed in an occupation, or in a manner, that is hazardous or detrimental to the child’s safety, health, morals, educational processes or general well-being.

**294.008. Administration of chapter.** – It shall be the duty of the director of the division of labor standards within the department of labor and industrial relations to administer the laws of this chapter.

**294.011. Definitions.** – As used in this chapter, the following terms mean:

- (1) “Child”, an individual under sixteen years of age, unless otherwise specified;
- (2) “Commission”, the labor and industrial relations commission;
- (3) “Department”, the department of labor and industrial relations;
- (4) “Department director”, the director of the department of labor and industrial relations;
- (5) “Director”, director of the division of labor standards;
- (6) “Division”, the division of labor standards;
- (7) “Employ”, engage a child in gainful employment for wages or other remuneration. The term “employ” shall not include any child working under the direct control of the child’s parent and shall not include the following services which may be performed by any child over the age of twelve.
  - (a) The delivery or sales of newspapers;
  - (b) Child care;
  - (c) Occasional yard or farm work including agricultural work as defined in subdivision (1) of section 290.500, RSMo, performed by a child with the knowledge and consent of the child’s parent. A child may operate lawn and garden machinery as specified in subsection (1) of section 294.040, provided that, no child shall be permitted to engage in any activities prohibited by section 294.040;
  - (d) Participating in a youth sporting event as a referee, coach or other position necessary to the sporting event; except that, this paragraph shall not include working at a concession stand. For purposes of this paragraph, “youth sporting event” means an event where all players are under the age of eighteen and the event is sponsored and supervised by a public body or a not for profit entity;
- (8) “Parent”, a child’s parent, legal custodian or guardian.

**294.021. Minors under fourteen not to be employed, exception.** – No child under fourteen years of age shall be employed or permitted to work at any occupation at any time; except as provided in this chapter.

**294.022. Employment in entertainment industry, definitions, limitations.** – 1. For the purposes of this section, the following terms mean:

- (1) “Employer”, any person, firm or corporation employing or seeking to employ a child in the entertainment industry;
- (2) “Entertainment industry”, any person, employer, firm or corporation using the services of a child as a performer, extra or in any other performing capacity in motion picture productions, television or radio productions, theatrical productions, modeling productions, horse shows, rodeos and musical performances;
- (3) “Work permit”, a written certification issued by the director which specifies the terms and duration of the work permit for a child under sixteen years of age, for the purposes of employment as a performer, extra or in any other performing

capacity in the entertainment industry. A work permit may be issued for a period of twelve months or more and shall be eligible for renewal at the child's next birthday. A work permit shall generally be issued for a twelve-month period of time.

2. No child may be employed in the entertainment industry without an entertainment work permit issued by the director. No permit shall be issued without the following:

- (1) Proof of age by birth certificate or other documentary evidence;
- (2) Written consent of the child's parent, legal custodian or guardian;

(3) Upon entering into a contractual employment agreement, a written statement from the prospective employer shall be kept on file by the prospective employer. The written statement shall set forth the nature of employment and the projected duration of the employment or project.

3. No child shall be permitted at the place of employment, unless the parent, legal custodian, guardian or designated guardian of a child is present at all times that the child is at the place of employment, and such person may accompany the child to wardrobe, makeup, hairdressing and dressing room facilities. The parent, legal custodian, guardian or designated guardian may designate an individual to accompany the child during times the child is at the place of employment, provided the designation is made in writing, signed by the parent or guardian and presented to the employer prior to the child's scheduled work. A copy of the written designation shall be kept on file by the employer at the site of the employment or project.

4. The employer shall designate one individual on each set, stage or other place of employment to coordinate all matters relating to the welfare of children and shall notify the parent, legal custodian or guardian of each child of the name of such individual.

5. All of the hours in which a child may be at the place of employment are exclusive of meal periods. Meal periods shall be at least one-half hour, but not more than one hour in duration. In no event may a child be at the place of employment for a period longer than five and one-half hours without a meal break.

6. A child shall receive a twelve-hour rest break at the end of the child's work day and prior to the commencement of the child's next day of work for the same employment. A child shall also receive a fifteen minute rest period after each two hours of continuous work.

7. The employer shall provide a suitable place to rest or play for the children at the site of employment.

8. The time spent by children in rehearsals and in learning or practicing any of the arts, such as singing or dancing, for, or under the direction of, a motion picture studio, theater or television studio shall be counted as work time under this section of law. Periods for meal breaks shall not be included in the overall work time; however, rest breaks shall be included in the overall work time.

9. No child shall be required to work in a situation which places the child in a clear and present danger to life or limb. If a child believes he or she is in such a dangerous situation, after discussing the matter with his or her parent, legal custodian, guardian or designated person and the employer, the child shall not be required to perform in such situation, regardless of the validity or reasonableness of the child's belief.

10. No child shall be required to work with an animal which a reasonable person would regard as dangerous in the same circumstances, unless an animal trainer or handler qualified by training and experience is present.

11. No child shall be required to perform a stunt without prior consultation with the child, the child's parent, legal custodian or guardian and the employer. The prior written consent of the child's parent, legal custodian or guardian shall be obtained for the performance of any unusual physical, athletic or acrobatic activity, stunts, work involving special effects or other potentially hazardous activity. When any unusual physical, athletic or acrobatic activity, stunts, special effects or other potentially hazardous activity involving a child is to be done, the employer shall have available a person qualified to administer medical assistance on an emergency basis and transportation to the nearest medical facility providing emergency services. First-aid kits shall always be available at a child's place of employment.

12. No child shall work in close proximity to explosives or the functioning parts of unguarded and dangerous moving equipment, aircraft or vessels, or of functioning blades or propellers.

13. An entertainment work permit does not authorize a child to be absent from school in violation of the requirements of state law or regulations or policies of the state board of education, the Missouri department of elementary and secondary education or the local school board.

**294.024. Employment of minors between fourteen and sixteen, exceptions.** – A child may not be employed during the regular school term unless the child has been issued a work certificate or a work permit pursuant to the provisions of this chapter.

**294.027. Work certificates permit minors to work, when.** – Work certificates shall permit

(1) The employment of children between fourteen and sixteen years of age during nonschool hours during the school term; or

(2) The employment of children between fourteen and sixteen years of age who are excused from attendance at school by the provisions of chapter 167, RSMo.

**294.030. Hours of work for minors.** – 1. A child shall not be employed, permitted or suffered to work at any gainful employment for more than three hours per day in any school day, more than eight hours in any nonschool day, more than six days or forty hours in any week. Normal work hours shall not begin before seven o'clock in the morning nor extend to after 9:00 p.m. except as provided in subsection 2 of this section. The provisions of this subsection may be waived by the director, in full or in part, depending upon the nature of the employment. Such waiver shall be provided in writing to the employer by the director. The waiver shall only exempt employment described in section 294.022.

2. On all evenings from Labor Day to June first, a child shall not be employed, permitted or suffered to work at any gainful employment after 7:00 p.m. nor after 9:00 p.m. from June first to Labor Day; except that child who has passed his or her fourteenth birthday but is under sixteen years of age may be employed at a regional fair from June first to Labor Day, if such child does not work after 10:30 p.m., is supervised by an adult, parental consent is given and the provisions of this subsection are complied with. The regional fair exception shall not apply to those entities covered by the Fair Labor Standards Act. The provisions of this subsection do not apply to children who have been permanently excused from school pursuant to the provisions of chapter 167, RSMo. The provisions of this subsection may be waived by the director, in full or in part, depending upon the nature of the employment. Such waiver shall be provided in writing to the employer by the director. The waiver shall only exempt employment described in section 294.022.

**294.040. Minors under sixteen not to work in certain occupations.** – A child under sixteen shall not be employed or permitted to work by any person, firm, or corporation in connection with:

(1) Any power driven machinery, except lawn and garden machinery used in domestic service at or around a private residence, provided that, there shall be an agreement between an occupant of the private residence and the child, and by no other person, firm or corporation, other than a parent, legal custodian or guardian of the child, for the performance of such work;

(2) The oiling, cleaning, maintenance, or washing of machinery;

(3) Any ladders, scaffolding, or their substitute;

(4) Any mine or quarry except in offices or at other nonhazardous employment;

(5) Stone cutting or polishing except those found in jewelry type business;

(6) Any plant manufacturing, processing, storing, or transporting Type A and B explosives, ammunition, or like materials, or in an establishment in which sales of Type A and B explosive materials make up fifty percent or more of gross sales;

(7) The operation of any motor vehicle;

(8) Any blast furnace, rolling mill, foundry, forging shop, or in any establishment where heating of metals is carried on or where cold rolling, stamping, shearing, punching, of metal stock is carried on;

(9) Saw mills, cooperage stock mills, or where woodworking machinery is used;

(10) The operation of freight elevators, hoisting machines or cranes, or on or about any manlifts;

(11) Occupations involving exposure to ionizing or nonionizing radiation or any radioactive substance;

(12) Any occupation involving exposure to any toxic or hazardous chemicals;

(13) Any capacity in or about a motel, resort, hotel, where sleeping accommodations are furnished except in offices or locations physically separated from the sleeping accommodations;

(14) Any place or establishment in which intoxicating alcoholic liquors or beverages are manufactured, bottled, stored, or sold for consumption on or off the premises, except in establishments where at least fifty percent of the gross sales consist of goods, merchandise, or commodities other than alcoholic beverages;

(15) Any other occupation or place of employment dangerous to the life, limb, health, or morals of children under the age of sixteen.

**294.043. Employment in street occupation prohibited, exceptions.** – No child under sixteen years of age shall be employed or permitted to work in any street occupation connected with peddling, begging, door-to-door selling or any activity pursued on or about any public street or public place. This prohibition does not apply to any public school or church or charitable fundraising activity or distribution of literature relating to a registered political candidate.

**294.045. Superintendent of schools to issue work certificates.**

1. Notwithstanding any other law, any of the following individuals may issue a work certificate to a child subject to the requirements of this chapter:

(1) The superintendent of public schools of the district in which the child resides;

(2) The chief executive officer, or the equivalent position, of a charter school that the child attends;

(3) A person holding a student services certificate who is authorized by the superintendent of the school district or chief executive officer in writing;

(4) Subject to the requirements and conditions of paragraphs (a), (b), and (c) of this subdivision inclusive, the principal of a public or private school may issue, or designate another administrator of the school to issue, work certificates to children who attend the school. If the principal of a public or private school chooses not to issue work certificates under this subdivision, work certificates may be issued to children attending school under subdivision (1) or (3) of this subsection.

(a) A principal who issues a work certificate under this subdivision shall provide a self-certification that he or she understands the requirements in existing law for issuing a work certificate. The principal shall submit a copy of each work certificate he or she issues along with a copy of the application for each work certificate to the superintendent of the school district in which the school is located;

(b) The superintendent of a school district may revoke a work certificate issued by the principal of a public or private school located within the district if the superintendent becomes aware of any grounds upon which the child may be deemed ineligible for a work certificate under existing law;

(c) An individual with authority to issue a work certificate under this subdivision shall not issue a work certificate to his or her own child; except that any student solely enrolled in a course of education not otherwise prohibited under chapter 167 whose parent, legal guardian, or designated private tutor is the student's primary education provider and is also the primary individual responsible for the student's education program and schedule shall be issued a work certificate by such primary education provider.

2. If the certificated person designated to issue work certificates by the superintendent of a school district or the chief executive officer, or the equivalent position, of a charter school is not available, and delay in issuing a certificate would jeopardize the ability of a child to secure work, another person authorized by the superintendent of the school district or the chief executive officer, or the equivalent position, of a charter school may issue the work certificate.

3. If a school district or charter school does not employ or contract with a person holding a student services certificate, the superintendent of the school district or the chief executive officer, or the equivalent position, of a charter school may authorize, in writing, a person who does not hold that credential to issue work certificates during periods of time in which the superintendent is absent from the district or the chief executive officer is absent from the charter school.

4. Notwithstanding the hour limitations imposed by this chapter or any other provision of law, the hour limitations that apply to a work certificate issued by any of the individuals described in subsection 1 of this section shall be based on the school calendar of the school the child attends.

**294.051. Work certificate issued, when – evidence required for issuance.** – A work certificate may be issued after the issuing officer is satisfied that the employment will serve the best interest of the child and, in the first instance, only upon

application in person of the child with the written consent of his parent, legal custodian or guardian or, if deemed necessary by the issuing officer, the child shall be accompanied by his parent, guardian or custodian. The certificate may be renewed or another certificate issued on application of the child with the written parental consent but in no case shall a certificate be issued until the issuing officer has received and approved the following papers:

(1) A statement of intention to employ signed by the prospective employer setting forth the specific nature of the occupation in which he intends to employ the child and the exact hours of the day, the number of hours per day and the days per week during which the child is to be employed;

(2) Proof of the age of the child by a birth certificate or other documentary evidence of such character in such form as is prescribed by the issuing officer;

(3) A certificate of the physician of the public schools of the district in which the child resides or other licensed physician, if required by the issuing officer, showing that he has personally examined the child and has found the child in good mental and physical health and is capable of performing labor without injury to his health and mental development;

(4) A certificate of the principal of the school which the child attends or has attended giving the grades of school work completed by the child, except that for children permanently excused from attendance at school under the provisions of chapter 167, RSMo, this requirement may be waived.

**294.054. Contents and form of work certificates.** – 1. The work certificate shall show

(1) The age, sex, place and date of birth and place of residence of the child;

(2) The name and place of residence of the child's parent, guardian or custodian;

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

(4) The nature of the employment for which the work certificate is issued.

2. Work certificates authorizing the employment of a child during nonschool hours shall be of a form and color distinct from those authorizing full time employment.

**294.060. Work certificates or work permits transmitted to employer, return to officer, reissue, record.** – 1. Whenever a child is granted a work certificate or work permit, the certificate or work permit shall be transmitted by the issuing officer to the employer of the child and a copy shall be transmitted to the division. The employer shall keep the work certificate or work permit on file and shall post in a conspicuous place in the employer's place of business a list of all children who are employed and under the age of sixteen.

2. On termination of the employment of the child, the child's work certificate or work permit shall be sent immediately by the employer to the officer who issued it.

3. A new certificate or work permit may be issued for a child whose certificate or work permit has been returned by the employer to the issuing officer.

4. A copy of each work certificate or work permit issued and notice of its cancellation shall be retained by the issuing officer and a copy shall be transmitted by the issuing officer to the division.

**294.070. Work certificate forms furnished by state commissioner of education – no fee.** – No fee shall be charged for a work certificate or work permit issued under the provisions of this chapter. The form of the work certificate shall be prepared by the state commissioner of education. Blank work certificates shall be furnished to the superintendent of each school district by the state commissioner of education.

**294.080. Work certificate as evidence of age.** – Upon the request of a child or of an employer who wishes to employ a child who represents his or her age to be sixteen years or more, the issuing officer upon the presentation of evidence of age, as provided in section 294.051 for children under sixteen years of age, shall issue a certificate showing the age of the child and this certificate shall be accepted as conclusive evidence of the age of the child.



**294.090. Director of division of labor standards to enforce – rights, duties – cancellation of work certificate or work permit.** – 1. The director is charged with the enforcement of the provisions of this chapter and all other laws regulating the employment of children. The director is vested with the power and jurisdiction to exercise such supervision over every employment as may be necessary to adequately enforce and administer the provisions of this chapter, including the right to enter any place where children are employed and to inspect the premises and to require the production of work certificates or work permits and any other necessary documents specifically requested that involve the employment of children.

2. Every employer subject to any provision of sections 294.005 to 294.150 or any regulation issued pursuant to sections 294.005 to 294.150 shall make and keep for a period of not less than two years, on the premises where any child is employed, the work certificate, a record of the name, address, and age of the child, and times and hours worked by the child each day.

3. All records and information obtained by the division pertaining to minors are confidential and personal identifying information shall be disclosed only by order of a court of competent jurisdiction.

4. If it appears that a work certificate or work permit has been improperly granted or illegally used, or the child is being injured, or is likely to be injured by the employment, this fact shall be reported to the issuing officer who shall cancel the work certificate or work permit. Notice in writing of the cancellation, with reasons therefor, shall be transmitted to the child immediately and to the person employing the child, and thereafter it shall be unlawful for any such person to continue to employ the child.

**294.095. Employers to comply with section 213.055.** – Every person, firm or corporation employing minors shall comply with all provisions of section 213.055, RSMo.

**294.100. Presence of minor as evidence of employment.** – The presence of any child under sixteen years of age in any place where labor is employed shall be presumptive evidence that said child is employed therein.

**294.110. Penalties for violations.** – Any person, firm or corporation violating the provisions of this chapter is guilty of a class C misdemeanor.

**294.121. Administrative penalties, civil damages, grounds, duties of director, notice, judicial review.** – 1. Any person, firm or corporation who violates any provision of this chapter shall in addition to the criminal violation in section 294.110 be civilly liable for damages of not less than fifty dollars but not more than one thousand dollars for each violation. Each day a violation continues shall constitute a separate violation. Each child employed or permitted to work in violation of this chapter shall constitute a separate violation. The director may bring the civil action to enforce the provisions of this chapter. The attorney general may, on behalf of the director, bring suit pursuant to this section.

2. The director shall determine the amount of civil damages to request in the suit based on the nature and gravity of the violation. The director shall also consider the size of the business when determining the appropriate civil damages. The size of the business shall be determined by the number of people employed by that business. A request for the maximum civil damages shall be justified by the following, to be considered individually or in combination:

- (1) The likelihood of injury and the seriousness of the potential injuries to which the child has been exposed;
- (2) The business or employer has had multiple violations;
- (3) The business or employer has had recurring violations;
- (4) Employment of any child in a hazardous or detrimental occupation;
- (5) Violations involving children under fourteen years of age;
- (6) A substantial number of hours worked in excess of the statutory limit;
- (7) Falsification or concealment of information regarding the employment of children;
- (8) Failure to assure future compliance with the provisions of this chapter.

3. If the director decides to seek civil damages as provided by this section, the director shall notify, by certified mail, the person, firm or corporation charged with the violation. The notice of violation shall include the following:

- (1) The nature of the violation;
- (2) The date of the violation;
- (3) The name of the child or children involved in the violation;
- (4) The amount of civil damages the director is requesting;
- (5) The terms and conditions for any settlement agreement; and
- (6) The right to contest the director's decision to seek civil damages.

4. The initial violation determination from the division shall be final, unless within twenty calendar days after the division mails the violation determination or notification, the person, firm or corporation charged with the violation notifies the director in writing that the violation determination is being contested.

5. The parties named in the violation determination may contest the violation determination if a written notice appealing the violation determination is received by the director within twenty calendar days after the division mailed the violation determination. The director shall set a meeting with the parties contesting the findings in order to review the findings of the division. After review of the findings, the director may hold that the findings support the violation determination or the director may issue a revised violation determination.

6. If the parties cited in the subsequent violation determination disagree with the violation determination of the director, then the parties cited in the subsequent violation determination may contest the subsequent determination by filing a written appeal with the department director. The appeal contesting the subsequent determination shall be sent to the department director in time to be received within twenty calendar days after the division mailed the subsequent violation determination from the director. If the director does not receive the written appeal within twenty calendar days after the division mailed the subsequent violation determination then the determination of the director shall be final. If the subsequent written appeal is received within the twenty-calendar-day period, then the department director, or the department director's designee, shall set a meeting with the parties contesting the findings in order to review the findings of the division and the director. After review of the findings, the department director, or the department director's designee, may hold that the findings of the division and the director support the violation determination or the department director, or the department director's designee, may issue a revised violation determination.

7. The determination of the department director or the department director's designee shall be the final determination pertaining to the violation determinations, unless judicial review is sought under chapter 536, RSMo.

**294.131. Child labor enforcement fund.** – 1. There is hereby created in the state treasury a fund to be known as the "Child Labor Enforcement Fund". All moneys awarded by any court for civil damages for violations of this chapter and all moneys collected in settlements from persons who violate the provisions of this chapter shall be transmitted to the department of revenue for deposit in the child labor enforcement fund. Subject to appropriations, the money in this fund shall be used by the division of labor standards for investigations and enforcement of the provisions of this chapter.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal years.

**294.141. Notice of mailings by division.** – The records of the division shall constitute prima facie evidence of the date of transmission of any notice, determination or other paper transmission pursuant to the provisions of this chapter.

**294.150. Rulemaking authority, procedure.** – 1. Subject to the approval of the department director and the commission, the director shall have the power to adopt, amend or rescind any rules or regulations as are necessary to administer the provisions of this chapter.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the

joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

3. Upon filing any proposed rule with the secretary of state, the director shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

4. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the director may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

5. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

6. If the committee disapproves any rule or portion thereof, the director shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

7. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

8. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.

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