

**MARYLAND/FEDERAL
CHILD LABOR LAWS**

Work Permits	Required for minors 14-17 years old.
Earliest A Minor Can Start Work	14-15 – Not before 7 a.m. 16-17 – Must have at least 8 consecutive hours of non-work/non-school in each 24 hour period.
Latest a Minor Can Work on School Night or Weekend Night	14-15 – Not after 7 p.m between the day after Labor Day and May 31 (federal law). Not after 9 p.m. between June 1 and Labor Day. 16-17 – Must have at least 8 consecutive hours of non-work/non-school in each 24 hour period.
Number of Hours a Minor Can work on a School Day, Non-School Day and During Vacation	14-15 – No more than 3 hours per day when school is in session (federal law); no more than 8 hours a day when school is not in session. Youths 14 and 15 may not work during school hours, regardless of the number of hours worked. 16-17 – No more than 12 hours in a combination of school hours and work hours each day. Must have at least 8 consecutive hours of non-work/non-school in each 24 hour period.
Number of Hours a Minor Can Work in a Week	14-15 – No more than 18 hours per week when school is in session (federal law); no more than 40 hours per when school is not in session. 16-17 – Must have at least 8 consecutive hours of non-work/non-school in each 24 hour period.
Number of hours Worked Before Break is Required	14-17 – No More than 5 continuous hours.
Length of Break	14-17 – 30 minutes
Break-Paid or Unpaid	Unpaid.

EMPLOYMENT OF MINORS

Labor and Employment Article Title 3,
Subtitle 2
Annotated Code of Maryland

STATE OF MARYLAND



DIVISION OF LABOR AND INDUSTRY

Martin O'Malley
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LABOR AND EMPLOYMENT ARTICLE

TITLE 3. EMPLOYMENT STANDARDS

Subtitle 2. Employment of Minors

§ 3-201. "Minor" defined.

In this subtitle, "minor" means an individual who is under the age of 18 years.

§ 3-202. Statement of policy.

The policy of the State is to encourage the development of minors by allowing them to engage in occupations that prepare them for responsible citizenship, yet to protect them from occupations that will be injurious to their mental, moral, or physical welfare.

§ 3-203. Scope of subtitle.

This subtitle does not apply to an activity that a minor performs if the activity:

- (1) is performed outside the school hours set for that minor;
- (2) does not involve manufacturing or mining;
- (3) is not a hazardous occupation restricted under § 3-213(c)(1) or (2) of this subtitle for that minor;

and

(4) is limited to:

- (i) farm work that is performed on a farm;
- (ii) domestic work that is performed in or about a home;
- (iii) work that is performed in a business that a parent of the minor or a person standing in place of the parent owns or operates;
- (iv) caddying on a golf course;
- (v) instructing on an instructional sailboat;
- (vi) delivery of newspapers to consumers;
- (vii) making an evergreen wreath in or about a home;
- (viii) work performed as a counselor, assistant counselor, or instructor in a youth camp certified under the Maryland Youth Camp Act; or
- (ix) work that is performed as an unpaid volunteer in a charitable or not for profit organization, if:
 1. a parent of the minor or a person standing in the place of the parent consents in writing; and
 2. for hazardous work in a volunteer fire department or company or volunteer rescue squad, the

minor:

- A. is at least 16 years old; and
- B. has completed or is taking a course of study about fire fighting or rescue.

§ 3-204. Miscellaneous powers.

For purposes of this subtitle and during reasonable business hours, the Commissioner may:

- (1) enter and inspect a place of employment;
- (2) inspect the employment records of an employee; or
- (3) question any employee.

§ 3-205. Permit required.

Unless an employer possesses a work or special permit for a minor, the minor may not work for the employer.

§ 3-206. Work permits.

(a) *Issuance.* A work permit shall be issued:

(1) By the Commissioner; or

(2) in accordance with the requirements of the Commissioner, by a county superintendent of schools or designee of the superintendent.

(b) *Proof of Age.* Before issuing a work permit, the issuing officer shall confirm the age of the minor for whom the permit is sought by examining:

(1) a baptismal certificate for the minor;

(2) a birth certificate or other official government document that attests to the age of the minor; or

(3) a school record for the minor.

(c) *Validation of application; issuance.* The official to whom an application for a work permit is submitted shall issue the work permit, by signing and dating the application, if:

(1) the document submitted under subsection (b) of this section attests to the age stated on the application; and

(2) the employment is allowed under this subtitle for the minor for whom the permit is sought.

(d) *Permit restrictions.* (1) An official may issue a work permit that authorizes a minor to be employed in an occupation that otherwise would be restricted under § 3-213 of this subtitle, if the minor:

(i) is exempted, under § 7-301(d)(2)(i) of the Education Article, from attendance in public school because the emotional, mental, or physical condition of the minor makes instruction detrimental to the progress of the minor;

(ii) is to be employed only in office work;

(iii) is to be employed in work that is performed outside of all rooms where goods are manufactured or processed; or

(iv) is to be employed in work that a county school system obtains and supervises as part of a work-study, student-learner, or similar program for which the employment is an integral part of the course of study.

(2) An official shall issue a work permit that authorizes a minor to be employed:

(i) in an occupation that otherwise would be restricted under § 3-213 of this subtitle if the minor is granted an exception by the Commissioner because, after investigation, the Commissioner determines that neither the work nor the work site where the work is to be performed is hazardous to the minor; or

(ii) in an occupation that otherwise would be restricted under § 3-213(c)(1) or (2) of this subtitle, if the minor:

1. has completed a course of study in that occupation at an accredited school and has been graduated from the school; or

2. is granted an exception by the Commissioner because employment in that occupation is part of a work-study, student-learner, or apprentice program under a federal, State, or local governmental agency.

§ 3-207. Special Permits.

(a) *Authority to issue.* Subject to this section, the Commissioner may issue a special permit for a minor of any age to be employed as an entertainer, model, or performer.

(b) *Application.* An applicant for a special permit shall submit to the Commissioner a completed application on the form that the Commissioner provides.

(c) *Issuance.* The Commissioner shall issue a special permit if, after investigation, the Commissioner is satisfied that:

- (1) the employment will not be detrimental to the health or welfare of the minor;
- (2) the minor will be supervised adequately; and
- (3) the education of the minor will not be neglected.

(d) *Contents.* A special permit shall contain notarized signatures that show the consent of:

- (1) a parent of the minor or a person standing in place of the parent; and
- (2) the employer.

§ 3-208. Scope of permit.

A work permit or special permit authorizes a minor to work for an employer as specified in the permit.

§ 3-209. Minors Under 14.

Except as otherwise provided in this subtitle, a minor under the age of 14 years may not be employed or allowed to be employed.

§ 3-210. Work hours – In general

(a) *Restrictions.* (1) A minor may not be employed or allowed to be employed for more than 5 consecutive hours without a nonworking period of at least one-half hour.

(2) Except as provided in subsections (b) and (c) of this section, in a calendar day:

- (i) the total school and work hours of a minor may not exceed 12 hours; and
- (ii) the minor shall have at least 8 consecutive hours that are not school or work hours.

(b) The Commissioner may grant to a minor an exception to the restrictions in subsection (a)(2) of this section if the Commissioner determines that there will be no hazard to the health or welfare of the minor.

(c) A minor who is 17 years old and serves as an election judge, under § 10-202 of the Election Law Article, may work more than 12 hours on Election Day only, subject to consent from at least one parent or guardian.

§ 3-211. Same – Minors under 16.

(a) *Restrictions.* (1) Except as provided in subsection (b) of this section, a minor under the age of 16 years may not be employed or allowed to be employed:

- (i) before 7:00 a.m.;
- (ii) from the day after Labor Day through the day before Memorial Day, after 8:00 p.m.;
- (iii) from Memorial Day through Labor Day, after 9:00 p.m.; or
- (iv) more than:
 1. 4 hours on a day when school is in session;
 2. 8 hours on a day when school is not in session;
 3. 23 hours in a week when school is in session for 5 days; or
 4. 40 hours in a week when school is not in session.

(2) The hours of work allowed under paragraph (1)(iv) of this subsection do not include any hours that a minor works in a bona fide work-study or student-learner program while school normally is in session.

(b) *Exception.* The Commissioner may grant to a minor an exception to the restrictions under this section if the Commissioner:

(1) receives the written consent of a parent of the minor or a person standing in the place of the parent; and

(2) determines that:

- (i) there will be no hazard to the health or welfare of the minor; and

- (ii) granting the exception will not impede the minor in fulfilling school graduation requirements.

§ 3-212. Restricted employment during certain hours.

(a) *Scope of Section.* This section does not apply to a minor who:

- (1) is a child of the manager, operator, or owner of the business establishment from or to which a check, money, or negotiable instrument is being transported; or
- (2) is transporting a check, money, or negotiable instrument that the minor received as payment for merchandise that the minor delivered or for a service that the minor performed.

(b) *Restrictions.* (1) A minor may not be employed, between 8:00 p.m. and 8:00 a.m., to transport to or from a business establishment checks, money, or negotiable instruments, including payroll funds or business receipts.

- (2) A minor may not be employed, between 8:00 a.m. and 8:00 p.m., to transport to or from a business establishment checks, money, or negotiable instruments that have a value in excess of \$100.

§3-213. Prohibited employment.

(a) *In general.* Except as otherwise provided in this subtitle, a minor may not be employed or allowed to work:

- (1) in, about, or in connection with the manufacturing of a hazardous substance;
- (2) in, about, or in connection with:
 - (i) a blast furnace;
 - (ii) a distillery where an alcoholic beverage is manufactured, bottled, wrapped, or packed;
 - (iii) a railroad;
 - (iv) an engineer, fireman, or pilot on a vessel that is engaged in commerce; or
 - (v) a dock or wharf other than a marina where pleasure vessels are sold or served; or
- (3) in, about, or in connection with:
 - (i) the erection or repair of an electrical wire;
 - (ii) the cleaning, oiling, or wiping of machinery; or
 - (iii) an occupation that is prohibited by law.

(b) *Minors Under 16.* Except as otherwise provided in this subtitle, a minor under the age of 16 may not be employed or allowed to work:

- (1) during the school hours set for that minor;
- (2) about or in connection with an acid, dye, gas, lye, or paint;
- (3) at, about, or in connection with:
 - (i) an airport;
 - (ii) a brickyard;
 - (iii) a lumberyard;
 - (iv) a workroom or work site where goods are manufactured or processed;
 - (v) scaffolding; or
 - (vi) a vessel when engaged in navigation or commerce; or
- (4) in, about, or in connection with:
 - (i) construction;
 - (ii) an occupation that causes dust in an injurious quantity;
 - (iii) a manufacturing occupation;
 - (iv) a mechanical occupation;
 - (v) a processing occupation; or
 - (vi) the adjustment, cleaning, or operation of power-driven machinery except:

1. an office machine; or
 2. machinery used in a school or government institution as part of vocational training.
- (c) *Other Occupations.* The Commissioner may prohibit minors being employed in an occupation if:
- (1) after a public hearing, the Commissioner determines that employment in the occupation should be prohibited to minors;
 - (2) the Commissioner adopts by reference a determination by the United States Secretary of Labor under the federal Fair Labor Standards Act of 1938 that the occupation is hazardous; or
 - (3) after investigation, the Commissioner determines that the occupation is injurious to:
 - (i) the health or welfare of minors; or
 - (ii) the morals of minors under the age of 16 years.

§ 3-214. Posting notice of subtitle.

Each employer shall keep posted conspicuously in each place where a minor is employed a printed notice of the provisions of this subtitle, in a form that the Commissioner requires.

§ 3-215. Revocations.

After review, the Commissioner may revoke a work permit or special permit if the permit is not issued in accordance with the requirements of the Commissioner.

§ 3-216. Prohibited acts; penalties.

- (a) A person may not:
- (1) interfere with or hinder the performance of any duty of the Commissioner under this subtitle; or
 - (2) knowingly give false information to the Commissioner.
- (b) *Unlawful employment.* A person may not knowingly:
- (1) employ a minor in violation of a provision of this subtitle; or
 - (2) allow a minor to be employed in violation of a provision of this subtitle.
- (c) *Penalties.* (1) A person who violates any provision of subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both.
- (2) A person who violates any provision of subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 1 year or both.