

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2523

AN ACT

AMENDING SECTIONS 23-230 AND 23-235, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-243; RELATING TO YOUTH EMPLOYMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-230, Arizona Revised Statutes, is amended to
3 read:

4 23-230. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Automatic elevator" means a passenger or freight lift operated
7 by push buttons so that the starting, moving, leveling, holding and
8 opening and closing of the doors is entirely automatic.

9 2. "Clay construction product" means brick, hollow structural tile,
10 sewer pipe, refractories, architectural terra cotta, glazed structural
11 tile, roofing tile, stove lining, chimney pipes and tops, wall coping and
12 drain tile.

13 3. "Construction" means building, altering, repairing, adding to,
14 subtracting from, improving, moving, wrecking or demolishing a building,
15 highway, road, railroad, excavation or other structure, project,
16 development or improvement, including the erection and use of scaffolding
17 or a similar structure and providing mechanical or structural service for
18 a structure, project, development or improvement.

19 4. "Elevator" means a power-driven hoisting or lowering mechanism
20 equipped with a car or platform which moves in guides in a substantially
21 vertical direction. Elevator does not include dumbwaiters.

22 5. "Explosive" means ammunition, black powder, blasting caps,
23 fireworks or any substance or combination of substances commonly used for
24 the purpose of detonation and ~~which~~ THAT, on exposure to any external
25 force or condition, is capable of a relatively instantaneous release of
26 gas and heat.

27 6. "Hazardous agricultural chemicals" means any substance that has
28 a toxicity level that requires manufacturer or distributor labeling as
29 category I, category II ~~and~~ OR category III toxicity in accordance with
30 the regulations adopted by the administrator pursuant to the federal
31 environmental pesticide control act of 1972, as amended.

32 7. "Logging" means felling timber, bucking or converting timber
33 into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior
34 wood, cordwood, fence posts or similar products, collecting, skidding,
35 yarding, loading, transporting and unloading such products, constructing,
36 repairing and maintaining roads, railroads, flumes or camps used in
37 connection with logging, moving, installing, rigging and maintenance of
38 machinery or equipment used in logging, operation of a sawmill, lath mill,
39 shingle mill or cooperage stock mill in connection with the storing of
40 logs and bolts, converting logs or bolts into sawed lumber, laths,
41 shingles or cooperage stock and storing, drying and shipping lumber,
42 laths, shingles and cooperage stock or other products of such mills.

43 8. "Manufacturing" means designing, assembling, fabricating,
44 producing, constructing or preparing a product or part of a product before
45 sale or use.

1 9. "Mine or quarry" means an underground or surface rock or mineral
2 extracting, placer, dredging or bore-hole operation including all grinding
3 and metal mills, washer plants and any other cutting, crushing, grinding,
4 screening, sizing, washing or cleaning operation performed on extracted
5 rocks or minerals.

6 10. "Motor vehicle" means an automobile, truck, truck tractor,
7 trailer, semitrailer, motorcycle or similar vehicle propelled or drawn by
8 mechanical power and designed for use as a means of transportation. Motor
9 vehicle does not include a vehicle operated exclusively on rails.

10 11. "ON A CASUAL BASIS" MEANS EITHER:

11 (a) EMPLOYMENT THAT DOES NOT EXCEED TWENTY HOURS PER WEEK IN THE
12 AGGREGATE.

13 (b) EMPLOYMENT THAT EXCEEDS TWENTY HOURS PER WEEK IF THE EXCESSIVE
14 HOURS OF EMPLOYMENT ARE WITHOUT REGULARITY OR ARE FOR IRREGULAR OR
15 INTERMITTENT PERIODS.

16 ~~11.~~ 12. "Outside helper" means a person who rides on a motor
17 vehicle other than in the driver or passenger compartment for the purpose
18 of transporting, loading or unloading items.

19 ~~12.~~ 13. "Power-driven bakery machine" means a horizontal or
20 vertical dough mixer, batter mixer, bread dividing, rounding or molding
21 machine, dough brake, dough sheeter, combination bread slicing and
22 wrapping machine, cake cutting band saw, cookie machine or cracker
23 machine.

24 ~~13.~~ 14. "Power-driven hoist" means an apparatus for raising or
25 lowering a load by the application of a pulling or pushing force including
26 a crane, derrick or forklift. Power-driven hoist does not include an
27 elevator or an automatic elevator.

28 ~~14.~~ 15. "Power-driven meat processing machine" means a meat patty
29 forming machine, meat and bone cutting saw or knife, head splitter,
30 guillotine cutter, snout puller, jaw puller, skinning machine, horizontal
31 rotary washing machine, casing cleaning machine, grinding, mixing,
32 chopping and hashing machines and meat presses.

33 ~~15.~~ 16. "Power-driven metal working, forming, punching or shearing
34 machine" means a machine, other than machine tools, ~~which~~ THAT changes the
35 shape of or cuts metal by means of dies, rolls, knives or similar tools
36 ~~which~~ THAT are mounted on rams, plungers or other moving parts.

37 ~~16.~~ 17. "Power-driven paper products machine" means a platen
38 die-cutting press, platen printing press, punch press ~~which~~ THAT involves
39 hand feeding of the machine, arm-type wirestitcher or stapler, circular or
40 band saw, corner cutter or mitering machine, corrugating and ~~single~~
41 SINGLE-LACING or double-lacing machine, envelope die-cutting press,
42 guillotine paper cutter or shear, horizontal bar scorer, laminating or
43 combining machine, sheeting machine, scrap paper baler or vertical slotter
44 or other machine used in the remanufacture or conversion of paper or pulp
45 into a finished product.

1 ~~17.~~ 18. "Power-driven woodworking machine" means a fixed or
2 portable machine or tool driven by power and used or designed for cutting,
3 shaping, forming, surfacing, nailing, stapling, wire stitching, fastening,
4 assembling, pressing or printing wood or veneer.

5 ~~18.~~ 19. "Processing" means an activity involving an addition to,
6 subtraction from, change in or cleaning of any food or foodstuff including
7 filleting fish, dressing poultry or cracking nuts.

8 ~~19.~~ 20. "Radiation" means ionizing radiation including gamma rays,
9 x-rays, alpha and beta particles, high speed electrons, neutrons, protons
10 and other nuclear particles or rays.

11 ~~20.~~ 21. "Radioactive substance" means a solid, liquid or gaseous
12 material or materials that spontaneously emit radiation.

13 ~~21.~~ 22. "Roofing" means all work performed in connection with the
14 application of weatherproofing materials and substances, including tar,
15 pitch, asphalt, prepared paper, tile, slate, metal, translucent materials
16 and shingles of asbestos, asphalt or wood, to roofs of buildings and other
17 structures. Roofing includes all work performed in connection with
18 installation of roofs, including related metal work, and alterations,
19 additions, maintenance and repair including painting and coating of roofs.

20 ~~22.~~ 23. "Silica refractory products" means items produced from raw
21 materials and containing free silica as their main constituent.

22 ~~23.~~ 24. "Warehousing" means loading, unloading, storing or
23 otherwise moving any item or items to and from trucks, railroad cars,
24 conveyors and buildings.

25 ~~24.~~ 25. "Wrecking, demolition and shipbreaking" means all work,
26 including cleanup and salvage work, performed on or at the site of the
27 total or partial razing, demolishing or dismantling of a building, bridge,
28 steeple, tower, chimney, other structure, motor vehicle, ship or other
29 vessel.

30 Sec. 2. Section 23-235, Arizona Revised Statutes, is amended to
31 read:

32 23-235. Exemptions

33 A. ~~The provisions of~~ Sections 23-231, 23-232 and 23-233 ~~shall~~ DO
34 not apply to persons:

35 1. Employed by a grandparent, brother, sister, aunt, uncle, first
36 cousin, stepparent or parent, including a relative of the same degree
37 through marriage or adoption, or person in loco parentis in occupations in
38 which the grandparent, brother, sister, aunt, uncle, first cousin,
39 stepparent or parent or person in loco parentis owns at least ten ~~per cent~~
40 PERCENT of the employing organization and such owner is actively engaged
41 in the daily operation of the organization, if either:

42 (a) The person is under the age of eighteen years and IS not
43 engaged in manufacturing or mining occupations.

44 (b) The person is between the ages of sixteen and eighteen years
45 and is engaged in manufacturing or mining occupations.

1 2. Employed as stars or performers in motion picture, theatrical,
2 radio or television productions if before the beginning of production the
3 production company provides the department of labor of the industrial
4 commission with the name and address of the person, the length, location
5 and hours of employment and any other information required by the
6 department.

7 3. Involved in career education programs.

8 4. Involved in vocational or technical training school programs
9 pursuant to title 15, chapter 7, article 5.

10 5. Employed as apprentices and registered by the bureau of
11 apprenticeship and training of the United States department of labor in
12 accordance with the standards established by that bureau or registered by
13 the apprenticeship council or employed under a written apprenticeship
14 agreement and conditions ~~which~~ THAT are found by the secretary of labor to
15 conform substantially with such federal or state standards.

16 6. Trained under either the 4-H federal extension service or the
17 United States office of education vocational agriculture training
18 programs, if employed outside school hours on the equipment for which they
19 have been trained.

20 7. Who have completed vocational or career education programs
21 approved by the department of education if the programs are directly
22 related to the prohibited occupation or employment or if working in the
23 prohibited occupation is part of the vocational or career education
24 program.

25 8. Who are married.

26 9. Who have a high school diploma or its equivalent.

27 B. Sections 23-231 and 23-232 do not apply to:

28 1. The operation of power-driven equipment used in the care and
29 maintenance of lawns and shrubbery not connected to retail, food service
30 and gasoline service establishments.

31 2. Clerical employment in an office in which duties are performed
32 without exposure to the hazards described or defined in this article.

33 C. SECTION 23-233, SUBSECTION A DOES NOT APPLY TO PERSONS WHO ARE
34 ALL OF THE FOLLOWING:

35 1. UNDER TWENTY-TWO YEARS OF AGE.

36 2. EMPLOYED ON A CASUAL BASIS.

37 3. ENROLLED FULL-TIME AS A STUDENT.

38 Sec. 3. Title 23, chapter 2, article 3, Arizona Revised Statutes,
39 is amended by adding section 23-243, to read:

40 23-243. Youth employment

41 NOTWITHSTANDING ANY OTHER LAW, TO PREVENT THE CURTAILMENT OF
42 OPPORTUNITIES FOR YOUTH EMPLOYMENT, AN EMPLOYER MAY:

43 1. PAY A WAGE EQUAL TO OR GREATER THAN THE FEDERAL MINIMUM WAGE TO
44 EMPLOYEES WHO ARE ALL OF THE FOLLOWING:

- 1 (a) UNDER TWENTY-TWO YEARS OF AGE.
- 2 (b) EMPLOYED ON A CASUAL BASIS.
- 3 (c) ENROLLED FULL-TIME AS A STUDENT.
- 4 2. CONSISTENT WITH STATE AND FEDERAL LAW, NEGOTIATE OTHER TERMS AND
- 5 CONDITIONS OF EMPLOYMENT WITH EMPLOYEES WHO ARE ALL OF THE FOLLOWING:
- 6 (a) UNDER TWENTY-TWO YEARS OF AGE.
- 7 (b) EMPLOYED ON A CASUAL BASIS.
- 8 (c) ENROLLED FULL-TIME AS A STUDENT.