

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 838

Short Title: Protect Youth/Farm Family Employment. (Public)

Sponsors: Representatives Jordan, Parfitt, Howard, and M. Alexander (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Agriculture.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROTECT CHILDREN FROM INJURY AND DEATH AT AGRICULTURAL
ESTABLISHMENTS AND TO PRESERVE THE TRADITIONAL ROLE OF
EMPLOYMENT ON THE FAMILY FARM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 95-25.14(a)(2) reads as rewritten:

"(a) The provisions of G.S. 95-25.3 (Minimum Wage), G.S. 95-25.4 (Overtime), and
G.S. 95-25.5 (Youth Employment), and the provisions of G.S. 95-25.15(b) (Record Keeping)
as they relate to these exemptions, do not apply to:

...

(2) Any person employed in agriculture, as defined under the Fair Labor
Standards ~~Act~~; Act, if employed on a farm owned or operated by the person's
parent, sibling, grandparent, aunt, uncle, or legal guardian, or by one
standing in loco parentis to that person;"

...."

SECTION 2. G.S. 95-25.5(c) reads as rewritten:

"(c) No youth 14 or 15 years of age may be employed by an employer in any occupation
except those determined by the United States Department of Labor to be permitted occupations
under the Fair Labor Standards ~~Act~~; Act and except employment in agriculture as defined by
that Act; provided, such youths may be employed by employers:

- (1) No more than three hours on a day when school is in session for the youth;
- (2) No more than eight hours on a day when school is not in session for the
youth;
- (3) Only between 7 A.M. and 7 P.M., except to 9 P.M. during the summer
(when school is not in session);
- (4) No more than 40 hours in any one week when school is not in session for the
youth;
- (5) No more than 18 hours in any one week when school is in session for the
youth; and
- (6) Only outside school hours.

Notwithstanding the above, enrollees in high school apprenticeships or in work experience
and career exploration programs as defined under the Fair Labor Standards Act may work up to
23 hours in any one week when school is in session, any portion of which may be during school
hours."



1 **SECTION 3.** This act is effective when it becomes law and applies to youths
2 employed on or after that date.