

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Joint Resolution 7 (Delegate Ruth)
Rules and Executive Nominations

Ratifying the Federal Child Labor Amendment

This joint resolution ratifies the federal Child Labor Amendment to the U.S. Constitution, as proposed by U.S. House Joint Resolution 184 of 1924, to provide the U.S. Congress with the power to limit, regulate, and prohibit the labor of minors. A copy of this resolution must be forwarded by the Department of Legislative Services as specified.

Fiscal Summary

State Effect: The joint resolution does not directly affect State finances as additional states must ratify the federal Child Labor Amendment for it to take effect. If the Child Labor Amendment is ratified, depending on any future federal legislation and potential legal actions, the federal Child Labor Amendment may impact the State's ability to regulate the labor of minors.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The U.S. House Joint Resolution of 1924 proposes to amend the U.S. Constitution so that the U.S. Congress has the power to limit, regulate, and prohibit the labor of persons under 18 years of age. In 1924, the U.S. Congress passed U.S. House Joint Resolution of 1924. The amendment was then brought before the states for ratification, but it failed to garner support from the three-fourths of states required to ratify and include the language in the U.S. Constitution. Maryland rejected the resolution in 1927, and the amendment is still outstanding.

Prior to the U.S. House Joint Resolution of 1924, the federal government attempted to regulate child labor through legislation in 1916 with the Keating-Owen Child Labor Act, but the U.S. Supreme Court ruled the Act as unconstitutional. The U.S. Congress passed the federal Fair Labor Standards Act (FLSA) in 1938, prohibiting oppressive child labor. The act was challenged in the U.S. Supreme Court, but the FLSA was upheld. The FLSA generally sets the minimum age for employment (14 years for non-agricultural jobs), restricts the hours youth under the age of 16 may work, and prohibits youth under the age of 18 from being employed in hazardous occupations.

All states also have standards concerning youth employment. When federal and state standards are different, the rules that provide the most protection to young workers apply.

Maryland Work Permits and Special Permits

Generally, a minor under the age of 14 may not be employed or allowed to be employed in Maryland and individuals between the ages of 14 and 18 may not work without a permit, subject to specified exemptions. Except under conditions specified in statute, a minor between the age of 14 and 18 may not work in about a dozen hazardous professions delineated in statute; additional occupations are restricted for minors younger than age 16.

A parent or guardian of a minor may apply for a work permit by completing an online application and, after reviewing the application, the Commissioner of Labor and Industry may issue the permit if permissible.

The Commissioner of Labor and Industry may issue a special permit for a minor of any age to be employed as an entertainer, model, or performer. If the commissioner is satisfied that the employment will not be detrimental to the minor's health or welfare, the minor will be adequately supervised, and the minor's education will not be neglected, the commissioner must issue the special permit. The special permit must be notarized with the signatures of the employer and the minor's parent or guardian.

Statute includes additional requirements related to the working hours of minors that generally limit the number of hours and time of day during which a minor may be employed.

A person who interferes with the commissioner's enforcement of the statute or knowingly gives false information to the commissioner is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 and/or imprisonment for up to 90 days. A person who knowingly employs or allows a minor to be employed in violation of the law is guilty of a misdemeanor and on conviction is subject to a fine of up to \$10,000, and/or imprisonment for up to one year.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Labor; U.S. Department of Labor; National Archives; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2024
rh/mcr

Analysis by: Heather N. MacDonagh

Direct Inquiries to:
(410) 946-5510
(301) 970-5510