

1 SENATE BILL 357

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Leo Jaramillo and Harold Pope

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10 AN ACT

11 RELATING TO CHILDREN; REQUIRING THE PRESENCE OF A PARENT OR
12 GUARDIAN FOR CHILDREN UNDER THE AGE OF SIXTEEN; REVISING
13 REQUIREMENTS FOR TEACHERS WHEN CHILDREN ARE EMPLOYED IN THE
14 PERFORMING ARTS.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 50-6-18 NMSA 1978 (being Laws 2007,
18 Chapter 257, Section 3) is amended to read:

19 "50-6-18. CHILDREN WORKING IN THE PERFORMING ARTS.--

20 A. For the purposes of this section, a "performer"
21 means a person employed to act or otherwise participate in the
22 performing arts, including motion picture, theatrical, radio or
23 television products.

24 B. A performer under eighteen years of age is
25 considered a child subject to the Child Labor Act unless:

.223852.1

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1 (1) the performer has satisfied the compulsory
2 education laws of the state;

3 (2) the performer is married;

4 (3) the performer is a member of the armed
5 forces; or

6 (4) the performer is legally emancipated.

7 C. A child may not begin work earlier than 5:00
8 a.m. and the workday must end no later than 10:00 p.m. on
9 evenings preceding school days and 12:00 a.m. on mornings of
10 nonschool days.

11 D. A child-performer's working hours, including
12 school time, are limited as follows:

13 (1) a child under the age of six shall not be
14 employed or permitted to labor for more than six hours in one
15 day;

16 (2) a child over the age of six and under the
17 age of nine shall not be employed or permitted to labor for
18 more than eight hours in one day;

19 (3) a child over the age of nine and under the
20 age of sixteen shall not be employed or permitted to labor for
21 more than nine hours in one day; and

22 (4) a child over the age of sixteen and under
23 the age of eighteen shall not be employed or permitted to labor
24 for more than ten hours in one day.

25 E. [If] When a resident or nonresident child

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1 engages in employment, [~~on school days~~] a studio teacher with
2 credentials [~~appropriate to the level of education needed~~]
3 required by Subsection H of this section shall be provided by
4 the employer.

5 F. The [~~labor~~] workforce solutions department shall
6 promulgate rules for employers in the performing arts,
7 including education and safety requirements. A parent or
8 guardian of a child under sixteen years of age shall be present
9 with and accompany the child on the set or location and be
10 within sight or sound of the child at all times, except when
11 the child is in an area being used as a school facility with a
12 studio teacher.

13 G. For the purposes of Subsections E and F of this
14 section, in addition to teaching responsibilities, a studio
15 teacher shall monitor and protect the health, safety and
16 welfare of the child at all times except for:

17 (1) periods of up to one hour during special
18 situations for promotional publicity, personal appearances,
19 wardrobe, makeup or hairdressing;

20 (2) when the child's school is not in session;
21 and

22 (3) when the child is accompanied by a parent
23 or guardian.

24 H. At a minimum, the studio teacher shall possess:

25 (1) a valid and current level two license

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1 issued by the public education department pursuant to Section
2 22-10A-10 NMSA 1978; and

3 (2) a current certificate of compliance from
4 the workforce solutions department affirming that the studio
5 teacher has knowledge of child labor laws and regulations
6 applicable to the employment of a child in the performing arts
7 industry, including the ability to take cognizance of working
8 conditions, physical surroundings, signs of the child's mental
9 and physical fatigue and the demands made upon the child and to
10 fulfill the statutory requirement to report incidents of
11 alleged child abuse as required by Section 32A-4-3 NMSA 1978."