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AN ACT

RELATING TO CHILDREN; REQUIRING THE PRESENCE OF A STUDIO
TEACHER FOR CHILDREN UNDER THE AGE OF SIXTEEN; REVISING
REQUIREMENTS FOR STUDIO TEACHERS.

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

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

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

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

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

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

(2) the performer is married;

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

(4) the performer is legally emancipated.

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

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

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

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

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

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

15 E. When a child engages in employment, a studio
16 teacher with credentials required by Subsection I of this
17 section shall be provided by the employer.

18 F. The workforce solutions department shall
19 promulgate rules for employers in the performing arts,
20 including education and safety requirements.

21 G. A parent or guardian of a child under sixteen
22 years of age shall be present with and accompany the child on
23 the set or location and be within sight or sound of the child
24 at all times, except when the child is in an area being used
25 as a school facility with a studio teacher.

1 H. In addition to teaching responsibilities, a
2 studio teacher shall monitor and protect the health, safety
3 and welfare of the child at all times except for periods of
4 up to one hour during special situations for promotional
5 publicity, personal appearances, wardrobe, makeup or
6 hairdressing when the child is accompanied by a parent or
7 guardian.

8 I. At a minimum, the studio teacher shall:

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

19 (2) by July 1, 2026, possess a valid and
20 current level two license issued by the public education
21 department pursuant to Section 22-10A-10 NMSA 1978."

22 SECTION 2. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2023. _____

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