Employment of Children

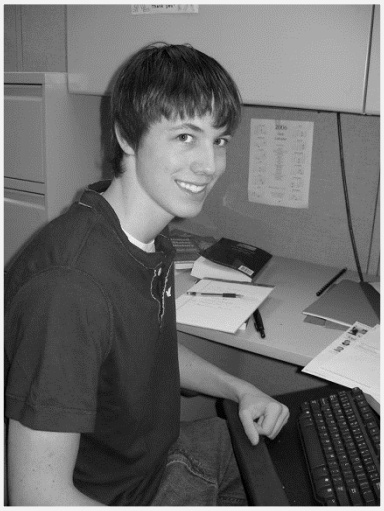
Statutes and Regulations

Wage and Hour
Pamphlet 200
October 2026

Alaska Department of Labor and Workforce Development
Labor Standards and Safety Division







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& WORKFORCE DEVELOPMENT

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Publications are also available online at http://labor.alaska.gov/lss/lssforms.htm

Alaska's youth embody the future of the State and are its most valuable resource. The Alaska Department of Labor and Workforce Development's mission is to protect workers under the age of 18 in Alaska's workplace settings. Several of the protections are based on the fact that various workplaces and activities are hazardous for young workers whose physical coordination and decision-making capacity is not fully developed. Other protections are aimed at optimizing the environment for educational success. This publication, *Pamphlet 200, Employment of Children*, is designed to assist employers, minor employees and their parents by providing the applicable laws and regulations with regard to workers under the age of 18.

The pamphlet consists of two sections: the Alaska Statutes (pages 1-3) and the Alaska Administrative Code or Regulations (pages 3-14). The index of topics (pages 15-16) will provide assistance in locating a particular child labor topic. When reviewing the subjects contained in this pamphlet, keep in mind that the statutes carry the greatest weight. The State regulations have been established to further clarify and interpret language used in the statute.

Child labor law can be confusing. Please take advantage of the cost-free counseling services offered by the Department to clarify your questions. For questions regarding this pamphlet and Alaska's child labor laws, you may call or come in to the nearest Wage and Hour office Monday through Friday during regular business hours, and a Wage and Hour Investigator will be happy to assist you. Addresses and phone numbers for these offices are listed on the inside cover page of this pamphlet.

For additional information, visit the Alaska Labor Standards and Safety Division website at:
http://labor.alaska.gov/lss/

Note to Readers: The statutes and administrative regulations listed in this publication were taken from the official codes, as of the effective date of the publication. However, there may be errors or omissions that have not been identified and changes that occurred after the publication was printed. **This publication is intended as an informational guide only and is not intended to serve as a precise statement of the statutes and regulations of the State of Alaska. To be certain of the current laws and regulations, please refer to the official codes.**

Employment of Children

Pamphlet 200: Statutes and Regulations

October 2026

State of Alaska

Alaska Department of Labor and Workforce Development

The Alaska Wage and Hour

Table of Contents

Wage and Hour offices ..... inside front cover

Alaska Statutes

Title 23, Article 4, Employment of Children 1
Title 11, Article 3, Adult Entertainment Business 3
Title 4, Alcoholic Beverages 3

Alaska Administrative Code

Title 8, Chapter 5, Child Labor 4
Employment of Minors 14 & 15 Years of Age 4
Employment of Minors Under 18 Years of Age 5
Work Permits 6
Certificates of Age 10
Entertainment Industry 10
Unlawful Exploitation of a Minor 13
General Provisions 13
Index 15

ALASKA STATUTES

TITLE 23. Labor and Workers' Compensation

CHAPTER 10. Employment Practices and Working Conditions

Article 4. Employment of Children

Section

325. Purpose
330. Exempted Employment
332. Authorization for Children Under 17 to Work
335. Employment of Children Under 14
340. Children Under 16
350. Employment of Person Under 18
355. Persons Under 21
360. Regulations for Minimum Standards and Work Opportunities
365. Enforcement
370. Penalty

Sec. 23.10.325. Purpose.

It is the purpose of AS 23.10.325 - 23.10.370 to establish protective standards for child labor to the end that their health, morals, education, and future welfare will be protected during the formative years and to the further end that any abuses or unjust exploitation of this labor will be effectively prohibited.
(§ 1 ch 73 SLA 1949)

Sec. 23.10.330. Exempted employment.

(a) AS 23.10.325 - 23.10.370 do not prohibit employment of a child under the direct supervision of a parent in a business owned and operated by the parent or the work of a child on a boat owned and operated by the parent of the child.

(b) Notwithstanding AS 23.10.335 - 23.10.350, a minor of any age may be employed as a performer in the entertainment industry. The provisions of AS 23.10.335 - 23.10.350 and AS 23.10.360(a) and 23.10.360(c) concerning times, hours, or days of work do not apply to the employment of a minor as a performer in the entertainment industry. The department may adopt regulations to implement this subsection. In this subsection, a "performer in the entertainment industry" means a performer in advertisements and television, film, radio, and theater productions but does not include employment on the premises of a business offering any form of adult entertainment under AS 23.10.350(f) regardless of the nature of the work performed by the minor.
(§ 1 ch 73 SLA 1949; am § 1 ch 86 SLA 1992; am § 2 ch 18 SLA 1995)

Sec. 23.10.332. Authorization for children under 17 to work.

(a) Except for employment exempted under AS 23.10.330 and other employment specifically exempted by regulations adopted by the department, a minor under 17 years of age may not be employed or allowed to work without the written authorization of the commissioner unless authorized under AS 23.10.360 or under (c) of this section.

(b) The department shall adopt regulations necessary to implement this section.

(c) An employer may employ a minor who is at least 14 years of age to perform a specific job consisting of listed duties without the written authorization of the commissioner under (a) of this section if the employer has, in advance, secured the approval of the commissioner for a minor to perform that job and the employer files the written consent from the minor's parent or guardian described in (d) of this section. The employer may not change any of the listed duties of a job to be performed by a minor without prior approval of the commissioner.

(d) A written consent from a parent or guardian filed under (c) of this section

(1) is valid only for the job and listed duties specified on the consent;

(2) must be filed with the commissioner within seven calendar days after the minor begins working the job specified in the consent

(3) is valid for the calendar year in which it is executed or, in the case of a written consent executed in December, for that calendar year, the next calendar year, or both, depending on the terms of the written consent;

(4) shall be on a form provided by the department; the department may use the same form that it uses to issue work permits under (a) of this section to secure parental signatures under this subsection; and

(5) must be signed by a parent or legal guardian of the minor before the date the minor begins working the job specified in the consent.
(§ 3 ch 112 SLA 1976; am §§ 1, 2ch 76 SLA 2002)

Sec. 23.10.335. Employment of children under 14.

A minor under 14 years of age may not be employed or allowed to work in an occupation outside school hours except in domestic employment, baby-sitting, and handiwork in and about private homes; newspaper delivery or sales; or canneries in warehouse work casing cans under competent supervision. (§ 1 ch 73 SLA 1949)

Sec. 23.10.340. Employment of children under 16.

(a) A minor under 16 years of age may not be employed for more than a combined total of nine hours school attendance and employment in one day. If employed, the minor's work may be performed only between 5 a.m. and 9 p.m. Employment outside school hours may not exceed 23 hours in one week, domestic work and babysitting excepted.
(§ 1 ch 73 SLA 1949; § 3 ch 73 SLA 1949; am § 2 ch 28 SLA 1951; am § 7 ch 112 SLA 1976; am § 1 ch 55 SLA 1981)

Sec. 23.10.350. Employment of person under 18.

(a) A minor under 18 years of age may not be employed or allowed to work

(1) more than six days a week;

(2) in hazardous excavation, or underground in mines, or as hoisting engineer in mines; or

(3) in an occupation dangerous to life or limb or injurious to the health of the minor.

(b) If the commissioner determines that the duties to be performed by the minor would not unduly endanger the life, limb, or health of the minor and if the employment meets the conditions of wages and hours prevailing for the majority of the employees in the industry at the time of employment, the commissioner may grant an exemption in writing from (a) of this section for a minor 16-18 years of age to work at those duties

(1) outside school hours, or while on school vacation, if the minor is attending school; or

(2) if the minor is no longer attending school.

(c) Except as provided in (e) of this section, a person under 18 years of age who is scheduled to work for six consecutive hours or more is entitled to a break of at least 30 minutes during the course of the work shift. The break required by this subsection may be scheduled at the convenience of the employer but must occur after the first hour and a half of work and before the beginning of the last hour of work. A person under 18 years of age who works for five consecutive hours without a break is entitled to a break of at least 30 minutes before continuing to work. This subsection may be modified by the terms of a collective bargaining agreement that covers the employment of the person under 18. This subsection may be modified on occasion by mutual agreement between the employer and the employee.

(d) Notwithstanding AS 23.10.055(11), failure to provide the unpaid break periods required by (c) of this section creates a minimum wage liability under AS 23.10.065 for the break that the employee did not receive or received late. A claim for minimum wage in lieu of the unpaid break is enforceable under AS 23.10.110.

(e) The provisions of (c) of this section do not apply to

(1) an individual employed in the catching, trapping, cultivating or farming, netting, or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;

(2) an individual employed by a member of the individual's family; in this paragraph, "member of the individual's family" means the individual's spouse, parent, step-parent, grandparent, step-grandparent, great grandparent, step-great grandparent, brother, sister, uncle, aunt, great-uncle, or great-aunt, whether of the whole or half blood or by adoption or by marriage.

(f) A minor under the age of 18 may not be employed or allowed to work in any capacity on the premises of a business that offers adult entertainment. In this subsection, "business that offers adult entertainment" means a business in which one or more individuals are employed or contracted to, wholly or in part, or permitted to entertain others by

(1) removing clothes or other items that clothe or hide the person's body;

(2) dancing or in any other manner exhibiting the individual's body in a completely or almost completely unclothed state;

(3) participating in an actual or simulated illegal, indecent, or lewd exhibition, act, or practice including

(A) sexual penetration;

(B) the lewd exhibition or touching of a person's genitals, anus, or breast; or

(C) bestiality.

(§§ 2, 3 ch 73 SLA 1949; am §§ 1, 2 ch 28 SLA 1951; § 4 ch 73 SLA 1949; am § 84 ch 127 SLA 1974; am § 4 ch 112 SLA 1976; am § 2 ch 86 SLA 1992; am § 3 ch 18 SLA 1995)

Sec. 23.10.355. Employment of persons under 21.

A person under 21 may not be employed or allowed to sell or serve alcoholic beverages or to work on a licensed premise, except as provided in AS 04.16.049.
(§ 3 ch 73 SLA 1949; am § 2 ch 28 SLA 1951; am § 24 ch 245 SLA 1970; am § 5 ch 112 SLA 1976; am § 58 ch 59 SLA 1982; am § 17 ch 109 SLA 1983)

Sec. 23.10.360. Regulations for minimum standards and work opportunities.

(a) The department may, from time to time after public notice and hearing, adopt regulations and issue orders establishing minimum standards for safety, working conditions, kind and extent of work in various phases of the respective fields of employment, maximum hours for the day and week, and minimum rates of pay, and other reasonable safeguards compatible with the welfare of all minors covered by AS 23.10.325 - 23.10.370.

(b) The department shall make cooperative arrangements with other state and federal agencies and shall adopt the regulations that are necessary to provide opportunities for work experience in safe and healthful occupations for minors.

(c) The department shall, after notice and hearing, adopt regulations authorizing the employment of minors under 18 years of age and exempting appropriate employers from the requirement to secure the commissioner's written authorization under AS 23.10.332(a).
(§ 5 ch 73 SLA 1949; am § 6 ch 112 SLA 1976; am § 3 ch 76 SLA 2002)

Sec. 23.10.365. Enforcement.

The department shall enforce AS 23.10.325 - 23.10.370.
(§ 6 ch 73 SLA 1949)

Sec. 23.10.370. Penalty.

(a) Except as provided in (b) of this section, a person who violates a provision of AS 23.10.325 - 23.10.370 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than $500,

(b) or by imprisonment for not more than 90 days, or

(c) by both.

(d) A person who employs a minor in violation of AS 23.10.350(f) is guilty of a class A misdemeanor for the first offense and a class C felony for the second and each subsequent offense.

(§ 7 ch 73 SLA 1949; am §§ 4, 5 ch 18 SLA 1995)

TITLE 11. Criminal Law

CHAPTER 66. Offenses Against Public Health and Decency

Article 3. Adult Entertainment Business

Section

300. Prohibiting Minors from Being Present at an Adult Entertainment Business

Sec. 11.66.300. Prohibiting minors from being present at an adult entertainment business.

(a) The owner or an agent or employee of the owner of a business that offers adult entertainment may not with criminal negligence allow a person under the age of 18 years to enter and remain within premises where adult entertainment is offered.

(b) In this section, "business that offers adult entertainment" has the meaning given in AS 23.10.350(f).

(c) A person who violates this section is guilty of a class A misdemeanor. Each violation is a separate offense. (§ 1 ch 18 SLA 1995)

TITLE 4. Alcoholic Beverages

CHAPTER 16. Regulation of Sales and Distribution

Article 1. Prohibited Acts

Sec. 04.16.049. Access of persons under the age of 21 to licensed premises.

(a) A person under 21 years of age may not knowingly enter or remain in premises licensed under this title unless

(1) accompanied by a parent, guardian, or spouse who has attained 21 years of age;

(2) the person is allowed to enter and remain on the premises under a restaurant or eating place license issued under AS 04.09.210, seasonal restaurant or eating place tourism license issued under AS 04.09.360, or restaurant endorsement issued under AS 04.09.450;

(3) the person is permitted on the premises under a club license issued under AS 04.09.220(g) or former AS 04.11.110(g); or

(4) otherwise provided under (c), (d), or (g) of this section.

(b) Notwithstanding (a) of this section, a licensee or an agent or employee of the licensee may refuse entry to a person under the age of 21 years of age to that part of licensed premises in which alcoholic beverages are sold, served, or consumed, may refuse service to a person under the age of 21 years, or may require a person under the age of 21 years to leave the portion of the licensed premises in which alcoholic beverages are sold, served, or consumed.

(c) Notwithstanding any other provision in this section, a person 16 or 17 years of age may enter and remain within the licensed premises of a hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage and wine wholesaler, common carrier dispensary, outdoor recreation lodge, or restaurant in the course of employment if

(1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages;

(2) the person has the written consent of a parent or guardian; and

(3) an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor and Workforce Development.

(d) Notwithstanding any other provision in this section and AS 04.16.050(a), a person 18, 19, or 20 years of age may be employed within the licensed premises of a brewery manufacturer, winery manufacturer, distillery manufacturer, hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage and wine wholesaler, common carrier dispensary, outdoor recreation lodge, brewery retailer, winery retailer, distillery retailer, or restaurant, may enter and remain within those premises for the purpose of employment, and, other than for a business that offers adult entertainment, may, in the course of employment, sell, serve, deliver, or dispense alcoholic beverages.

(e) A licensee may bring a civil action against a person who violates this section if the violation occurs on the premises of that licensee. If judgment is entered in favor of the licensee, the court shall award civil damages in the amount of $1,500 and award reasonable costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure.

(f) A person under 21 years of age does not violate this section if the person enters or remains on premises licensed under this title at the request of a peace officer, if the peace officer accompanies, supervises, or otherwise observes the person's entry or remaining on premises, and the purpose for the entry or remaining on premises is to assist in the enforcement of this section.

(g) Notwithstanding any other provision in this section, a person under 21 years of age may be present on licensed premises on a golf course for the purpose of playing golf or attending golf-related activities if the person

(1) is at least 16 years of age; or

(2) is under 16 years of age and

(A) the person is accompanied by a person who is at least 21 years of age; and

(B) a parent or guardian of the underaged person consents.

(h) Notwithstanding any other provision in this

section, a person under 21 years of age may be present

(1) on the licensed premises of a

(A) common carrier dispensary, destination resort, or outdoor recreation lodge for the purpose of travel, travel lodging, or outdoor recreation activities provided by the licensee if the person is

(i) at least 16 years of age; or

(ii) under 16 years of age and a parent or legal guardian of the underaged person consents;

(B) theater if the person is

(i) at least 16 years of age; or

(ii) under 16 years of age, is accompanied by a person who is at least 21 years of age, and a parent or legal guardian of the underaged person consents;

(2) in the areas of a licensed premises covered by a large resort endorsement, but excluding the areas of the premises originally covered by the licensee's beverage dispensary or beverage dispensary tourism license where alcohol is being served, for the purpose of travel, travel lodging, or outdoor recreation activities provided by the large resort if the person is

(A) at least 16 years of age; or

(B) under 16 years of age and a parent or legal guardian of the underaged person consents

(i) In this section, “business that offers adult entertainment” has the meaning given in AS 23.10.350(f)

(j) A person under 21 years of age who knowingly enters or remains on premises licensed under this title except as allowed in this section commits the offense of unauthorized presence by a person under 21 years of age on licensed premises.

(k) Unauthorized presence by a person under 21 years of age on licensed premises is a violation, punishable by a fine of $500. The violation must be charged and filed with the court as a separate case and may not be combined or joined with any other minor offense or criminal charge in one action at the time of filing. A court may reduce the fine to $50 for a person who has not more than one previous violation or to $250 for a person who has two or more previous violations if the person provides the court, not later than six months after a judgment of conviction is entered, with proof of completion of

(1) an alcohol safety action program or a juvenile alcohol safety action program developed, designated, or approved by the Department of Health under AS 47.37; or

(2) a community diversion panel.

(§ 3 ch 131 SLA 1980; am § 16 ch 28 SLA 1981; am §§ 4-7 ch 109 SLA 1983; am § 1 ch 87 SLA 2001; am §§ 1-2 ch 174 SLA 2004; am § 1 ch 72 SLA 2005; am § 1 86 SLA 2010; am § 3 ch 101 SLA 2014; am §§ 4-8 ch 32 SLA 2016)

ALASKA ADMINISTRATIVE CODE

TITLE 8. Labor and Workforce Development

PART 1. Industrial Welfare

CHAPTER 05. Child Labor

Article

1. Employment of Minors 14 and 15 Years of Age (8 AAC 05.010 - 8 AAC 05.030)
2. Employment of Minors Under 18 Years of Age (8 AAC 05.040 - 8 AAC 05.265)
3. Certificates of Age (8 AAC 05.270 - 8 AAC 05.280)
4. (Repealed)
5. Entertainment Industry (8 AAC 05.300 - 8 AAC 05.340)
10. General Provisions (8 AAC 05.900)

Article 1. Employment of Minors 14 and 15 Years of Age

Section

10. Prohibited occupations
20. Permissible occupations
30. Periods and conditions of employment

8 AAC 05.010. Prohibited Occupations.
Employment of minors 14 and 15 years of age is prohibited in the following occupations:

(1) manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed;

(2) occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;

(3) the operation of motor vehicles or service as helpers on such vehicles;

(4) Repealed 4/23/77;

(5) public messenger service;

(6) occupations in or about canneries or other seafood processing plants or establishments involving cutting, slicing, or butchering; work involved in the operation of any floating plant, which includes the loading and unloading of boats, barges, or scows;

(7) work performed in or about boiler or engine rooms or retorts;

(8) work in connection with maintenance or repair of the establishments, machines, or equipment;

(9) outside window washing that involves working from windowsills, and all work requiring the use of ladders or scaffolds or their substitutes;

(10) occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers;

(11) work in freezers and meat coolers and all work in the preparation of meats for sale;

(12) loading and unloading goods to or from trucks, railroad cars, or conveyors;

(13) all occupations in warehouses except office and clerical work;

(14) occupations involving the use of sharpened tools;

(15) except for office or sales work in connection with these occupations, which work is permitted, occupations in connection with

(A) transportation of persons or property by rail, highway, air, water, pipeline, or other means;

(B) warehousing and storage;

(C) communications and public utilities;

(D) construction (including demolition and repair). (Eff. 10/27/73, Register 48; am 4/23/77, Register 62; am 6/4/82, Register 82)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.020. Permissible Occupations.
Employment of minors 14 and 15 years of age is permitted in the following:

(1) office and clerical work, including the operation of office machines;

(2) cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;

(3) price marking and tagging by hand or by machine, assembling orders, packing, and shelving;

(4) bagging and carrying out customer orders;

(5) errand and delivery work by foot, bicycle, and public transportation; clean-up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds including the use of power-driven monofilament cutters, but not including the use of power-driven mowers or power-driven cutters with metal blades;

(6) work in connection with cars and trucks if confined to the following: dispensing gasoline and oil, courtesy service, car cleaning, washing and polishing, and other occupations permitted by this section, but not including work involving

(A) the use of a pit, rack, or power-operated lifting apparatus;

(B) the operation of a pneumatic tire machine;

(C) the inflation of any tire mounted on a rim equipped with a removable retaining ring; or

(D) dispensing propane;

(7) cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods. (Eff. 10/27/73, Register 48; am 6/4/82, Register 82; am 7/30/99, Register 151; am 3/2/2008, Register 185)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.030. Periods and Conditions of Employment.

(a) Except for enrollees in work training, apprenticeship, vocational education and other programs approved by the commissioner, employment of minors aged 14 or 15 must be confined to the periods and limitations set forth in AS 23.10.340.

(b) Work training during school hours will be permitted for minors aged 14 through 17 if the employer has on file an unrevoked written statement from the minor's school coordinator or the coordinator's representative setting out the periods during which the minor may work and certifying that the employment will be confined to those periods and will not interfere with the health and well-being of the minor. The writing must also contain a statement signed by the principal of the minor's school stating that the employment will not interfere with the minor's schooling. (Eff. 10/27/73, Register 48; am 4/23/77, Register 62; am 7/30/99, Register 151)

Authority: AS 23.05.060 AS 23.10.350
AS 23.10.360

Article 2.
Employment of Minors Under 18 Years of Age

Section

40. General
45. Work Permits
50. Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components
60. Motor vehicle driver and outside helper
70. All occupations in connection with mining
80. Logging occupations
90. Occupations in the operation of a sawmill, lath mill, shingle mill, or cooperage-stock mill
100. Occupations involved in the operation of power-driven wood working machines
110. Exposure to radioactive substances and to ionizing radiations
115. Occupations involving exposure to bloodborne pathogens
120. Occupations involved in the operation of power-driven hoisting apparatus
130. Occupations involved in the operations of power-driven metal forming, punching and shearing machines
140. Occupations involving slaughtering, meat packing or processing, or rendering
150. Occupations involved in the operation of bakery machines
160. Occupations involved in the operation of paper-products machines
170. Occupations involved in the manufacture of brick, tile and kindred products
180. Occupations involved in the operations of circular saws, band saws, and guillotine shears
190. Occupations involved in wrecking, demolition, and shipbreaking operations
200. Occupations in roofing operations
210. Occupations in excavation operations
220. (Repealed)
230. Occupations in connection with the installation, operation or maintenance of electrical equipment, outside erection and repair of electrical wires, and meter testing
240. (Repealed)
250. (Repealed)
260. Permissible occupations on fishing boats
265. Occupations involved in canvassing, peddling, door-to-door solicitation or sales

8 AAC 05.040. General.

(a) Nothing in this section authorizes noncompliance with any federal or state law or regulation, or municipal ordinance establishing a higher standard. If more than one standard within this section applies to a single activity the higher standard is applicable.

(b) An exception for apprentices applies only when

(1) the apprentice is employed in a craft recognized as an apprenticeable trade;

(2) the work of the apprentice in the occupations declared particularly hazardous is incidental to the training;

(3) that work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and

(4) the apprentice is registered by the United States Department of Labor, Office of Apprenticeship, or is registered by a state agency as employed in accordance with the standards of state apprenticeship and training approved by the commissioner of labor and

(5) workforce development, or is employed under a written apprenticeship agreement and conditions that are found by the commissioner of labor and workforce development to conform substantially with those federal or state standards.

(c) An exemption for student-learners applies when

(1) the student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school; and

(2) the student-learner is employed under a written agreement which provides that

(A) the work of the student-learner in the occupations declared particularly hazardous will be incidental to the training;

(B) the work will be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(C) safety instructions will be given by the school and correlated by the employer with on-the-job training; and

(D) a schedule of organized and progressive

work processes to be performed on the job will have been prepared; and

(3) each written agreement contains the name of the student-learner, and is signed by the employer and the school coordinator or principal.

(d) Copies of each agreement covered by (c) of this section must be kept on file by both the school and the employer. This exemption for the employment of student- learners will, in the department's discretion, be revoked in any individual case if it is found that reasonable precautions have not been observed for the safety of minors employed under the agreement. A high school graduate who has completed training as provided in (c) of this section as a student-learner, may be employed in that occupation in which the student-learner training was completed, even though the graduate is not yet 18 years of age.

(e) The state, political subdivisions of the state, and employers who only employ minors enrolled in work-training apprenticeship, vocational education, and other programs approved by the commissioner are exempt from the requirements of AS 23.10.332.

(f) Minors who have been emancipated for general purposes under AS 09.55.590 are exempt from the requirements of AS 23.10.332.

(g) The wage prescribed for minors who work less than 30 hours in a workweek may not be less than the prevailing federal minimum wage. This provision, however, is not applicable to those exemptions otherwise provided for in AS 23.10.055(1) - (10). (Eff. 10/27/73, Register 48; am 6/4/82, Register 82; am 7/30/99, Register 151; am 8/12/2018, Register 227))

Authority: AS 23.10.332 AS 23.10.350
AS 23.10.360

Editor's note: Information on apprentices registered by the Office of Apprenticeship as specified in 8 AAC 05.040 is available from the United States Department of Labor, Office of Apprenticeship, 605 West 4th Avenue, Room G-30, Anchorage, Alaska 99501.

8 AAC 05.045. Work permits.

(a) Except as provided in AS 23.10.332(c), and in (b) and (c) of this section, a minor under 17 years of age may not be employed until a work permit has been issued to the minor by the commissioner under this section. An applicant for a work permit under this subsection must submit

(1) a completed application on a form provided by the department;

(2) repealed 11/16/2012;

(3) proof of legal guardianship if the form is signed by a person other than the minor's parent.

(b) Under AS 23.10.332(c), instead of complying with (a) of this section an employer may submit a request, on a form provided by the department, to the commissioner for a written authorization of the commissioner for specific job duties to be performed by a minor who is at least 14 years of age, but under 17 years of age. The request must include

(1) a description of the job, including tools, equipment, or machinery to be used by the minor;

(2) a list of specific duties to be performed by the minor;

(3) a declaration of the age groups to be employed by the employer;

(4) a description of the hours during which a minor may be employed by the employer; and

(5) any other applicable information required by the commissioner to determine that the proposed job duties are permitted.

(c) If specific job duties are authorized by the commissioner under (b) of this section, the employer may hire a minor in the age group for which the duties have been authorized without the minor obtaining a work permit under (a) of this section if

(1) before the minor begins work, the employer obtains a written consent from the minor's parent or guardian on a form provided by the department; the written consent must include proof of legal guardianship if it is signed by a person other than the minor's parent;

(2) within seven calendar days after hiring the minor, the employer submits to the department a copy of the written consent of the parent or guardian; the employer must maintain a copy of the written consent at the physical location where the minor is employed; and

(3) the duties are not changed unless prior written authorization has been obtained from the commissioner.

(d) Under this section, proof of legal guardianship includes a

(1) general power of attorney appointing guardianship of the minor to an individual;

(2) power of attorney to an individual that specifically includes authorization regarding employment of the minor;

(3) marriage license and proof that the spouse of the minor is at least 18 years of age;

(4) state court award of guardianship of the minor to an individual; court order making the minor a ward of the state.

(Eff. 11/23/2003, Register 168; am 11/16/2012, Register 204)

Authority: AS 23.10.332 AS 23.10.350
AS 23.10.360

Editor's note: The forms referred to in 8 AAC 05.045 may be obtained by writing the Department of Labor and Workforce Development, Wage and Hour Administration, 1251 Muldoon Road, Suite 113, Anchorage, Alaska 99504. The forms are also available at the Juneau and Fairbanks regional Wage and Hour offices and at this address:
http://labor.alaska.gov/lss/forms/workpermit.pdf.

8 AAC 05.050. Occupations in or about Plants or Establishments Manufacturing or Storing Explosives or Articles Containing Explosive Components.

(a) Occupations, including sales, in or about plants

or establishments manufacturing, selling, or storing fireworks, explosives, ammunition, or articles containing explosive components are dangerous and prohibited to minors.

(b) Notwithstanding (a) of this section, minors may be employed on the premises of a retail establishment that sells ammunition or articles containing explosive components if the employment does not involve the handling, stocking, or sales of these items. (Eff. 10/27/73, Register 48; am 6/4/82, Register 82; am 7/30/99, Register 151)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.060. Motor vehicle driver and outside helper.

(a) The occupations of motor vehicle driver and outside helper are dangerous and prohibited to minors. Minors may not, in the course of their employment, drive automobiles or trucks on public roadways, in or about any

(1) mine, including an open pit or quarry;

(2) place where logging or sawmill operations are located; or

(3) excavation.

(b) Notwithstanding (a) of this section, minors who are 17 years of age may drive automobiles or trucks on public roadways in the course of their employment only if the

(1) driving is restricted to daylight hours;

(2) minor holds a state license valid for the type of driving involved in the job performed and has no records of a violation of traffic laws, excluding equipment violations, at the time of hire or during the period of employment; minor has successfully completed a driver education course approved by the state under AS 28.17;

(3) automobile or truck is equipped with seat belts for the driver and passengers and the minor's employer has instructed the minor that the seat belts must be used by the driver and passengers when driving the automobile or truck in the course of employment;

(4) the minor's automobile or truck does not exceed 6,000 pounds of gross vehicle weight;

(5) driving does not involve

(A) the towing of vehicles;

(B) route deliveries or route sales;

(C) the transportation for hire of

(i) property, including goods, or

(ii) passengers;

(D) urgent, time-sensitive deliveries;

(E) except for transporting of employees of the employer, more than two trips away from the minor's primary place of employment in a single day for each of the following purposes of

(i) delivering property, including goods, of the minor's employer to a customer that are not urgent time-sensitive deliveries; or

(ii) transporting passengers, if the transportation is not for hire;

(F) transporting more than three passengers, including employees of the employer; or

(G) driving beyond a 30-mile radius from the minor's place of employment; and

(6) driving is only occasional and incidental to the minor's employment.

(c) In this section, unless the context requires otherwise

(1) "occasional and incidental" means no more than one-third of a minor's work time in a workday and no more than 20 percent of a minor's work time in a workweek;

(2) "traffic laws" means statutes, regulations, and municipal ordinances governing the driving or movement of vehicles. (Eff. 10/27/73, Register 48; am 7/30/99, Register 151)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.070. All occupations in connection with mining.

All occupations in connection with mining are considered dangerous and prohibited to minors except the following:

(1) work in offices, in the warehouse or supply house, in the change house, in the laboratory, and in repair or maintenance shops not located underground;

(2) work in the operation and maintenance of living quarters;

(3) work outside the mine in surveying, in the repair and maintenance of roads, and in general clean-up about the mine property such as clearing brush and digging drainage ditches. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.080. Logging occupations.

All occupations in logging are dangerous and prohibited to minors, except the following:

(1) work in offices or in repair or maintenance shops;

(2) work in the construction, operation, repair, or maintenance of living and administrative quarters of logging camps;

(3) work in timber cruising, surveying, or logging-engineering parties; work in the repair or maintenance of roads, railroads, or flumes; work in forest protection, such as clearing fire trails or roads, piling and burning trash, maintaining fire-fighting equipment, constructing and maintaining telephone lines, or acting as fire lookout or fire patrol. The provisions of this paragraph shall not apply to the felling or bucking of timber, the collecting or transplanting of logs, the operation of power-driven machinery, the handling or use of explosives, and work on trestles. (Eff. 10/27/73, Register 48; am 7/30/99, Register 151)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.090. Occupations in the operation of a sawmill, lath mill, shingle mill, or cooperage-stock mill.

(a) All occupations in the operation of a sawmill, lath mill, shingle mill, or cooperage-stock mill are dangerous and prohibited to minors, except the following:

(1) work in office or in repair or maintenance shops;

(2) straightening, marking, or tallying lumber on the dry chain or the dry shop sorter;

(3) pulling lumber from the dry chain;

(4) cleanup in the lumberyard;

(5) piling, handling, or shipping of cooperage-stock in yards or storage sheds other than operating or assisting in the operation of power-driven equipment;

(6) clerical work in yards or shipping sheds, such as done by ordermen, tallymen, and shipping clerks;

(7) cleanup work outside shake and shingle mills, except when the mills are in operation;

(8) splitting shakes manually from pre-cut and split blocks with a froe and mallet, except inside the mill building or cover;

(9) packing shakes into bundles when done in conjunction with splitting shakes manually with a froe and mallet, except inside the building or cover;

(10) manual loading of bundles of shingles or shakes into trucks or railroad cars, if the employer has on file a statement from a licensed doctor of medicine or osteopathy certifying the minor capable of performing this work without injury.

(b) The exceptions in this section do not apply to a portable sawmill the lumberyard of which is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained. (Eff. 10/27/73, Register 48; am 7/30/99, Register 151)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.100. Occupations involved in the operation of power-driven woodworking machines.

The following occupations involving the operations of power-driven woodworking machines are dangerous and prohibited to minors:

(1) the occupation of operating power-driven woodworking machines, including supervising or controlling the operation of these machines, feeding material into these machines, and helping the operator to feed material into these machines, but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding;

(2) the occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines;

(3) the occupations of off-bearing from circular saws and from guillotine-action veneer clippers. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.110. Exposure to radioactive substances and to ionizing radiations.

Occupations involving exposure to radioactive substances and to ionizing radiations are dangerous and prohibited to minors. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.115. Occupations involving exposure to bloodborne pathogens.

Occupations in hospitals, clinics, dental, orthodontic, or other medical or dental offices that involve exposure to bloodborne pathogens are hazardous and prohibited to minors, unless the minor is

(1) at least 16 years of age and is enrolled in or has successfully completed a state-certified nursing training course or a health care career program in conjunction with a high school, either as part of the curriculum or through a school-to-work partnership between the school district and an employer or group of employers; or

(2) 17 years of age and is enrolled in or has successfully completed a health care career program approved by the commissioner that is offered by a training facility other than a school. (Eff. 7/30/99, Register 151; am 3/2/2008, Register 185; am 8/12/2018, Register 227)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.120. Occupations involved in the operation of power-driven hoisting apparatus.

The following occupations involved in the operation of power-driven hoisting apparatus are dangerous and prohibited to minors:

(1) operating an elevator, crane, derricks, hoist, or high-lift truck, except operating an unattended automatic passenger elevator or an electric or air-operated hoist not exceeding one ton capacity;

(2) work which involves riding on a manlift or on a freight elevator, except a freight elevator operated by an assigned operator;

(3) assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.130. Occupations involved in the operations of power-driven metal forming, punching and shearing machines.

The following occupations are dangerous and prohibited to minors:

(1) the occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines

(A) all rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls, and hot or cold rolling mills;

(B) all pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies, power presses, and plate punches;

(C) all bending machines, such as apron brakes and press brakes;

(D) all hammering machines, such as drop hammers and power hammers;

(E) all shearing machines, such as guillotine or squaring shears, alligator shears, or rotary shears; and

(F) in welding, brazing or the operation of abrasive wheels.

(2) the occupations of setting-up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.140. Occupations involving slaughtering, meat packing or processing, or rendering.

Occupations in or about slaughtering and meat packing establishments, rendering plants, or wholesale, retail or service establishments are dangerous and prohibited to minors. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.150. Occupations involved in the operation of bakery machines.

The following occupations involved in the operation of power-driven bakery machines are dangerous and prohibited to minors:

(1) the occupations of operating, assisting to operate, or setting-up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer, batter mixer, bread dividing, rounding, or molding machine, dough brake, dough sheeter; combination bread slicing and wrapping machine, or cake cutting band saw;

(2) the occupation of setting up or adjusting a cookie or cracker machine. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.160. Occupations involved in the operation of paper products machines.

The following occupations are dangerous and prohibited to minors:

(1) the occupations of operating or assisting to operate any of the following power-driven paper products machines:

(A) arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single-or-double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical slotter;

(B) platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine;

(2) the occupations of setting-up, adjusting, repairing, oiling, or cleaning these machines including those which do not involve hand feeding. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.170. Occupations involved in the manufacture of brick, tile and kindred products.

Occupations involved in the manufacture of clay construction products and of silica refractory products are dangerous and prohibited to minors. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.180. Occupations involved in the operations of circular saws, band saws, and guillotine shears.

The following occupations are dangerous and prohibited to minors:

(1) the occupations of operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection:

(A) circular saws;

(B) band saws;

(C) guillotine shears;

(2) the occupations of setting-up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears. (Eff. 10/27/73, Register 48; am 6/4/82, Register 82)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.190. Occupations involved in wrecking, demolition, and shipbreaking operations.

All occupations in wrecking, demolition, and shipbreaking operations are dangerous and prohibited to minors. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.200. Occupations in roofing operations.

All occupations in roofing operations are dangerous and prohibited to minors. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.210. Occupations in excavation operations.

The following occupations in excavation operations are dangerous and prohibited to minors: excavating, working in, or backfilling (refilling) trenches except

(A) manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point; or

(B) working in trenches that do not exceed four feet in depth at any point;

(2) excavating for buildings or other structures or working in such excavations, except

(A) manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation; or

(B) working in an excavation not exceeding such depth; or

(C) working in an excavation where the side walls are shored or sloped to the angle of repose;

(3) working within tunnels prior to the completion of all driving, and shoring operations;

(4) working within shafts prior to the completion of all sinking and shoring operations. (Eff. 10/27/73, Register 48)

Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.230. Occupations in connection with the installation, operation or maintenance of electrical equipment, outside erection and repair of electrical wires, and meter testing.
Work in connection with the installation, operation or maintenance of electrical equipment energized at voltages exceeding 220, the outside erection and repair of any electrical wires including telegraph and telephone lines, and meter testing is dangerous and prohibited to minors. (Eff. 10/27/73, Register 48)
Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.260. Permissible occupations on fishing boats.
Employment of minors between 16 and 17 years of age is permitted aboard fishing boats unless otherwise prohibited under this chapter or AS 23.10.350. (Eff. 10/27/73, Register 48; am 6/4/82, Register 82)
Authority: AS 23.10.350 AS 23.10.360

8 AAC 05.265. Occupations involved in canvassing, peddling, door-to-door solicitation or sales.
Occupations involved in canvassing, peddling, solicitation of door-to-door contributions, or acting as an "outside salesman" as defined in 8 AAC 15.910, from house to house are dangerous and prohibited to minors. (Eff. 5/13/89, Register 110)
Authority: AS 23.10.350 AS 23.10.360

Article 3.
Certificates of Age

Section
270. Repealed
280. Certificates of age

8 AAC 05.280. Certificates of age.
Every person employing a minor shall obtain and have on file proof of the minor's age acceptable to the commissioner. Examples of acceptable proof of age include, but are not limited to, a copy of

(1) birth certificate;
(2) Bureau of Indian Affairs census record;
(3) passport;
(4) driver's license;
(5) authenticated school records;
(6) federal age certificate;
(7) baptismal certificate;
(8) military dependent identification;
(9) family court records;
(10) affidavit of physician.

(Eff. 10/27/73, Register 48; am 6/4/82, Register 82)
Authority: AS 23.10.350 AS 23.10.360

Article 5.
Entertainment Industry

Section
300. Permits to work
305. Denial of permit
310. Revocation
315. Supervision by studio teachers
320. Hours of work
330. Working conditions
340. Prohibited practices

8 AAC 05.300. Permits to work.
(a) Except as provided in (d) of this section, an employer in the entertainment industry desiring to employ children must obtain a permit from the department to employ children. In order to obtain a permit, a parent or guardian and the employer must complete an application for each job on a form provided by the department. A talent or casting agency may obtain a provisional permit as the employer of record by submitting the information listed in (b) (1) - (5) of this section. Within 72 hours of sending the child to a specific job call, the talent or casting agency, as employer of record, shall submit to the department the information required in (b) (6) - (10) of this section. If the talent or casting agency has obtained a provisional permit and sent the child to a job, the agency is responsible for compliance with this section.

(b) An application to employ a child shall contain

(1) the legal and professional name of the child;
(2) the date of birth of the child;
(3) the written consent of the parent or guardian;
(4) the name and permanent address of the parent or guardian and the name of the parent, guardian, or representative who will accompany the child to rehearsals and performances;
(5) if the child has a legal guardian, proof of guardianship;
(6) the nature, time, duration, dates, and number of rehearsals and performances involving the child, with identification of the location and nature of those rehearsals and performances;
(7) the maximum combined rehearsal and performance times per day and per week involving the child;
(8) the rate of pay the child will receive for performing;
(9) a detailed description of the child's role, including each activity to be performed; the description shall include an excerpt from the script that contains the child's dialogue and action; and
(10) any other information the department may request for clarification of items listed in (1) - (10) of this subsection.

(c) The application must be accompanied by adequate proof of age for the child as indicated in 8 AAC 05.280 and proof of workers' compensation coverage valid in this state as required by AS 23.30.075.

(d) An appearance of a child in any of the following activities for no compensation is not considered employment as a performer in the entertainment industry under AS 23.10.330:

(1) church, school, or community entertainment;
(2) entertainment for charity or for children for

which no admission is charged; or

(3) radio or television broadcasting exhibition consisting of a single performance by the child lasting not more than one hour and for which no admission fee is charged; an exhibition includes an appearance in a concert or choral presentation or as a member of an audience, panel, or gallery.

(e) Under this section, proof of legal guardianship includes a

(1) general power of attorney appointing guardianship of the minor to an individual;

(2) power of attorney to an individual that specifically includes authorization regarding employment of the minor;

(3) marriage license and proof that the spouse of the minor is at least 18 years of age;

(4) state court award of guardianship of the minor to an individual;

(5) court order making the minor a ward of the state. (Eff. 7/2/95, Register 135; am 7/30/99, Register 151; am 11/23/2003, Register 168)

Authority: AS 23.10.330 AS 23.10.360

Editor's note: Permit application forms may be obtained by writing the Department of Labor and Workforce Development, Wage and Hour Administration, 1251 Muldoon Road, Suite 113, Anchorage, Alaska 99504. The forms are also available at the Juneau and Fairbanks Regional Wage and Hour offices and at this address: http://labor.alaska.gov/lss/forms/workpermit.pdf.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125(b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

8 AAC 05.305. Denial of permit.

The department will, in its discretion, deny a permit under 8 AAC 05.300 if the department finds that the denial serves the best interests of the health, development, education, or welfare of the child. The department will keep a record of denials of permits, including its findings supporting the denials. A denial under this section may be appealed in writing to the commissioner within 30 days of the date of issuance of the denial. (Eff. 7/2/95, Register 135)

Authority: AS 23.10.325 AS 23.10.330 AS 23.10.360

8 AAC 05.310. Revocation.

No child may perform in the entertainment industry except as provided in law and the permit. No permit may be issued for the exhibition, rehearsal, or performance of a child that is harmful to the health, development, education, or welfare of the child. The department will, in its discretion, revoke a permit for violation of law or a term or condition specified in the permit, if that violation endangers the health, development, education, or welfare of the child. If a parent or guardian withdraws consent for the child to perform and informs the department of the withdrawal, the department will revoke the permit. Revocation of a permit will take effect immediately upon service in person or through the mail to the employer who requested the permit. A revocation of a permit issued under 8 AAC 05.300 may be appealed in writing to the commissioner within 30 days of the date of issuance of the revocation. (Eff. 7/2/95, Register 135)

Authority: AS 23.10.325 AS 23.10.330 AS 23.10.360

8 AAC 05.315. Supervision by studio teachers.

(a) Except as provided in (f) of this section, as a condition of receiving a permit under 8 AAC 05.300, an employer must provide a studio teacher for a child from the age of birth to 16 years of age, and for a child from 16 to 18 years of age when required for the education of the child. Except as provided in (d) and (e) of this section, a studio teacher must possess an appropriate endorsement on a valid and current Type A Alaska teaching certificate to instruct the age level of the children in the teacher's care and exhibit a working knowledge of the child labor laws of this state. One studio teacher must supervise each group of 10 or fewer children, from the age of birth to 16 years of age, except that on Saturdays, Sundays, holidays, or during school vacation periods, one studio teacher may supervise each group of 20 or fewer of those aged children.

(b) Notwithstanding (a) of this section, if babies between the ages of birth to six weeks are employed, one nurse and one studio teacher must be provided for each group of three or fewer babies. If infants from age six weeks to six months are employed, one nurse and one studio teacher must be provided for each group of 10 or fewer infants. One studio teacher who also possesses a license or certification as a registered nurse, advanced nurse practitioner, physician assistant, emergency medical technician, or mobile intensive care paramedic, or who meets the requirements of a primary community health aide as set out at AS 18.28.100(5), may fulfill both requirements.

(c) In addition to teaching, the studio teacher shall also have responsibility for the health, development, and welfare of children under 16 years of age while the children are at the place of employment in the entertainment industry. The studio teacher will ensure compliance with the law and the permit. The studio teacher may refuse to allow a child to work on a set or location and may remove the child from the set or location if, in the judgment of the studio teacher, conditions present a danger to the health, development, education, or welfare of the child.

(d) If the teacher does not hold a valid and current Type A Alaska teaching certificate, a studio teacher accompanying one or more non-resident children must

satisfy the studio teacher requirements in the state of origin of the children and have a working knowledge of child labor laws of this state. If the state of origin of the children does not have studio teacher requirements, the studio teacher must have a valid and current teaching certificate from the state of origin of the children to instruct the age level of the child, and have a working knowledge of child labor laws in this state.

(e) If the commissioner finds that a studio teacher who meets the requirements of (a) of this section is not available in the geographic location of the child's employment in this state, the commissioner will, in the commissioner's discretion, waive the requirement of the studio teacher exhibiting a working knowledge of the child labor laws of this state so long as the child's health, development and welfare are not jeopardized and the studio teacher holds a valid and current Type A Alaska teaching certificate. A waiver granted under this section expires when the employment of the child ends or at the close of 90 calendar days from the date that the waiver was granted, whichever occurs first.

(f) A studio teacher is not required if the employment of a minor in the entertainment industry does not conflict with the schooling of the minor, the employment occurs in or near the minor's home, school, or from a fixed location used by the employer in the employer's regular course of business, and the employment does not pose recognized serious hazards to the minor, such as employment in

(1) dinner shows;

(2) cultural dance exhibitions;

(3) theatrical productions; and

(4) television, film, and photography productions

where the total time of the minor's employment is less than 24 hours.

(g) For the purposes of (f) of this section, to ensure that the employment of a minor in the entertainment industry will not conflict with the schooling of the minor, the department may require written authorization from school officials if the employment occurs during school hours. (Eff. 7/2/95, Register 135; am 7/30/99, Register 151; am 3/2/2008, Register 185; am 8/12/2018, Register 227)

Authority: AS 23.10.330 AS 23.10.360

8 AAC 05.320. Hours of work.

(a) A child under 18 years may not be permitted to work in the entertainment industry before 5 a.m. or after 10 p.m. on any day preceding a school day. A child under 18 years may not work later than 12:30 a.m. on any other day.

(b) If the consent of the commissioner is first obtained, a child between 8 and 18 years of age may be permitted to work as an actor or a performer after 10 p.m. but not later than midnight on a night preceding a school day if the performance begins before 10 p.m.

(c) The amount of time that a child is permitted at the place of employment in the entertainment industry within a 24-hour period is limited by age as follows:

(1) babies and infants from birth to six months are limited to two hours per day, with actual work time not to exceed 20 minutes per day;

(2) infants and children age from six months to two years are limited to four hours per day, with actual work time not to exceed two hours;

(3) children age from two years to six years are limited to six hours per day, with actual work time not to exceed three hours;

(4) children age from six years to nine years are limited to eight hours per day, with actual work time not to exceed four hours, except that when school is not in session, actual work time may be increased to six hours; when school is in session, an eight hour day must include at least three hours of schooling;

(5) children age from nine years to 16 years are limited to nine hours per day, with actual work time not to exceed five hours, except that when school is not in session, work time may be increased to seven hours; when school is in session, a nine-hour day must include at least three hours of schooling;

(6) children age from 16 years to 17 years are limited to 10 hours per day, with actual work time not to exceed six hours, except that when school is not in session, work time may be increased to eight hours; when school is in session, children age 16 through 17 years who are enrolled in school must receive at least three hours of schooling in a 10-hour day.

(d) The hours listed in (c)(1) - (c)(6) of this section that a child may work at the place of employment do not include a meal period. The working day for the child may be extended by no more than one-half hour for a meal period.

(e) For the purposes of computing total time at the place of employment, travel time to and from a location will be included as time at the place of employment. The time spent in make-up or hairdressing with the assistance of studio personnel in the child's home is considered work time for the child. Twelve hours must elapse between the time the child is dismissed on one day and the time make-up or hairdressing begins on the following day.

(f) Twelve hours must elapse between the child's time of dismissal and time of call on the following day. If the child's regular school starts less than 12 hours after the child's dismissal time, the child must be schooled the following day at the employer's place of business.

(g) The commissioner or the commissioner's designee may alter or waive a provision of this section if the provision makes it impossible to legally employ the child. An employer may request, in writing, an alteration or a waiver from the commissioner or the commissioner's designee. These requests must provide specific information about the employer's needs and the circumstances involved and must substantiate that no alternatives are feasible. The commissioner or the commissioner's designee may issue an alteration or a waiver if it is demonstrated that the

(1) employment will not be detrimental to the health, development, or welfare of the child;

(2) child will be supervised adequately; and

(3) education of the child will not be neglected. (Eff. 7/2/95, Register 135; am 7/30/99, Register 151)

Authority: AS 23.10.325 AS 23.10.330
AS 23.10.360

8 AAC 05.330. Working conditions.

(a) A parent or guardian of a child under 16 or the parent's or guardian's representative must accompany and remain with the child on the set or location. An employer must, at any time, allow parents or guardians or their representatives' access to the child.

(b) An employer must provide

(1) a safe, secure, and suitable place for children to rest and play; and

(2) suitable nursery facilities, if a child age 3 years or younger is employed on the set or location.

(c) A baby or infant under six months of age may not be exposed to lights of greater than 100 foot candlelight intensity for more than 30 seconds at a time.

(d) Transportation to the closest medical facility providing emergency services must be available at all times while children are present at the place of employment.

(e) On location, the employer shall provide the child with return transportation to the child's living quarters in an adequate vehicle promptly upon completion of allowable work time. (Eff. 7/2/95, Register 135)

Authority: AS 23.10.330 AS 23.10.360

8 AAC 05.340. Prohibited practices.

A person may not employ or allow a child under 18 years of age to work in the entertainment industry in

(1) a practice, exhibition, or situation that places the child in clear and present danger to the health, development, or welfare of the child; or

(2) an illegal, an indecent, or a lewd exhibition or practice, including the following actual or simulated acts:

(A) acts described as unlawful exploitation of a minor under AS 11.41.455;

(B) sexual masochism or sadism. (Eff. 7/2/95, Register 135; am 7/30/99, Register 151; am 3/2/2008, Register 185)

Authority: AS 23.10.325 AS 23.10.330
AS 23.10.360

Sec. 11.41.455. Unlawful exploitation of a minor.

(a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio recording, photograph, negative, slide, book, newspaper, magazine, or other printed material that visually depicts the conduct listed in (1) - (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct

(1) sexual penetration;

(2) the lewd touching of another person's genitals, anus, or breast;

(3) the lewd touching by another person of the child's genitals, anus, or breast;

(4) masturbation;

(5) bestiality;

(6) the lewd exhibition of the child's genitals; or

(7) sexual masochism or sadism.

(b) A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if, in the state, the person permits the child to engage in conduct described in (a) of this section knowing that the conduct is intended to be used in producing a live performance, film, audio recording, photograph, negative, slide, book, newspaper, magazine, or other printed material that visually depicts the conduct.

(c) Unlawful exploitation of a minor is a

(1) class B felony.

(2) class A felony if the person has been previously convicted of unlawful exploitation of a minor in this jurisdiction or a similar crime in this or another jurisdiction.

(d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc. (§ 3 ch 166 SLA 1978; am § 1 ch 57 SLA 1983; am §§ 1-3 ch 161 SLA 1990; am § 8 ch 79 SLA 1992; am §§ 1, 2 ch 65 SLA 2000; am § 1 ch 131 SLA 2004)

Article 10.
General Provisions

Section 900. Definitions

8 AAC 05.900. Definitions.

(a) In this chapter and in AS 23.10.325 - 23.10.370, unless the context requires otherwise,

(1) "commissioner" means the commissioner of labor and workforce development;

(2) "department" means the Department of Labor and Workforce Development;

(3) "division" means the labor standards and safety division of the Department of Labor and Workforce Development;

(4) "power-driven woodworking machines" means all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer;

(5) "sharpened tools" means knives and implements used for butchering, boning, gilling, filleting, and other meat and fish processing functions; and axes, machetes, scythes, brush hooks, or other implements determined by the commissioner, on a case-by-case basis, to be hazardous;

(6) "community entertainment" means a local performing arts group or association established to serve a certain locale that is staffed primarily by volunteers drawn from the people it serves;

(7) "entertainment industry" includes an organization or individual using the services of a child in motion pictures of any type, using any format, by any medium, including film, videotape, commercial documentary, theater, television, or videocassette; modeling; photography; recording; theatrical productions; publicity; rodeos; circuses; musical performances; and any other live or recorded performances or rehearsals where a child performs to entertain the public;

(8) "guardian" means an individual who, by testamentary or court appointment, has the legal responsibilities for the care and management of the person and the estate of the child during the child's minority;

(9) "nurse" means a registered nurse, advanced nurse practitioner, physician assistant, emergency medical technician, mobile intensive care paramedic, or primary community health aide;

(10) "parent" means biological parent, adoptive parent, or step parent;

(11) "outside helper" means an individual, other than a driver, whose work includes riding on a vehicle outside the cab of the vehicle for the purpose of assisting in transporting or delivering property, including goods.

(b) In 8 AAC 05.300 - 8 AAC 05.340 and in AS 23.10.330 and 23.10.360, unless the context otherwise requires, "child" means a natural person under the age of 18 who has not been emancipated by the court. (Eff. 4/23/77, Register 62; am 6/4/82, Register 82; am 7/2/95, Register 135; am 7/30/99, Register 151)

Authority: AS 23.05.060 AS 23.10.330
AS 23.10.350 AS 23.10.360

INDEX PAGE

Age, Certificates of 10
Alcohol 3
Breaks, Requirement for/Exemptions from 2
Definitions 13
Entertainment Industry
- Hours of Work 12
- Permits, Denial of 11
- Permits, Requirements 10
- Permits, Revocation 11
- Studio Teachers 11-12
- Working Conditions 13

Exemptions
- Apprentices, Work Training, Vocational Programs 5-6
- Entertainment Industry 3
- Family Owned Business 1
- Fishing Boat Owned/Operated by Parent 1
- Hours of Work for 16-17 Year Olds 1
- Minimum Wage (Less than 30-Hour Week) 6
- Student Learner 5

Hours of Work
- Under Age 16 1
- Under Age 18 2

Penalties 2
Permissible Employment
- Under Age 14 1
- 14-15 Year Olds 4
- Fishing Boats 10

Prohibited Occupations
- **14-15 Year Olds**
  - Boiler or Engine Rooms or Retorts 4
  - Canneries or Seafood Processing Plants 4
  - Communications/Public Utilities 4
  - Construction 4
  - Food Slicers/Grinders/Choppers/Cutters/Mixers 4
  - Freezers/Meat Coolers 4
  - Loading/Unloading Goods 4
  - Maintenance or Repair of Machines or Equipment 4
  - Manufacturing, Mining, Processing 4
  - Motor Vehicles 4
  - Power-Driven Machinery 4
  - Public Messenger 4
  - Sharpened Tools 4
  - Transportation 4
  - Warehouses 4
  - Window Washing/Ladders/Scaffolds 4

Prohibited Occupations
Under 18
Bakery Machines 9
Bloodborne Pathogens 8
Brick, Tile 9
Canvassing, Peddling, Door-to-Door Sales 10
Electrical Equipment, Wires, Meter Testing 9
Excavation 9
Explosives or Explosive Components 7
Hoisting Apparatus 8
Logging 7
Metal Forming, Punching, Shearing Machines 9
Mining 7
Motor Vehicle Driver/Outside Helper 6-7
Paper Products Machines 9
Radioactive Substances 8
Roofing 9
Saws—Circular Saws, Band Saws, Guillotine Shears 9
Sawmill, Lath Mill, Shingle Mill, Cooperage-Stock Mill 7-8
Slaughtering, Meat Packing/Processing/Rendering 9
Woodworking Machines 8
Wrecking, Demolition, Shipbreaking 9
Prohibitions
Adult Entertainment 1-3
Purpose of Child Labor Laws 1
Work Permit
Exemptions from
Emancipated Minors 6
State, Political Subdivisions of the State 5
Requirements for 1, 6