

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 357

3 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

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10 AN ACT

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

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

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

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

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

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

25 (1) the performer has satisfied the compulsory

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underscored material = new
[bracketed material] = delete

1 education laws of the state;

2 (2) the performer is married;

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

5 (4) the performer is legally emancipated.

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

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

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

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

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

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

24 E. [~~If~~] When a child engages in employment, [~~on~~
25 ~~school days~~] a studio teacher with credentials [~~appropriate to~~

1 ~~the level of education needed~~ required by Subsection I of this
 2 section shall be provided by the employer.

3 F. The ~~[labor]~~ workforce solutions department shall
 4 promulgate rules for employers in the performing arts,
 5 including education and safety requirements.

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

11 H. In addition to teaching responsibilities, a
 12 studio teacher shall monitor and protect the health, safety and
 13 welfare of the child at all times except for periods of up to
 14 one hour during special situations for promotional publicity,
 15 personal appearances, wardrobe, makeup or hairdressing when the
 16 child is accompanied by a parent or guardian.

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

18 (1) possess a current certificate of
 19 compliance from the workforce solutions department affirming
 20 that the studio teacher has knowledge of child labor laws and
 21 regulations applicable to the employment of a child in the
 22 performing arts industry, including the ability to take
 23 cognizance of working conditions, physical surroundings, signs
 24 of the child's mental and physical fatigue and the demands made
 25 upon the child and to fulfill the statutory requirement to

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 [bracketed material] = delete

1 report incidents of alleged child abuse as required by Section
2 32A-4-3 NMSA 1978; and

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

6 SECTION 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2023.