

TEXAS WORKFORCE COMMISSION

Division of Fraud Deterrence and Compliance
Monitoring

Wage and Hour Department



This notice includes:

- **Summary of the Texas Child Labor Law**
- **Links to Additional Resources**
 - Texas Child Labor Law, Texas Labor Code, Chapter 51
 - Chapter 817 Child Labor, TWC Rules, Texas Administrative Code
 - Title 29, Part 570, Code of Federal Regulations

FOR ANSWERS TO SPECIFIC QUESTIONS ABOUT THE CHILD LABOR LAWS,
CONTACT TWC'S WAGE AND HOUR DEPARTMENT:

1-800-832-WAGE (9243)

or twc.texas.gov/jobseekers/texas-child-labor-law

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SUMMARY OF THE TEXAS CHILD LABOR LAW CHAPTER 51 - TEXAS LABOR CODE

GENERAL

The purpose of the Texas Child Labor Law is to ensure that a child is not employed in an occupation or manner that is detrimental to the child's safety, health, or well-being.

Except as specifically authorized by the statute, it is illegal to employ a child under 14 years of age. One of the principal exemptions in the statute allows the Texas Workforce Commission (Commission) to adopt rules which authorize the employment of children under 14 years of age as performers in a motion picture or a theatrical, radio, or television production. Pursuant to that authority, the Commission has adopted Texas Commission Rules Section §817.31, §817.32 and §817.33 which set out the procedures for authorization of work by a child actor. These rules also contain provisions designed to ensure that employment does not interfere with a child's education and does not pose a threat to the child's health, safety, or general well-being.

The Commission or its designee may, during working hours, inspect a place of business where there is good reason to believe a child is or has been employed within the last two years and collect information about the employment of children there. Knowingly or intentionally hindering such an investigation is a violation of the law.

DEFINITIONS

In this chapter:

1. "Child" means an individual under 18 years of age. Except for Sexually oriented business which defines a "Child" as an individual under 21 years of age.
2. "Commission" means the Texas Workforce Commission
3. "Delivery of newspapers" means the distribution of newspapers on or the maintenance of a newspaper route. The term does not include direct sales of newspapers to the general public.

GENERAL EXEMPTIONS

This chapter does not apply to employment of a child:

1. employed:
 - a. in a non-hazardous occupation

- b. under the direct supervision of the child's parent or an adult having custody of the child
 - c. in a business or enterprise owned or operated by the parent or custodian
2. 11 years or older engaged in delivery of newspapers to the consumer.
 3. participating in a school-supervised and school-administered work-study program approved by the Commission.
 4. employed in agriculture during a period when the child is not legally required to be attending school.
 5. employed through a rehabilitation program supervised by a county judge.
 6. engaged in non-hazardous casual employment that will not endanger the safety, health, or well-being of the child and to which the parent or adult having custody of the child has consented.
 7. 16 years or older engaged in the direct sale of newspapers to the public.

In this section, "employment in agriculture" means engaged in producing crops or livestock and includes:

1. cultivating and tilling the soil
2. producing, cultivating, growing, and harvesting an agricultural or horticultural commodity
3. dairying
4. raising livestock, bees, fur-bearing animals, or poultry

For the purposes of general exemption No. 6, the Commission by rule may define non-hazardous casual employment that the Commission determines is dangerous to the safety, health, or well-being of a child.

RESTRICTIONS ON EMPLOYMENT

MINIMUM AGE

A person commits an offense if the person employs a child under 14 years of age.

PERFORMER EXEMPTION

The commission may authorize the employment of children under 14 years of age as performers in a motion picture or a theatrical, radio, or television production.

HOURS OF EMPLOYMENT

Texas State Law:

A child 14 or 15 years of age may not work more than eight hours in one day or more than 48 hours in one week. A child who is 14 or 15 years of age and is enrolled in a term of a public or private school may not work between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day. A child who is 14 or 15 years of age and is not enrolled in summer school may not work between the hours of midnight and 5 a.m. on any day that school is recessed for the summer.

Federal Law:

Under the Fair Labor Standards Act (FLSA) a child 14 or 15 years of age may not work during school hours, may not work more than three hours on a school day or 18 hours during a school week, and may not work more than eight hours on a non-school day or 40 hours during a non-school week. Furthermore, a child 14 or 15 years of age may work only between 7 a.m. and 7 p.m. during the school year. Between June 1 and Labor Day, a child may work between the hours of 7 a.m. and 9 p.m.

A child 16 or 17 years of age has no restrictions on the number of hours or times of day they may work.

HARDSHIP EXEMPTION

The Commission may adopt rules for determining whether hardships exist. If, on the application of a child, the Commission determines that a hardship exists for that child, the hours restrictions do not apply to that child. Commission Rule Section §817.22 provides the procedure which must be followed in seeking a hardship waiver of the hour restrictions for a child 14- and 15-years of age.

The Commission has adopted, by Rule (TWC §817.21), the federal regulations governing the employment of 14- and 15-year olds in occupations prohibited by the U.S. Department of Labor.

PERMITTED OCCUPATIONS FOR 14- AND 15-YEAR OLDS

A child who is 14 or 15 years of age may be employed in the following occupations in retail, food service, and gasoline service establishments:

1. Office and clerical work (including operation of office machines).
2. Work of intellectual or artistically creative nature such as but not limited to computer programming, the writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher's assistant, singing, the playing of a

musical instrument, and drawing, as long as such employment complies with all the other provisions contained in 570.33, 570.34, and 570.35.

3. Cooking with electric or gas grills that do not involve cooking over an open flame and with deep fat fryers that are equipped with and utilize devices that automatically lower and raise the baskets into and out of the oil or grease. Note: this section does not permit cooking with equipment such as rotisseries, broilers, pressurized equipment including fryolators, and cooking devices that operate at extremely high temperatures such as "Neico broilers."
4. Cashiering, selling, modeling, artwork, work in advertising departments, window trimming and comparative shopping.
5. Price marking and tagging by hand or by machine. Assembling orders, packing, and shelving.
6. Bagging and carrying out customers' orders.
7. Errand and delivery work by foot, bicycle, and public transportation. Except such youth may not be employed by a public messenger service.
8. Cleanup work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
9. Kitchen work and other work involved in preparing and serving food and beverages, including operating machines and devices used in performing such work. Examples of permitted machines and devices include, but are not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, coffee grinders, automatic coffee machines, devices used to maintain the temperature of prepared foods (such as warmers, steam tables, and heat lamps), and microwave ovens that are used only to warm up prepared food and do not have the capacity to warm above 140 degrees Fahrenheit.
10. Cleaning Kitchen Equipment. Minors are permitted to clean kitchen equipment (not otherwise prohibited), remove oil or grease filters, pour oil or grease through filters, and move receptacles containing hot grease or hot oil, but only when the equipment, surfaces, containers and liquids do not exceed a temperature of 100 degrees Fahrenheit.
11. Cleaning Vegetables and Fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items, including vegetables, fruits, and meats, when performed in areas physically separate from a freezer or meat cooler.
12. Loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as

a back pack, a lunch box, or a coat that the minor is permitted to take to the work site. Such light tools would include, but not be limited to, rakes, hand-held clippers, shovels, and brooms. Such light tools would not include items like trash, sales kits, promotion items or items for sale, lawn mowers, or other power-driven lawn maintenance equipment. Such minors would not be permitted to load or unload safety equipment such as barriers, cones, or signage.

13. The occupation of lifeguard (15-year-olds but not 14-year-olds) at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas, and baby pools, but not including the elevated areas of water slides) when properly trained and certified in aquatics and water safety by the American Red Cross or a similar certifying organization. No youth under 16 years of age may be employed as a lifeguard at a natural environment such as an ocean side beach, lake, pond, river, quarry, or pier.
14. Employment of certain youth under specified conditions inside and outside of establishments where machinery used to process wood products. See page 40 of this guide for information on this exemption.
15. Work in connection with cars and trucks if confined to the following:
 - Dispensing gasoline and oil.
 - Courtesy service on premises of gasoline service station.
 - Car cleaning, washing, and polishing by hand.
 - Other occupations permitted by this section but not including work:
 - involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
16. Work in connection with riding inside passenger compartments of motor vehicles except as prohibited on page 8 of this guide or when a significant reason for the minor being a passenger in the vehicle is for the purpose of performing work in connection with the transporting or assisting in the transporting of other persons or property. Each minor riding as a passenger in a motor vehicle must have his or her own seat in the passenger compartment; each seat must be equipped with a seat belt or similar restraining device; and the employer must instruct the minors that such belts or other devices must be used. In addition, each driver transporting the young workers must hold a valid state driver's license for the type of vehicle being driven and, if the driver is under the age of 18, his or her employment must comply with the provisions of Code of Federal Regulations (CFR 570.52)

PROHIBITED OCCUPATIONS FOR 14- AND 15-YEAR OLDS

The following list, which is not exhaustive are jobs that 14 and 15 – year olds may not be employed.

1. Any manufacturing occupation.
2. Any mining occupation.
3. Most processing occupations such as filleting of fish, dressing of poultry, cracking nuts, developing photographs, laundering, bulk or mass mailings.
4. Occupations in workrooms or workplaces where goods are manufactured, mined, or otherwise processed.
5. Any occupation found and declared to be hazardous by the Secretary of Labor.
6. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling, or repairing of Hoisting Apparatus.
7. Work performed in or about Boiler or Engine Rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
8. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling or repairing or of any power-driven machinery, including, but not limited to, lawnmowers, golf carts, all-terrain vehicles, trimmers, cutters weed eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Fourteen- and 15-year-olds may operate most office machinery and those machines that are expressly permitted and discussed under “permitted occupations”.
9. The operation of motor vehicles or service as helpers on such vehicles.
10. The riding on a motor vehicle inside or outside of an enclosed passenger compartment except as permitted on page 7.
11. Outside Window Washing that involves working from windowsills.
12. All work requiring the use of ladders, scaffolds, or their substitutes.
13. All baking and most cooking activities except as discussed on page 6.
14. Work in freezers and meat coolers and all work in the processing of meat for sale, however, youth are permitted to occasionally enter freezers only momentarily to retrieve items.
15. Youth Peddling, including not only the attempt to make a sale or the actual consummation of a sale, but also the preparatory and concluding tasks normally performed by a youth peddler, such as the loading and unloading of motor vehicles, the stocking and restocking of sales kits and trays, the exchanging of

cash and checks with the employer, and the transportation of the minors to where the sales will be made.

16. Loading and unloading of goods or property onto or from motor vehicles, railroad cars, and conveyors, except as discussed on page 6.
17. Catching and cooping of poultry in preparation for transport or for market.
18. Public Messenger Service.
19. Occupations in connection with:
 - a. Transportation of persons or property by rail, highway, air, on water, pipeline, or other means.
 - b. Warehousing and storage.
 - c. Communications and Public Utilities.
 - d. Construction (including repair).

Exceptions: 14- and 15- year-olds may perform office or sales work in connection with a., b., c., and d. above when not performed on transportation media, on an actual means of transportation, or at the actual construction site.

The Commission has adopted, by rule (TWC §817.23), the federal regulations governing the employment of a child 16- and 17-years of age in occupations declared hazardous by the U.S. Department of Labor.

PROHIBITED OCCUPATIONS FOR 16- AND 17-YEAR OLDS

These occupations are commonly referred to as “Hazardous Occupation Orders” and include work:

1. In or about plants or establishments manufacturing or storing explosives
2. Involving the driving of motor vehicles and outside helpers
 - a. on any public road or highway
 - b. in or about any place where logging or sawmill operations are in progress, or
 - c. in excavations

(Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law. Refer to page 52-53.)

3. Connected with coal mining

4. Involving logging operations and sawmill operations; and forest fire fighting and forest fire prevention operations, and timber tract and forestry service occupations
 5. * Operating or assisting to operate power-driven woodworking machines
 6. Involving exposure to radioactive substances and to ionizing radiations
 7. Operating or assisting to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, and high-lift trucks
 8. * Operating or assisting to operate power-driven metal forming, punching, and shearing machines
 9. In connection with mining, other than coal
 - 10.* Operating or assisting to operate power-driven meat processing machines and in slaughtering, meat and poultry packing, processing, or rendering
 11. Operating or assisting to operate power-driven bakery machines
 - 12.* Involving the operating of power-driven paper-products machines, balers, and compactors
- (Under certain conditions, loading a baler or box compactor is NOT considered a hazardous occupation under state or federal law.)
13. Manufacturing brick, tile and kindred products
 - 14.* Operating or assisting to operate power-driven circular saws, band saws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws, and woodchippers
 15. Wrecking, demolition and ship-breaking operations
 - 16.* Roofing operations and work on or about a roof
 - 17.* Connected with excavation operations

* The hazardous occupation orders denoted with an asterisk (*) have apprentice or student-learner exemptions.

APPRENTICE AND STUDENT LEARNER EXEMPTIONS

1. Apprentice:
 - a. employed in a recognized apprenticeable trade
 - b. work is incidental to training
 - c. intermittent, short, and under close journeyman supervision; and registered or under written agreement about work standards

2. Student-learner:
 - a. enrolled in authorized cooperative vocational training program; and employed under a written agreement providing that:
 - (1) work is incidental to training;
 - (2) work is intermittent, short, and under close supervision;
 - (3) safety instructions are given by school and employer; and
 - (4) a schedule of organized and progressive work is prepared.

PENALTIES

An offense under this Act is a Class B misdemeanor except for the offense of employing a child to sell or solicit, which is a Class A misdemeanor. It is a defense to prosecution of a person employing a child who does not meet the minimum age requirement for a type of employment, that the person relied in good faith on an apparently valid certificate of age presented by the child that showed the child to meet the age requirement for that type of employment.

In addition to the criminal penalty noted above, if an employer violates the provisions of this Act, the Commission may assess an administrative penalty against that employer in an amount not to exceed \$10,000.

APPEALS

Any violation or assessment of a penalty under this provision of the Child Labor Act may be appealed with the Texas Workforce Commission. No later than 30 days after a Commission order assessing a penalty becomes final, the employer may file a petition for judicial review of the order.

INJUNCTIVE RELIEF

The Attorney General may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

TEXAS CHILD LABOR LAW AMENDMENTS

SOLICITATION

Texas state law prohibits:

1. the employment of anyone under 14 years of age and unaccompanied by a parent to sell or solicit goods or services for any person other than an exempt organization or a business owned or operated by a parent, and
2. the employment of a child to sell or solicit goods or services for any person other than an exempt organization unless parental permission is granted on a form prescribed by the Commission at least seven days before employment begins.

A person may not employ a child to solicit (soliciting is considered a hazardous occupation) unless the person submits a parental consent form to the commission.

For information on federal law concerning youth peddling, refer to Code of Federal Regulation 570.33.

DRIVING

Texas state law was amended to allow the driving of a motor-vehicle for a commercial purpose under certain conditions. Under state, but not federal law, a person may employ a child to operate a motor vehicle for a commercial purpose if the child:

3. has a valid driver's license;
4. does not need a commercial license to perform the job;
5. operates a vehicle with no more than two axles and not in excess of 15,000 pounds gross vehicle weight; and
6. performs the job:
 - a. under the direct supervision of the child's parent; and
 - b. for a business owned or operated by the child's parent.

SEXUALLY ORIENTED BUSINESS

Texas state law was amended to prohibit employment of a child (defined as anyone younger than 21) in a sexually oriented business and to require a sexually oriented business to maintain certain photographic identification records and for the sexually oriented business to participate in the E-verify program for employees and contractors. and provides for a criminal penalty.

When both Federal and State laws apply, the law setting the more stringent standard should be observed. For information regarding the Federal child labor standards, contact your local office of the US Department of Labor Wage and Hour Division.

IT SHOULD BE NOTED THAT THIS SUMMARY IS NOT THE COMPLETE TEXT OF THE TEXAS CHILD LABOR LAW, NOR IS IT WRITTEN IN THE EXACT LANGUAGE OF THAT LAW. IT IS INTENDED AS AN INFORMAL EDUCATIONAL TOOL FOR THE BENEFIT OF EMPLOYERS AND EMPLOYEES IN TEXAS.

RESOURCES

[Texas Labor Code – Title 2, Subtitle B, Chapter 51, Employment of Children](#)

- <https://statutes.capitol.texas.gov/Docs/LA/htm/LA.51.htm#:~:text=Sec.,health%2C%20or%20well%2Dbeing>.

[Texas Administrative Code – Title 40, Part 20, Chapter 817, Child Labor](#)

- [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=40&pt=20&ch=817](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=20&ch=817)

[Code of Federal Regulations – Title 29, Subtitle B, Chapter V, Subchapter A, Part 570](#)

- <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-A/part-570?toc=1>