

CHILD LABOR: Children 12 years or older not prohibited  
RADIO BROADCASTING: from participating in radio broadcasting.

JOHN M. DALTON  
XXXXXXXXXX

July 30, 1953



XXXXXXXXXX

J. C. Johnsen

Mr. L. L. Duncan  
Director, Division of  
Industrial Inspection  
Department of Labor and  
Industrial Relations  
Jefferson City, Missouri

Dear Mr. Duncan:

This is in answer to your letter of recent date requesting an official opinion of this department, which letter reads as follows:

"Quite often this department is called upon to interpret the State Child Labor Laws concerning the use of children, under the age of fourteen years, to participate and appear upon radio broadcasts.

"Is this a violation of the State Child Labor Laws? This department requests an opinion on this matter."

Section 294.010, RSMo. 1949, prohibits employment of a child in this state under the age of 14 years with certain exceptions. Said section reads as follows:

"It shall be unlawful for any child in this state under the age of fourteen years to be employed, permitted or suffered to work at any gainful occupation except in:

"(1) The sale and distribution of newspapers, magazines and periodicals;

"(2) Agricultural labor and domestic service; or

Mr. L. L. Duncan

"(3) Any service performed for parent or guardian."

Section 294.020, RSMo. 1949, enacted in the same bill with Section 294.010, supra, however, provides that in certain circumstances children between the ages of 12 and 16 years may be gainfully employed. Such section provides as follows:

"It shall be unlawful for any child in this state under the age of sixteen years to be employed, permitted or suffered to work at any gainful occupation unless such employment is authorized as in this chapter, or otherwise by law provided; provided, that during the hours public schools are not in session, children between the ages of twelve and sixteen years may be gainfully employed except in industries which employ more than six persons."

A child 12 years or older therefore, may be employed, permitted or suffered to work at a gainful occupation, if the requirements of Section 294.020 are complied with and no other prohibitory sections are violated. It is our view that there are no provisions prohibiting the employment of children of 12 years and over in radio broadcasting as such in Sections 294.040, 292.040, 564.670 or 564.680 of the Revised Statutes of Missouri, 1949.

Of course all the provisions of Chapter 294 relative to such employment must be complied with. This opinion refers, of course, only to those children who are employed to take part and participate in radio broadcasting.

#### CONCLUSION

It is the opinion of this office that a child 12 years or older may be employed to participate in and appear upon radio broadcasts if all requirements found in Section 294 RSMo. 1949, are complied with.

This opinion, which I hereby approve, was written by my assistant, Mr. C. B. Burns, Jr.

Yours very truly,

CBB:mw

JOHN M. DALTON  
Attorney General