

## **Memorandum**

**DATE:** June 27, 2013  
**SUBJECT:** Memo on Child Model Legislation

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On Wednesday, June 12, 2013, the New York Senate and Assembly unanimously voted to pass legislation that affords child models certain protections under the State of New York. The bill once signed into law by Governor Andrew Cuomo, will amend the Labor Law and Cultural Affairs law that currently regulate the employment and education of “child performers” to now include “runway and print models”. Historically, models were notably absent. These child models will now be afforded the same protections as “child actors, dancers and musicians” working in New York.

Companies employing models under the age of 18 will be required to obtain certificates of eligibility, provide chaperones and tutors and limit the work hours of such models. If the legislation is signed by Governor Cuomo, it will afford child models protections previously unavailable to them, including the following:

- **Responsible Person:** If the model is under 16, a “responsible person” must be designated to monitor the activity and safety for each model at the work place;
- **Nurse:** An employer must provide a nurse with pediatric experience (only applicable to infants);
- **Education Requirement:** Mandates employers to provide teachers and a dedicated space for instruction (generally, provided it is a school day(s) and the child performer is not otherwise receiving education instruction due to his or her employment schedule);
- **Health and Safety:** Employers must provide safety-based instruction and information to performers, parents/guardians and Responsible Person(s) and;
- **Financial Trust:** A trust must be established by a child performer’s parent or guardian that an employer must transfer at least fifteen percent of the child’s gross-earnings into.

Currently, work hour regulations for “child performers” differ based on age, whether school is in session, and whether the “performance” is live or recorded. These regulations include but are not limited to requiring twelve hours between workdays, limiting the times along with the total

number of hours, per day, a model can work. Additionally, the employer must provide for meal and certain rest periods.

These underage models will now also need to obtain work permits which would require not only the written consent of a parent or guardian, but also evidence that the model is maintaining the standards of academic performance from their enrolled school that are acceptable. Medical inspectors of the department of labor may require 16 or 17 year old minors to submit to a physical examination if the inspector believes the minor is physically unfit for work.

These regulations are overseen by the Department of Labor which possess far greater resources to enforce regulations than the Department of Education which was the agency previously overseeing the regulations pertaining to the employment and education of child models in New York.

Many commentators believe that these laws are not only to afford more rights to children, but also, these strict standards will encourage employers to bypass these stringent requirements by hiring models over the age of 18.