

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4876

By Delegates Hite, G. Howell, G. Ward, and Worrell

[Introduced January 28, 2026; referred to the
Committee on Government Organization then the
Judiciary]

A BILL to amend and reenact §21-6-5, §21-6-8, and §21-6-10 of the Code of West Virginia, 1931, as amended, and to repeal §21-6-3, relating to eliminating requirement that 14 or 15 year old obtain a work permit; establishing that employer seeking to hire a child 14 or older receive an age certificate from the commission prior to employing the child; providing commissioner the authority to issue age certificates for children ages 14 and over; and providing penalties for a person that issues an age certificate in violation of the article.

Be it enacted by the Legislature of West Virginia:

ARTICLE	6.	CHILD	LABOR.
§21-6-3.	Issuance	of	work permit.

[Repealed.]

§21-6-5. Age certificate for employers; contents of certificate; forms; records; filing; inquiry as to age; revocation of certificate; supervision by Commissioner.

~~A child 14 or 15 years of age may be employed or permitted to work in any gainful occupation, except as provided in §21-6-2 of this code, when the person, firm, or corporation by whom the child is employed or permitted to work, obtains and keeps on file and accessible to officers charged with the enforcement of this article, an age certificate issued by the State Commissioner of Labor or a person authorized by him or her in writing. Upon request of any employer who is desirous of employing a child who represents his or her age to be 16 years or over, the commissioner or a person authorized by him or her in writing shall issue to the employer an age certificate in accordance with the provisions of this article.~~

~~(b) The commissioner, or a person authorized by him or her in writing to issue an age certificate under this article, shall issue the certificate only upon obtaining proof of age of the child in the form of a birth certificate, or attested transcript thereof, issued by the registrar of vital statistics or other officer charged with the duty of recording births. The age certificate shall set forth the full name and the date and place of birth of the child, with the name and address of his or her parents or parent, or guardian or custodian. It shall certify that the child has submitted for review~~

~~proof of age, school attendance, prospective employment, brief description of job supplied by the employer, parental or other consent for children under 16 years of age as required by §21-6-3 of this code, and applicable work hours for children under 16 years of age as provided for in §21-6-7 of this code, with such work hours to be printed on the age certificate.~~

~~(c) The commissioner shall prepare printed forms for age certificates and make them available by posting on the Division of Labor's website or other method determined pursuant to rule. A record of all age certificates issued shall be kept in the office of the commissioner.~~

~~(d) The age certificate, when filed in the office of the employer, must be accepted by an officer charged with the enforcement of this article as evidence of the age of the child in whose name it was issued.~~

~~(e) Any officer charged with the enforcement of this article may inquire into the true age of a child apparently under the age of 16 years who is employed or permitted to work in any gainful occupation and for whom no age certificate is on file; and if the age of the child is found to be actually under 16 years, the employment of the child shall be considered a violation of the provisions of this article.~~

~~(f) The commissioner may at any time revoke any age certificate if in his or her judgment it was improperly issued, and for this purpose he or she is authorized to investigate the true age of any child employed, to hear evidence, and to require the production of relevant books and documents. If an age certificate is revoked, the issuing officer shall be notified of the action.~~

(a) Upon request of any employer who is desirous of employing a child who represents his or her age to be 14 years or over, the officer or other person charged with the issuance of work permits shall require of the child the proof of age, and, upon review thereof, if it be found that the child is actually 14 years of age or over, shall issue to the employer a certificate showing the age and date and place of birth of the child. The age certificate, when filed in the office of the employer, must be accepted by an officer charged with the enforcement of this article as evidence of the age of the child in whose name it was issued.

41 (b) Any officer charged with the enforcement of this article may inquire into the true age of a
42 child apparently under the age of 14 years who is employed or permitted to work in any gainful
43 occupation; and if the age of the child is found to be actually under 14 years, the employment of the
44 child shall be considered a violation of the provisions of this article.

45 (c) The State Commissioner of Labor may at any time revoke any age certificate if in his or
46 her judgment it was improperly issued, and for this purpose he or she is authorized to investigate
47 the true age of any child.

48 (d) The issuance of age certificates shall be under the supervision of the State
49 Commissioner of Labor. The commissioner, person authorized by him or her in writing, or other
50 person authorized to issue an age certificate shall issue the age certificate only upon review of a
51 birth certificate, or attested transcript thereof, issued by the registrar of vital statistics or other
52 officer charged with the duty of recording births.

§21-6-8. Supervision permits.

1 (a) The commissioner is authorized to prescribe and issue supervision permits to meet
2 special circumstances, and to prescribe the terms and conditions thereof.

3 (b) The provisions of §21-6-2, ~~§21-6-3~~, and §21-6-7 do not apply to a child's employment
4 under a supervision permit issued by the commissioner under this section. The commissioner
5 shall issue a supervision permit only if he or she finds, after careful investigation, as follows:

6 (1) That the child, in performance of the work contemplated, will be supervised by a
7 responsible party;

8 (2) That the employer for whom the child will be employed is not subject to federal
9 regulation regarding child labor; and

10 (3) That the issuance of the supervision permit will promote the best interests of the child.

11 A supervision permit is valid only so long as the employment is in compliance with the
12 terms and conditions prescribed by the commissioner and contained therein.

§21-6-10. Offenses; penalties.

1 (a) Any person who violates a provision of this article, or any parent, guardian, or custodian
2 of a child who permits the child to work in violation of the provisions of this article, or any other
3 person who illegally issues an age certificate, or any person who furnishes false evidence in
4 reference to the age, birthplace, job description, consent, or educational qualifications of a child
5 under this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall for the first
6 offense be fined not less than \$50 nor more than \$200.

7 (b) A person convicted of a second or subsequent offense shall be fined not less than \$200
8 nor more than \$1,000 or confined in the county or regional jail for not more than six months, or both
9 fined and confined.

NOTE: The purpose of this bill is to eliminate the requirement that 14 or 15 year old obtain a work permit; establishing that employer seeking to hire a child 14 or older receive an age certificate from the commission prior to employing the child; providing commissioner the authority to issue age certificates for children ages 14 and over; and providing penalties for a person that issues an age certificate in violation of the article.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.