

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov

April 6, 2021

To: The Honorable Richard H.K. Onishi, Chair,
The Honorable Jackson D. Sayama, Vice Chair, and
Members of the House Committee on Labor and Tourism

Date: Tuesday, April 6, 2021
Time: 10:00 a.m.
Place: Via Videoconference

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

**Re: S.C.R. No. 99SD1 RATIFYING A PROPOSED AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES GIVING THE CONGRESS OF THE
UNITED STATES POWER TO LIMIT, REGULATE, AND PROHIBIT THE LABOR OF
PERSONS UNDER EIGHTEEN YEARS OF AGE.**

Chair Onishi, Vice Chair Sayama, and Members of the Committee,

The DLIR supports this measure that addresses the failure of the states to ratify the proposed constitutional amendment that would specifically authorize Congress to regulate "labor of persons under eighteen years of age". The majority of the state governments ratified the amendment by the mid-1930s; however, it has not been ratified by the requisite three-fourths of the states according to Article V of the Constitution and none has ratified it since 1937.

Interest in the amendment waned following the passage of the Fair Labor Standards Act of 1938, which implemented federal regulation of child labor with the Supreme Court's approval in 1941. As Congress did not set a time limit for its ratification, the amendment is still pending before the states. Ratification by an additional ten states would be necessary for this amendment to come into force.