§ 35.01. Child performers. 1. It shall be unlawful, except as otherwise provided by section one hundred fifty-one of the labor law, to employ, or to exhibit or cause to be exhibited, or to use, or have custody of, for the purpose of exhibition, use or employment, any child under the age of sixteen years, or for one who has the care, custody or control of such child as a parent, relative, guardian, employer or otherwise, to exhibit, use or to procure or consent to the use or exhibition of such child, or to neglect or to refuse to restrain such child from engaging or acting in a public or private place, except as hereinafter provided, whether or not an admission fee is charged and whether or not such child or any other person is to be compensated for the use of such child therein, in the following activities:

(a) In singing; or dancing; or modeling; or playing upon a musical instrument; or acting, or in rehearsing for, or performing in a theatrical performance or appearing in a pageant; or as a subject for use, in or for, or in connection with the making of a motion picture film; or

(b) In rehearsing for or performing in a radio or television broadcast or program.

2. The provisions of subdivision one of this section shall not apply to the participation or employment, use or exhibition of any child in a church, academy or school, including a dancing or dramatic school, as part of the regular services or activities thereof respectively; or in the annual graduation exercises of any such academy or school; or in a private home; or in any place where such performance is under the direction, control or supervision of a department of education; or in the performance of radio or television programs in cases where the child or children broadcasting do so from a school, church, academy, museum, library or other religious, civic or educational institution, or for not more than two hours a week from the studios of a regularly licensed broadcasting company, where the performance of the child or children is of a nonprofessional character and occurs during hours when attendance for instruction is not required in accordance with the education law.

3. A child performer permit shall be issued by the state department of labor pursuant to section one hundred fifty-one of the labor law.

4. The mayor or other chief executive officer of the city, town or village where the exhibition, rehearsal or performance will take place may solicit the assistance of the Society for the Prevention of Cruelty to Children in New York city, and outside New York city, with the Society for the Prevention of Cruelty to Children or other child protective organization, if there be one and such other state and local agencies as he or she may determine.

5. Violation of this section shall be a misdemeanor.