§ 133. Prohibited employments of minors. 1. Minors under sixteen. No minor under sixteen years of age shall be employed in or assist in:

a. painting or exterior cleaning in connection with the maintenance of a building or structure;

b. any occupation in or in connection with a factory, except as provided in subdivision four of section one hundred thirty-one of this chapter;

c. the operation of washing, grinding, cutting, slicing, pressing or mixing machinery;

d. any employment in institutions in the department of mental hygiene, provided, however, that for the purposes of this paragraph, participation in recreation and leisure activities, social skills development, companionship and/or entertainment as part of an organized volunteer program approved by the commissioner of mental hygiene, shall not constitute employment or assistance in employment and may be performed by youthful volunteers at least fourteen years of age. Nothing contained in this paragraph shall be construed to permit services prohibited in subdivisions one and two hereof.

2. Minors of any age. No minor of any age shall be employed in or assist in:

a. the care or operation of a freight or passenger elevator, except that a minor over sixteen may operate automatic push button control elevators;

b. or in connection with the manufacturing, packaging, or storing of explosives;

c. operating or using any emery, tripoli, rouge, corundum, stone, silicon carbide, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or iridium are manufactured;

d. penal or correctional institutions, if such employment relates to the custody or care of prisoners or incarcerated individuals;

e. adjusting belts to machinery or cleaning, oiling or wiping machinery;

f. packing paints, dry colors, or red or white leads;

g. preparing any composition in which dangerous or poisonous acids are used;

h. operating steam boilers subject to section two hundred four of this chapter;

i. any occupation at construction work, including wrecking, demolition, roofing or excavating operations and the painting or exterior cleaning of a building structure from an elevated surface;

j. any occupation involving exposure to radioactive substances or ionizing radiation, or exposure to silica or other harmful dust;

k. logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill or cooperage-stock mill;

l. any occupation in or in connection with a mine or quarry;

m. any occupation involved in the operation of power-driven woodworking, metal-forming, metal-punching, metal-shearing, bakery, and paper products machines;

n. any occupation involved in the operation of circular saws, bandsaws and guillotine shears;

o. any occupation in or about a slaughter and meat-packing establishment, or rendering plant;

p. any occupation involved in the operation of power-driven hoisting

apparatus;

q. any occupation involved in the manufacture of brick, tile and kindred products;

r. as a helper on a motor vehicle;

s. as a dancer or performer in any portion of a facility open to the public wherein performers appear and dance or otherwise perform unclothed, under circumstances in which such employment would be harmful to such person in the manner defined in subdivision six of section 235.20 of the penal law.

3. a. The provisions of subdivision two of this section shall not apply to (1) an apprentice who is individually registered in an apprenticeship program which is duly registered with the commissioner in conformity with the provisions of article twenty-three of this chapter; or

(2) a student-learner who is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority, or in a course of study in a substantially similar program conducted by a private school; or

(3) a trainee in an on-the-job training program approved by the commissioner; or

(4) a minor who is employed in the occupation in which he has completed training as a student-learner as provided in subparagraph (2) of this subdivision or as a trainee as provided in subparagraph (3) of this subdivision; or

(5) a minor who is employed in the occupation in which he has completed a work training program of a non-profit organization or a training program which is publicly funded in whole or in part, and as part of such program received safety instruction and training in the use of machinery, provided that such safety program has been approved by the commissioner. As used in this paragraph the term "non-profit organization" means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

b. An employment certificate required by subdivision two of section one hundred thirty-two of this article shall for the purposes of section fourteen-a of the workmen's compensation law be deemed to authorize employment under subparagraphs (3), (4) and (5) of this subdivision.

4. In addition to the cases provided for in this section, the commissioner, when it is found upon investigation that any particular trade, process of manufacture, occupation, or method of carrying on the same, is dangerous or injurious to the health of minors, may adopt rules prohibiting or regulating the employment of such minors therein. In addition to the adoption of such rules, the commissioner may also adopt such other rules and regulations as are determined necessary to carry out the purposes of this section.

5. In addition to the rulemaking authority set forth in subdivision four of this section, when it is found upon investigation that employment on a farm is dangerous or injurious to the health of minors, the commissioner may adopt rules prohibiting or regulating the employment of such minors therein, which rules shall be in accordance with and consistent with those promulgated by the United States secretary of labor in this regard.