

Senate Engrossed House Bill

forced labor; child labor; prohibitions

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HOUSE BILL 2591

AN ACT

AMENDING TITLE 30, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 30-811; AMENDING SECTION 35-394, ARIZONA REVISED STATUTES;  
AMENDING TITLE 40, CHAPTER 2, ARTICLE 9, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 40-434; RELATING TO FORCED LABOR AND OPPRESSIVE CHILD  
LABOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 30, chapter 6, article 1, Arizona Revised  
3 Statutes, is amended by adding section 30-811, to read:

4 30-811. Forced labor; oppressive child labor; contracting;  
5 procurement; prohibition; sworn certification;  
6 remedy; termination; exception; civil penalty;  
7 definitions

8 A. A PUBLIC POWER ENTITY MAY NOT ENTER INTO OR RENEW A CONTRACT  
9 WITH A PERSON OR A COMPANY TO ACQUIRE LAND, ELECTRIC VEHICLES, UTILITY  
10 SCALE BATTERIES OR SOLAR PANELS, UNLESS THE CONTRACT INCLUDES A SWORN  
11 CERTIFICATION THAT THE PERSON OR THE COMPANY DOES NOT CURRENTLY, AND  
12 AGREES FOR THE DURATION OF THE CONTRACT THAT IT WILL NOT, KNOWINGLY USE:

13 1. FORCED LABOR.

14 2. OPPRESSIVE CHILD LABOR.

15 3. ANY GOODS OR SERVICES PRODUCED BY FORCED LABOR OR OPPRESSIVE  
16 CHILD LABOR.

17 B. THE AUTOMOBILE MANUFACTURER SHALL PROVIDE THE SWORN  
18 CERTIFICATION REQUIRED BY SUBSECTION A OF THIS SECTION FOR CONTRACTS TO  
19 ACQUIRE ELECTRIC VEHICLES AND THE COMPONENT PARTS OF ELECTRIC VEHICLES.

20 C. IF A PERSON OR A COMPANY THAT HAS PROVIDED A SWORN CERTIFICATION  
21 PURSUANT TO SUBSECTION A OR B OF THIS SECTION BECOMES AWARE DURING THE  
22 TERM OF THE CONTRACT THAT THE PERSON OR THE COMPANY IS NOT IN COMPLIANCE  
23 WITH THE SWORN CERTIFICATION, THE PERSON OR THE COMPANY SHALL NOTIFY THE  
24 PUBLIC POWER ENTITY WITHIN FIVE BUSINESS DAYS AFTER BECOMING AWARE OF THE  
25 NONCOMPLIANCE. IF THE PERSON OR THE COMPANY DOES NOT PROVIDE THE PUBLIC  
26 POWER ENTITY WITH A SWORN CERTIFICATION THAT THE PERSON OR THE COMPANY HAS  
27 REMEDIED THE NONCOMPLIANCE WITHIN ONE HUNDRED EIGHTY DAYS AFTER NOTIFYING  
28 THE PUBLIC POWER ENTITY OF THE NONCOMPLIANCE, THE CONTRACT TERMINATES,  
29 EXCEPT THAT IF THE CONTRACT TERMINATION DATE OCCURS BEFORE THE END OF THE  
30 REMEDY PERIOD, THE CONTRACT TERMINATES ON THE CONTRACT TERMINATION  
31 DATE. THE PERSON OR COMPANY THAT PROVIDES THE SWORN CERTIFICATION MUST  
32 CERTIFY THAT THE PERSON OR COMPANY DOES NOT KNOWINGLY USE FORCED LABOR OR  
33 OPPRESSIVE CHILD LABOR.

34 D. THIS SECTION DOES NOT APPLY TO A CONTRACT ENTERED INTO BEFORE  
35 THE EFFECTIVE DATE OF THIS SECTION.

36 E. A PERSON, COMPANY OR PUBLIC POWER ENTITY THAT KNOWINGLY VIOLATES  
37 THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT TO EXCEED \$10,000 FOR  
38 EACH VIOLATION.

39 F. FOR THE PURPOSES OF THIS SECTION:

40 1. "COMPANY" MEANS AN ORGANIZATION, ASSOCIATION, CORPORATION,  
41 PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP, LIMITED LIABILITY  
42 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER ENTITY OR BUSINESS  
43 ASSOCIATION, INCLUDING A WHOLLY OWNED SUBSIDIARY, MAJORITY-OWNED  
44 SUBSIDIARY, PARENT COMPANY OR AFFILIATE.

1           2. "FORCED LABOR" MEANS ANY WORK OR SERVICE THAT IS OBTAINED:  
2           (a) BY FORCE, FRAUD OR COERCION, INCLUDING BY THREAT OF SERIOUS  
3 HARM TO, OR PHYSICAL RESTRAINT AGAINST, ANY PERSON.  
4           (b) THROUGH THE USE OF ANY SCHEME, PLAN OR PATTERN INTENDED TO  
5 CAUSE THE PERSON TO BELIEVE THAT IF THE PERSON DID NOT PERFORM THE WORK OR  
6 SERVICE, THE PERSON OR ANOTHER PERSON WOULD SUFFER SERIOUS HARM OR  
7 PHYSICAL RESTRAINT.  
8           (c) BY THE ABUSE OF OR THE THREATENED ABUSE OF LAW OR THE LEGAL  
9 PROCESS.  
10          3. "OPPRESSIVE CHILD LABOR" MEANS A CONDITION OF EMPLOYMENT UNDER  
11 WHICH A PERSON WHO IS UNDER FOURTEEN YEARS OF AGE IS EMPLOYED IN AN  
12 OCCUPATION THAT IS HAZARDOUS FOR THE EMPLOYMENT OF CHILDREN, INCLUDING  
13 MANUFACTURING OR MINING.  
14          4. "SWORN CERTIFICATION" MEANS A WRITTEN AFFIDAVIT OR DECLARATION  
15 THAT CERTIFIES THE REPRESENTATIONS MADE IN THE CERTIFICATION.  
16          Sec. 2. Heading change  
17          The article heading of title 35, chapter 2, article 10, Arizona  
18 Revised Statutes, is changed from "FORCED LABOR OF ETHNIC UYGHURS" to  
19 "FORCED LABOR AND OPPRESSIVE CHILD LABOR".  
20          Sec. 3. Section 35-394, Arizona Revised Statutes, is amended to  
21 read:  
22          35-394. Forced labor; oppressive child labor; contracting;  
23                 procurement; prohibition; sworn certification;  
24                 remedy; termination; exception; civil penalty;  
25                 definitions  
26          A. A public entity may not enter into or renew a contract with  
27 A PERSON OR a company to acquire or dispose of LAND, services, supplies,  
28 information technology, goods, INCLUDING ELECTRIC VEHICLES, BATTERIES,  
29 SOLAR PANELS AND THE MINERALS USED TO CREATE BATTERIES AND SOLAR PANELS,  
30 or construction unless the contract includes a ~~written~~ SWORN certification  
31 that the PERSON OR THE company does not currently, and agrees for the  
32 duration of the contract that it will not, KNOWINGLY use:  
33          1. ~~The~~ Forced labor ~~of ethnic Uyghurs in the People's Republic of~~  
34 ~~China.~~  
35          2. OPPRESSIVE CHILD LABOR.  
36          ~~2.~~ 3. Any goods or services produced by ~~the~~ forced labor OR  
37 OPPRESSIVE CHILD LABOR ~~of ethnic Uyghurs in the People's Republic of~~  
38 ~~China.~~  
39          ~~3.~~ 4. Any contractors, subcontractors or suppliers that use ~~the~~  
40 forced labor OR OPPRESSIVE CHILD LABOR or any goods or services produced  
41 by ~~the~~ forced labor OR OPPRESSIVE CHILD LABOR ~~of ethnic Uyghurs in the~~  
42 ~~People's Republic of China.~~  
43          B. THE AUTOMOBILE MANUFACTURER SHALL PROVIDE THE SWORN  
44 CERTIFICATION REQUIRED BY SUBSECTION A OF THIS SECTION FOR CONTRACTS TO  
45 ACQUIRE ELECTRIC VEHICLES AND THE COMPONENT PARTS OF ELECTRIC VEHICLES.

1           ~~B.~~ C. If a PERSON OR A company that has provided a ~~written~~ SWORN  
2 certification pursuant to subsection A OR B of this section becomes aware  
3 during the term of the contract that the PERSON OR THE company is not in  
4 compliance with the ~~written~~ SWORN certification, the PERSON OR THE company  
5 shall notify the public entity within five business days after becoming  
6 aware of the noncompliance. If the PERSON OR THE company does not provide  
7 the public entity with a ~~written~~ SWORN certification that the PERSON OR  
8 THE company has remedied the noncompliance within one hundred eighty days  
9 after notifying the public entity of the noncompliance, the contract  
10 terminates, except that if the contract termination date occurs before the  
11 end of the remedy period, the contract terminates on the contract  
12 termination date. THE PERSON OR COMPANY THAT PROVIDES THE SWORN  
13 CERTIFICATION MUST CERTIFY THAT THE PERSON OR COMPANY DOES NOT KNOWINGLY  
14 USE FORCED LABOR OR OPPRESSIVE CHILD LABOR.

15           ~~C.~~ D. This section does not apply to a contract entered into  
16 before ~~September 24, 2022~~ THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS  
17 SECTION.

18           E. A PERSON, COMPANY, PUBLIC ENTITY THAT KNOWINGLY VIOLATES THIS  
19 SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT TO EXCEED \$10,000 FOR EACH  
20 VIOLATION.

21           ~~D.~~ F. For the purposes of this section:

22           1. "Company" means an organization, association, corporation,  
23 partnership, joint venture, limited partnership, limited liability  
24 partnership, limited liability company or other entity or business  
25 association, including a wholly owned subsidiary, majority-owned  
26 subsidiary, parent company or affiliate, ~~that engages in for-profit~~  
27 ~~activity and that has ten or more full-time employees.~~

28           2. "FORCED LABOR" MEANS ANY WORK OR SERVICE THAT IS OBTAINED:

29           (a) BY FORCE, FRAUD OR COERCION, INCLUDING BY THREAT OF SERIOUS  
30 HARM TO, OR PHYSICAL RESTRAINT AGAINST, ANY PERSON.

31           (b) THROUGH THE USE OF ANY SCHEME, PLAN OR PATTERN INTENDED TO  
32 CAUSE THE PERSON TO BELIEVE THAT IF THE PERSON DID NOT PERFORM THE WORK OR  
33 SERVICE, THE PERSON OR ANOTHER PERSON WOULD SUFFER SERIOUS HARM OR  
34 PHYSICAL RESTRAINT.

35           (c) BY THE ABUSE OF OR THE THREATENED ABUSE OF LAW OR THE LEGAL  
36 PROCESS.

37           3. "MINERALS" MEANS A SOLID INORGANIC SUBSTANCE OF NATURAL  
38 OCCURRENCE.

39           4. "OPPRESSIVE CHILD LABOR" MEANS A CONDITION OF EMPLOYMENT UNDER  
40 WHICH A PERSON WHO IS UNDER FOURTEEN YEARS OF AGE IS EMPLOYED IN AN  
41 OCCUPATION THAT IS HAZARDOUS FOR THE EMPLOYMENT OF CHILDREN, INCLUDING  
42 MANUFACTURING OR MINING, OTHER THAN A PERSON WHO IS UNDER FOURTEEN YEARS  
43 OF AGE AND WHO IS EMPLOYED BY A GRANDPARENT, BROTHER, SISTER, AUNT, UNCLE,  
44 FIRST COUSIN, STEPPARENT OR PARENT, INCLUDING A RELATIVE OF THE SAME  
45 DEGREE THROUGH MARRIAGE OR ADOPTION, OR PERSON IN LOCO PARENTIS IN

1 OCCUPATIONS IN WHICH THE GRANDPARENT, BROTHER, SISTER, AUNT, UNCLE, FIRST  
2 COUSIN, STEPPARENT OR PARENT OR PERSON IN LOCO PARENTIS OWNS AT LEAST TEN  
3 PERCENT OF THE EMPLOYING ORGANIZATION AND SUCH OWNER IS ACTIVELY ENGAGED  
4 IN THE DAILY OPERATION OF THE ORGANIZATION.

5 ~~2-~~ 5. "Public entity":

6 (a) Means this state, a political subdivision of this state or an  
7 agency, board, commission or department of this state or a political  
8 subdivision of this state.

9 (b) DOES NOT INCLUDE A POLITICAL SUBDIVISION THAT OPERATES A FEDERAL  
10 RECLAMATION PROJECT.

11 6. "SWORN CERTIFICATION" MEANS A WRITTEN AFFIDAVIT OR DECLARATION  
12 THAT CERTIFIES THE REPRESENTATIONS MADE IN THE CERTIFICATION.

13 Sec. 4. Title 40, chapter 2, article 9, Arizona Revised Statutes,  
14 is amended by adding section 40-434, to read:

15 40-434. Forced labor; oppressive child labor; contracting;  
16 procurement; prohibition; sworn certification;  
17 remedy; termination; exception; civil penalty;  
18 definitions

19 A. A PUBLIC SERVICE CORPORATION MAY NOT ENTER INTO OR RENEW A  
20 CONTRACT WITH A PERSON OR A COMPANY TO ACQUIRE LAND, ELECTRIC VEHICLES,  
21 UTILITY SCALE BATTERIES OR SOLAR PANELS, UNLESS THE CONTRACT INCLUDES A  
22 SWORN CERTIFICATION THAT THE PERSON OR THE COMPANY DOES NOT CURRENTLY, AND  
23 AGREES FOR THE DURATION OF THE CONTRACT THAT IT WILL NOT, KNOWINGLY USE:

- 24 1. FORCED LABOR.
- 25 2. OPPRESSIVE CHILD LABOR.
- 26 3. ANY GOODS OR SERVICES PRODUCED BY FORCED LABOR OR OPPRESSIVE  
27 CHILD LABOR.

28 B. THE AUTOMOBILE MANUFACTURER SHALL PROVIDE THE SWORN  
29 CERTIFICATION REQUIRED BY SUBSECTION A OF THIS SECTION FOR CONTRACTS TO  
30 ACQUIRE ELECTRIC VEHICLES AND THE COMPONENT PARTS OF ELECTRIC VEHICLES.

31 C. IF A PERSON OR A COMPANY THAT HAS PROVIDED A SWORN CERTIFICATION  
32 PURSUANT TO SUBSECTION A OR B OF THIS SECTION BECOMES AWARE DURING THE  
33 TERM OF THE CONTRACT THAT THE PERSON OR THE COMPANY IS NOT IN COMPLIANCE  
34 WITH THE SWORN CERTIFICATION, THE PERSON OR THE COMPANY SHALL NOTIFY THE  
35 PUBLIC SERVICE CORPORATION WITHIN FIVE BUSINESS DAYS AFTER BECOMING AWARE  
36 OF THE NONCOMPLIANCE. IF THE PERSON OR THE COMPANY DOES NOT PROVIDE THE  
37 PUBLIC SERVICE CORPORATION WITH A SWORN CERTIFICATION THAT THE PERSON OR  
38 THE COMPANY HAS REMEDIED THE NONCOMPLIANCE WITHIN ONE HUNDRED EIGHTY DAYS  
39 AFTER NOTIFYING THE PUBLIC SERVICE CORPORATION OF THE NONCOMPLIANCE, THE  
40 CONTRACT TERMINATES, EXCEPT THAT IF THE CONTRACT TERMINATION DATE OCCURS  
41 BEFORE THE END OF THE REMEDY PERIOD, THE CONTRACT TERMINATES ON THE  
42 CONTRACT TERMINATION DATE. THE PERSON OR COMPANY THAT PROVIDES THE SWORN  
43 STATEMENT MUST CERTIFY THAT THE PERSON OR COMPANY DOES NOT KNOWINGLY USE  
44 FORCED LABOR OR OPPRESSIVE CHILD LABOR.

1           D. THIS SECTION DOES NOT APPLY TO A CONTRACT ENTERED INTO BEFORE  
2 THE EFFECTIVE DATE OF THIS SECTION.  
3           E. A PERSON, COMPANY OR PUBLIC SERVICE CORPORATION THAT KNOWINGLY  
4 VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT TO EXCEED  
5 \$10,000 FOR EACH VIOLATION.  
6           F. FOR THE PURPOSES OF THIS SECTION:  
7           1. "COMPANY" MEANS AN ORGANIZATION, ASSOCIATION, CORPORATION,  
8 PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP, LIMITED LIABILITY  
9 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER ENTITY OR BUSINESS  
10 ASSOCIATION, INCLUDING A WHOLLY OWNED SUBSIDIARY, MAJORITY-OWNED  
11 SUBSIDIARY, PARENT COMPANY OR AFFILIATE.  
12           2. "FORCED LABOR" MEANS ANY WORK OR SERVICE THAT IS OBTAINED:  
13           (a) BY FORCE, FRAUD OR COERCION, INCLUDING BY THREAT OF SERIOUS  
14 HARM TO, OR PHYSICAL RESTRAINT AGAINST, ANY PERSON.  
15           (b) THROUGH THE USE OF ANY SCHEME, PLAN OR PATTERN INTENDED TO  
16 CAUSE THE PERSON TO BELIEVE THAT IF THE PERSON DID NOT PERFORM THE WORK OR  
17 SERVICE, THE PERSON OR ANOTHER PERSON WOULD SUFFER SERIOUS HARM OR  
18 PHYSICAL RESTRAINT.  
19           (c) BY THE ABUSE OF OR THE THREATENED ABUSE OF LAW OR THE LEGAL  
20 PROCESS.  
21           3. "OPPRESSIVE CHILD LABOR" MEANS A CONDITION OF EMPLOYMENT UNDER  
22 WHICH A PERSON WHO IS UNDER FOURTEEN YEARS OF AGE IS EMPLOYED IN AN  
23 OCCUPATION THAT IS HAZARDOUS FOR THE EMPLOYMENT OF CHILDREN, INCLUDING  
24 MANUFACTURING OR MINING.  
25           4. "SWORN CERTIFICATION" MEANS A WRITTEN AFFIDAVIT OR DECLARATION  
26 THAT CERTIFIES THE REPRESENTATIONS MADE IN THE CERTIFICATION.