

House Engrossed

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 OR DISPOSE OF LAND, ELECTRIC  
10 VEHICLES, BATTERIES, SOLAR PANELS AND THE MINERALS USED TO CREATE  
11 BATTERIES AND SOLAR PANELS, UNLESS THE CONTRACT INCLUDES A SWORN  
12 CERTIFICATION THAT THE PERSON OR THE COMPANY DOES NOT CURRENTLY, AND  
13 AGREES FOR THE DURATION OF THE CONTRACT THAT IT WILL NOT, KNOWINGLY USE:

14 1. FORCED LABOR.

15 2. OPPRESSIVE CHILD LABOR.

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

18 4. ANY CONTRACTORS, SUBCONTRACTORS OR SUPPLIERS THAT USE FORCED  
19 LABOR OR OPPRESSIVE CHILD LABOR OR ANY GOODS OR SERVICES PRODUCED BY  
20 FORCED LABOR OR OPPRESSIVE CHILD LABOR.

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

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

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

40 E. FOR THE PURPOSES OF THIS SECTION:

41 1. "COMPANY" MEANS AN ORGANIZATION, ASSOCIATION, CORPORATION,  
42 PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP, LIMITED LIABILITY  
43 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER ENTITY OR BUSINESS  
44 ASSOCIATION, INCLUDING A WHOLLY OWNED SUBSIDIARY, MAJORITY-OWNED  
45 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. "MINERALS" MEANS A SOLID INORGANIC SUBSTANCE OF NATURAL  
11 OCCURRENCE.  
12          4. "OPPRESSIVE CHILD LABOR" MEANS A CONDITION OF EMPLOYMENT UNDER  
13 WHICH A PERSON WHO IS UNDER FOURTEEN YEARS OF AGE IS EMPLOYED IN AN  
14 OCCUPATION THAT IS HAZARDOUS FOR THE EMPLOYMENT OF CHILDREN, INCLUDING  
15 MANUFACTURING OR MINING.  
16          5. "SWORN CERTIFICATION" MEANS A WRITTEN AFFIDAVIT OR DECLARATION  
17 THAT CERTIFIES THE REPRESENTATIONS MADE IN THE CERTIFICATION.  
18          Sec. 2. Heading change  
19          The article heading of title 35, chapter 2, article 10, Arizona  
20 Revised Statutes, is changed from "FORCED LABOR OF ETHNIC UYGHURS" to  
21 "FORCED LABOR AND OPPRESSIVE CHILD LABOR".  
22          Sec. 3. Section 35-394, Arizona Revised Statutes, is amended to  
23 read:  
24          35-394. Forced labor; oppressive child labor; contracting;  
25 procurement; prohibition; sworn certification;  
26 remedy; termination; exception; civil penalty;  
27 definitions  
28          A. A public entity may not enter into or renew a contract with  
29 A PERSON OR a company to acquire or dispose of LAND, services, supplies,  
30 information technology, goods, INCLUDING ELECTRIC VEHICLES, BATTERIES,  
31 SOLAR PANELS AND THE MINERALS USED TO CREATE BATTERIES AND SOLAR PANELS,  
32 or construction unless the contract includes a ~~written~~ SWORN certification  
33 that the PERSON OR THE company does not currently, and agrees for the  
34 duration of the contract that it will not, KNOWINGLY use:  
35          1. ~~The~~ Forced labor ~~of ethnic Uyghurs in the People's Republic of~~  
36 ~~China~~.  
37          2. OPPRESSIVE CHILD LABOR.  
38          ~~2.~~ 3. Any goods or services produced by ~~the~~ forced labor OR  
39 OPPRESSIVE CHILD LABOR ~~of ethnic Uyghurs in the People's Republic of~~  
40 ~~China~~.  
41          ~~3.~~ 4. Any contractors, subcontractors or suppliers that use ~~the~~  
42 forced labor OR OPPRESSIVE CHILD LABOR or any goods or services produced  
43 by ~~the~~ forced labor OR OPPRESSIVE CHILD LABOR ~~of ethnic Uyghurs in the~~  
44 ~~People's Republic of China~~.

1 B. If a PERSON OR A company that has provided a ~~written~~ SWORN  
2 certification pursuant to subsection A 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 STATEMENT  
13 MUST CERTIFY THAT THE PERSON OR COMPANY DOES NOT KNOWINGLY USE FORCED  
14 LABOR OR OPPRESSIVE CHILD LABOR.

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

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

20 ~~D.~~ E. For the purposes of this section:

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

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

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

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

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

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

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

1 COUSIN, STEPPARENT OR PARENT OR PERSON IN LOCO PARENTIS OWNS AT LEAST TEN  
2 PERCENT OF THE EMPLOYING ORGANIZATION AND SUCH OWNER IS ACTIVELY ENGAGED  
3 IN THE DAILY OPERATION OF THE ORGANIZATION.

4 ~~2.~~ 5. "Public entity":

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

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

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

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

14 40-434. Forced labor; oppressive child labor; contracting;  
15 procurement; prohibition; sworn certification;  
16 remedy; termination; exception; civil penalty;  
17 definitions

18 A. A PUBLIC SERVICE CORPORATION MAY NOT ENTER INTO OR RENEW A  
19 CONTRACT WITH A PERSON OR A COMPANY TO ACQUIRE OR DISPOSE OF LAND,  
20 ELECTRIC VEHICLES, BATTERIES, SOLAR PANELS AND THE MINERALS USED TO CREATE  
21 BATTERIES AND SOLAR PANELS, UNLESS THE CONTRACT INCLUDES A SWORN  
22 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 4. ANY CONTRACTORS, SUBCONTRACTORS OR SUPPLIERS THAT USE FORCED  
29 LABOR OR OPPRESSIVE CHILD LABOR OR ANY GOODS OR SERVICES PRODUCED BY  
30 FORCED LABOR OR OPPRESSIVE CHILD LABOR.

31 B. IF A PERSON OR A COMPANY THAT HAS PROVIDED A SWORN CERTIFICATION  
32 PURSUANT TO SUBSECTION A OF THIS SECTION BECOMES AWARE DURING THE TERM OF  
33 THE CONTRACT THAT THE PERSON OR THE COMPANY IS NOT IN COMPLIANCE WITH THE  
34 SWORN CERTIFICATION, THE PERSON OR THE COMPANY SHALL NOTIFY THE PUBLIC  
35 SERVICE CORPORATION WITHIN FIVE BUSINESS DAYS AFTER BECOMING AWARE OF THE  
36 NONCOMPLIANCE. IF THE PERSON OR THE COMPANY DOES NOT PROVIDE THE PUBLIC  
37 SERVICE CORPORATION WITH A SWORN CERTIFICATION THAT THE PERSON OR THE  
38 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 C. THIS SECTION DOES NOT APPLY TO A CONTRACT ENTERED INTO BEFORE  
2 THE EFFECTIVE DATE OF THIS SECTION.
- 3 D. 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 E. 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. "MINERALS" MEANS A SOLID INORGANIC SUBSTANCE OF NATURAL  
22 OCCURRENCE.
- 23 4. "OPPRESSIVE CHILD LABOR" MEANS A CONDITION OF EMPLOYMENT UNDER  
24 WHICH A PERSON WHO IS UNDER FOURTEEN YEARS OF AGE IS EMPLOYED IN AN  
25 OCCUPATION THAT IS HAZARDOUS FOR THE EMPLOYMENT OF CHILDREN, INCLUDING  
26 MANUFACTURING OR MINING.
- 27 5. "SWORN CERTIFICATION" MEANS A WRITTEN AFFIDAVIT OR DECLARATION  
28 THAT CERTIFIES THE REPRESENTATIONS MADE IN THE CERTIFICATION.