

REFERENCE TITLE: forced labor; child labor; prohibitions

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

HB 2591

Introduced by
Representatives Biasiucci: Dunn, Kolodin, Wilmeth

AN ACT

AMENDING SECTION 35-394, ARIZONA REVISED STATUTES; 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. Heading change

3 The article heading of title 35, chapter 2, article 10, Arizona
4 Revised Statutes, is changed from "FORCED LABOR OF ETHNIC UYGHURS" to
5 "FORCED LABOR AND OPPRESSIVE CHILD LABOR".

6 Sec. 2. Section 35-394, Arizona Revised Statutes, is amended to
7 read:

8 35-394. Forced labor; oppressive child labor; contracting;
9 procurement; prohibition; sworn certification;
10 remedy; termination; exception; civil penalty;
11 definitions

12 A. A public entity OR PUBLIC SERVICE CORPORATION may not enter into
13 or renew a contract with A PERSON OR a company to acquire or dispose of
14 LAND, NATURAL PRODUCTS, services, supplies, information technology, goods,
15 INCLUDING ELECTRIC VEHICLES, BATTERIES AND SOLAR PANELS, or construction
16 unless the contract includes a ~~written~~ SWORN certification that the PERSON
17 OR THE company does not currently, and agrees for the duration of the
18 contract that it will not, use:

19 1. ~~The~~ Forced labor ~~of ethnic Uyghurs in the People's Republic of~~
20 ~~China.~~

21 2. OPPRESSIVE CHILD LABOR.

22 ~~3.~~ 3. Any goods or services produced by ~~the~~ forced labor OR
23 OPPRESSIVE CHILD LABOR ~~of ethnic Uyghurs in the People's Republic of~~
24 ~~China.~~

25 ~~3.~~ 4. Any contractors, subcontractors or suppliers that use ~~the~~
26 forced labor OR OPPRESSIVE CHILD LABOR or any goods or services produced
27 by ~~the~~ forced labor OR OPPRESSIVE CHILD LABOR ~~of ethnic Uyghurs in the~~
28 ~~People's Republic of China.~~

29 B. If a PERSON OR A company that has provided a ~~written~~ SWORN
30 certification pursuant to subsection A of this section becomes aware
31 during the term of the contract that the PERSON OR THE company is not in
32 compliance with the ~~written~~ SWORN certification, the PERSON OR THE company
33 shall notify the public entity OR PUBLIC SERVICE CORPORATION within five
34 business days after becoming aware of the noncompliance. If the PERSON OR
35 THE company does not provide the public entity OR PUBLIC SERVICE
36 CORPORATION with a ~~written~~ SWORN certification that the PERSON OR THE
37 company has remedied the noncompliance within one hundred eighty days
38 after notifying the public entity OR PUBLIC SERVICE CORPORATION of the
39 noncompliance, the contract terminates, except that if the contract
40 termination date occurs before the end of the remedy period, the contract
41 terminates on the contract termination date. ~~THE PERSON OR COMPANY THAT~~
42 ~~PROVIDES THE SWORN STATEMENT HAS A DUTY TO KNOW WHETHER THE PERSON OR~~
43 ~~COMPANY USES FORCED LABOR OR OPPRESSIVE CHILD LABOR.~~

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

1 D. A PERSON, COMPANY, PUBLIC ENTITY OR PUBLIC SERVICE CORPORATION
2 THAT KNOWINGLY VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT
3 TO EXCEED \$10,000 FOR EACH VIOLATION.

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

5 1. "Company" means an organization, association, corporation,
6 partnership, joint venture, limited partnership, limited liability
7 partnership, limited liability company or other entity or business
8 association, including a wholly owned subsidiary, majority-owned
9 subsidiary, parent company or affiliate, ~~that engages in for-profit~~
10 ~~activity and that has ten or more full-time employees.~~

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

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

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

18 (c) BY THE ABUSE OF OR THE THREATENED ABUSE OF LAW OR THE LEGAL
19 PROCESS.

20 3. "OPPRESSIVE CHILD LABOR" MEANS A CONDITION OF EMPLOYMENT UNDER
21 WHICH A PERSON WHO IS UNDER FOURTEEN YEARS OF AGE IS EMPLOYED IN AN
22 OCCUPATION THAT IS HAZARDOUS FOR THE EMPLOYMENT OF CHILDREN, INCLUDING
23 MANUFACTURING OR MINING.

24 ~~2.~~ 4. "Public entity" means this state, a political subdivision of
25 this state or an agency, board, commission or department of this state or
26 a political subdivision of this state.