



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Mike Boland

SYNOPSIS AS INTRODUCED:

New Act

Creates the State Prohibition of Goods from Child Labor Act. Provides that each contract entered into by a State agency for the procurement of equipment, materials, or supplies must specify that any foreign-made goods produced under the contract were not made by child labor. Provides that a contractor who violates this provision shall be subject to suspension or a monetary penalty and the State may void the contract. Effective immediately.

LRB093 19761 JAM 45502 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning child labor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the State
5 Prohibition of Goods from Child Labor Act.

6 Section 5. Policy. The General Assembly hereby finds and
7 declares as follows:

8 (a) The people of Illinois do not support the import of any
9 goods made by child labor, not only because it is a cruel
10 suppression of the human right of children, but also because it
11 creates an unfair trade advantage for the child labor country.

12 (b) Current trade regulations do not require importers to
13 provide certificates of origin at the time of importation to
14 affirm and guarantee no child labor content.

15 (c) Federal law also does not require the United States
16 Customs Service to have an active, self-initiated foreign
17 surveillance program of detecting child labor-made goods and
18 preventing their entry into the United States.

19 (d) The State of Illinois wholeheartedly condemns the
20 importation of goods made in whole or in part by child labor
21 and shall not knowingly acquire any of those goods.

22 Section 10. Contract certification.

23 (a) Every contract entered into by any State agency for the
24 procurement of equipment, materials, or supplies, other than
25 procurement related to a public works contract, must specify
26 that no foreign-made equipment, materials, or supplies
27 furnished to the State under the contract may be produced in
28 whole or in part by the labor of any child under the age of 12.
29 The contractor must agree to comply with this provision of the
30 contract.

31 (b) Any contractor contracting with the State who knew that

1 the foreign-made equipment, materials, or supplies furnished
2 to the State were produced in whole or part by the labor of any
3 child under the age of 12 when entering into a contract under
4 subsection (a), may, subject to subsection (c), have any or all
5 of the following sanctions imposed:

6 (1) The contract under which the prohibited equipment,
7 materials, or supplies were provided may be voided at the
8 option of the State agency to which the equipment,
9 materials, or supplies were provided.

10 (2) The contractor may be assessed a penalty which must
11 be the greater of \$1,000 or an amount equaling 20% of the
12 value of the equipment, materials, or supplies that the
13 State agency demonstrates were produced in whole or in part
14 by child labor and that were supplied to the State agency
15 under the contract.

16 (3) The contractor may be suspended from bidding on a
17 State contract for a period not to exceed 360 days.

18 Any moneys collected under this subsection shall be
19 deposited into the General Revenue Fund.

20 (c) When imposing the sanctions described in subsection
21 (b), the contracting agency must notify the contractor of the
22 right to a hearing if requested within 15 days after the date
23 of the notice. The hearing must be before an administrative law
24 judge according to the Illinois Administrative Procedure Act.
25 The administrative law judge must consider any measures the
26 contractor has taken to ensure compliance with this Section and
27 may waive any or all of the sanctions if it is determined that
28 the contractor has acted in good faith.

29 The agency must be assessed the cost of the administrative
30 hearing, unless the agency has prevailed in the hearing, in
31 which case the contractor shall be assessed the cost of the
32 hearing.

33 (d) Any State agency that investigates a complaint against
34 a contractor for violation of this Section must limit its
35 investigation to evaluating the information provided by the
36 person or entity submitting the complaint and the information

1 provided by the contractor.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.