



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2460

Introduced 02/17/05, by Rep. 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.

LRB094 10299 JAM 40569 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 rights of children, but also because  
11 it creates an unfair trade advantage for the child labor  
12 country.

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

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

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

23 Section 10. Contract certification.

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

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

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

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

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

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

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

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

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

1 person or entity submitting the complaint and the information  
2 provided by the contractor.

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