

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB356

House of Origin Introduced Substitute Engrossed
 Second House In Committee Substitute Enrolled

2. Patron: Lopez

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: Child labor; tobacco farms; civil penalty.

5. Summary: This bill prohibits any person from employing a child under the age of 18 to work in direct contact with tobacco plants or dried tobacco leaves unless (i) the owner of the farm or other location at which such work is conducted is the child's parent, grandparent, or legal guardian or (ii) the child's parent or legal guardian has consented in writing to such employment.

6. Budget Amendment Necessary: Yes, Item 120 HB30/SB30, see Item 8.

7. Fiscal Impact Estimates: Preliminary, see Item 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020	N/A	N/A	N/A
2021	\$102,136	1.0	GF
2022	\$102,136	1.0	GF
2023	\$102,136	1.0	GF
2024	\$102,136	1.0	GF
2025	\$102,136	1.0	GF
2026	\$102,136	1.0	GF

8. Fiscal Implications: The above reflects the bill's anticipated impact to the Department of Labor and Industry (DOLI) for costs related to enforcing the provisions of this bill. DOLI anticipates requiring one child labor inspector to address violations under this bill. In 2016, the federal Child Labor Division expanded the age that a child could act as a lifeguard to include 15 year olds. This led to additional monitoring and complaint inspections of pools where children were employed. Using that change as a proxy, it is anticipated that DOLI would respond to complaints and conduct approximately 100 inspections annually concerning children working on tobacco farms. The additional workload cannot be absorbed within existing resources, as DOLI currently has a backlog of investigations in its Child Labor Division.

9. Specific Agency or Political Subdivisions Affected: Department of Labor and Industry.

10. Technical Amendment Necessary: No.

11. Other Comments: Additionally, the punishment for a violation is a civil penalty of up to \$10,000 for each violation that results in the employment of a child who is seriously injured or who dies in the course of that employment, and up to \$1,000 for each other violation. Any revenue is deposited to the general fund. The amount of any such revenue is indeterminate.