

BILL ANALYSIS

C.S.H.B. 416
By: Riddle
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that victims of human trafficking access health care services at various points of the state's health care system and often visit abortion facilities accompanied by a trafficker or pimp. The parties also assert that these victims sometimes seek an abortion when forced by a trafficker. Concerns have been raised that these women can slip through the system unnoticed because abortion facility workers do not know how to identify trafficked women and consequently miss an opportunity to rescue them. C.S.H.B. 416 seeks to equip abortion facility workers with the training to identify human trafficking victims.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 416 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission by rule to develop a one-time basic education and training program on the trafficking of persons that consists of at least four hours of training and includes a review of the substance of the offenses of trafficking of persons and compelling prostitution. The bill requires the executive commissioner by rule to require a person who is employed by, volunteers at, or performs services under contract with a licensed abortion facility or a licensed ambulatory surgical center that performs more than 50 abortions in any 12-month period and who has direct contact with patients of the facility to complete within a reasonable time after beginning work at the facility the basic education and training program on human trafficking. The bill requires the Department of State Health Services (DSHS) to provide the training program or to approve training programs that meet the bill's requirements and provide a list of those programs on the DSHS website.

C.S.H.B. 416 requires the executive commissioner to adopt the rules not later than December 1, 2015. The bill specifies that a person to whom the bill's provisions apply who is hired, begins volunteering, or begins providing services under contract before September 1, 2015, is not required to comply with the bill's provisions before September 1, 2016.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 416 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 171, Health and Safety Code, is amended by adding Subchapter E to read as follows.

SUBCHAPTER E. EDUCATION AND TRAINING PROGRAMS ON TRAFFICKING OF PERSONS FOR CERTAIN FACILITY PERSONNEL

Sec. 171.081. APPLICABILITY.

Sec. 171.082. EDUCATION AND TRAINING PROGRAMS ON TRAFFICKING OF PERSONS.

(a) The executive commissioner of the Health and Human Services Commission by rule shall require a person described by Section 171.081 to complete within a reasonable time after beginning work at the facility the basic education and training program described by Section 1701.258(a), Occupations Code.

(b) The Texas Commission on Law Enforcement shall make available to each person described by Section 171.081 the required basic education and training program described by Section 1701.258(a), Occupations Code, and the voluntary advanced education, instruction, and training program described by Section 1701.258(b), Occupations Code.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 171, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. EDUCATION AND TRAINING PROGRAMS ON TRAFFICKING OF PERSONS FOR CERTAIN FACILITY PERSONNEL

Sec. 171.081. APPLICABILITY.

Sec. 171.082. EDUCATION AND TRAINING PROGRAMS ON TRAFFICKING OF PERSONS. (a) The executive commissioner of the Health and Human Services Commission by rule shall develop a one-time basic education and training program on the trafficking of persons that:

(1) consists of at least four hours of training; and

(2) includes a review of the substance of Sections 20A.02 and 43.05, Penal Code.

(b) The Department of State Health Services shall:

(1) provide the training program under Subsection (a); or

(2) approve training programs that meet the requirements of Subsection (a) and provide a list of those programs on the department's Internet website.

(c) The executive commissioner of the Health and Human Services Commission by rule shall require a person described by Section 171.081 to complete within a reasonable time after beginning work at the facility the basic education and training program described by Subsection (a).

SECTION 2. Not later than December 1, 2015, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 171.082, Health and Safety Code, as added by this Act.

SECTION 2. Same as introduced version.

SECTION 3. A person described by Section 171.081, Health and Safety Code, as added by this Act, who is hired, begins volunteering, or begins providing services under contract before September 1, 2015, is not required to comply with Section 171.082, Health and Safety Code, as added by this Act, before September 1, 2016.

SECTION 3. Same as introduced version.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 4. Same as introduced version.