

SUBJECT: Requiring human trafficking awareness training for certain employees

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — C. Turner, Hefner, Crockett, Lambert, Ordaz Perez, Patterson, Shine, S. Thompson

1 nay — Cain

WITNESSES: For — James Caruthers, Children at Risk; Minal Patel Davis, City of Houston, Mayor's Office of Human Trafficking & Domestic Violence; Justin Bragiel, Texas Hotel & Lodging Association; (*Registered, but did not testify*: Mark Williams and Tommy Williams, American Hotel & Lodging Association; Daniel Collins, County of El Paso; Traci Berry, Goodwill Central Texas; Greg Hansch and Ana O'Quin, National Alliance on Mental Illness (NAMI) Texas; Rene Lara, Texas AFL-CIO; Kristen Lenau, Texas Association Against Sexual Assault; Lori Henning, Texas Association of Goodwills; Suzi Kennon, Texas PTA; Tricia Davis, Texas Royalty Council; Jennifer Allmon, The Texas Catholic Conference of Bishops)

Against — None

On — Cara Pierce, Office of the Attorney General

DIGEST: CSHB 390 would require operators of commercial lodging establishments to require employees directly employed by the establishment to complete annual training on human trafficking awareness and prevention.

The bill would define "commercial lodging establishment" as a hotel, motel, inn, or similar business entity that offered more than 10 rooms to the public for temporary lodging for a fee. "Operator" would mean a person who owned, operated, managed, or controlled a business entity.

Training. Under CSHB 390, the operator of a commercial lodging establishment would have to require each of its direct employees to

complete an annual human trafficking awareness and prevention training program. The attorney general would have to establish by rule the requirements for operators to comply with this training.

The training, which could be offered in person or online, would have to include:

- an overview of human trafficking, including a description of how human trafficking is defined, human trafficking victims' experience, and how and why human trafficking occurs in the hospitality industry;
- information on the difference between labor and sex trafficking as it relates to identifying human trafficking in the hospitality industry;
- guidance on how to identify individuals who are most at risk for human trafficking;
- guidance on an employee's role in reporting and responding to human trafficking; and
- the contact information of appropriate entities for reporting human trafficking as specified in the bill.

Training programs would have to be at least 20 minutes long, be approved by the attorney general, and provide a certificate for an employee who completed the training. Online training programs would have to include a pacing mechanism that required employees to complete all coursework and certify that they had done so before issuing a certificate. A list of preapproved training programs that satisfied these requirements would be published on the attorney general's website.

New employees would have to complete the training by the 90th day after the employee was hired.

Operator requirements. The bill would prohibit the operator of a commercial lodging establishment from disciplining, retaliating against, or otherwise discriminating against an employee who in good faith reported a suspected act of human trafficking to any appropriate authority.

The operator of a commercial lodging establishment would have to display a sign easily visible to all employees that included:

- a statement that employees were required to receive annual human trafficking training and could not be discriminated against for making a good faith report of a suspected act of human trafficking;
- information on how to recognize and report human trafficking; and
- an attorney general-designated phone number for reporting a suspected act of human trafficking or violation of CSHB 390, among other provisions as specified in the bill.

The attorney general by rule would have to create and make available a template for the required sign.

An operator also would have to maintain all documentation and certificates of training completion for all current and former employees of the commercial lodging establishment.

Notice of violation; penalty. The bill would require the attorney general to provide written notice to the operator of a commercial lodging establishment if the attorney general had reason to believe an operator violated the bill's provisions. The notice would have to describe the violation and state that the establishment could be liable for a civil penalty if the operator did not cure the violation within 30 days.

If the operator failed to cure a violation, the establishment would be liable for a maximum civil penalty of \$500 for each violation. A court would have to consider factors specified in the bill when determining the amount of a civil penalty to impose.

Attorney general action. The attorney general could bring an action in the name of the state to recover an imposed civil penalty or for injunctive relief to require compliance with the bill. An action could be brought in a district court in Travis County or a county in which any part of the violation or threatened violation occurred. The attorney general also could

recover reasonable expenses incurred in obtaining injunctive relief or a civil penalty, including court costs, reasonable attorney's fees, and investigatory costs.

By December 1, 2021, the attorney general would have to adopt rules necessary to implement the bill's provisions. This provision would take effect September 1, 2021.

Except as otherwise specified, the bill would take effect January 1, 2022.

**SUPPORTERS
SAY:**

CSHB 390 would require employees in the commercial lodging industry to complete human trafficking prevention training, which would increase awareness of and accountability for this serious issue in the industry. The training would help employees identify and safely report suspected human trafficking activity.

Concerns have been raised that hotels and motels are prime spots for traffickers to house, transport, and sell victims. Potential human trafficking victims frequently encounter the commercial lodging industry, whether because they are forced to engage in commercial sex at a hotel or motel or because they seek safe refuge after fleeing their traffickers, and many victims live temporarily on-site at such establishments. However, human trafficking frequently goes unnoticed or unreported in these venues because commercial lodging employees do not undergo any training to recognize sex or labor trafficking.

Requiring employees to complete annual training would educate them on common signs of human trafficking activity and could help them to identify and rescue victims. The bill would ensure employees could safely report suspected human trafficking by prohibiting retaliation by an operator against an employee who made a report in good faith. The bill also could help reduce hotel and motel operators' civil liability by potentially decreasing human trafficking within their establishments.

**CRITICS
SAY:**

CSHB 390, while well intentioned, would create another state mandate and subject private businesses to civil penalties. Private businesses could

face greater administrative and financial burdens in order to comply with the bill.