

1 AN ACT

2 relating to requirements for human trafficking awareness and
3 prevention in commercial lodging establishments; authorizing a
4 civil penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is
7 amended by adding Chapter 114 to read as follows:

8 CHAPTER 114. HUMAN TRAFFICKING AWARENESS AND PREVENTION IN

9 COMMERCIAL LODGING ESTABLISHMENTS

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 114.0001. DEFINITIONS. In this chapter:

12 (1) "Commercial lodging establishment" means a hotel,
13 motel, inn, or similar business entity that offers more than 10
14 rooms to the public for temporary lodging for a fee.

15 (2) "Human trafficking" means conduct that
16 constitutes an offense under Section 20A.02, Penal Code.

17 (3) "Operator" means a person who owns, operates,
18 manages, or controls a business entity.

19 (4) "Peace officer" means a peace officer described by
20 Article 2.12, Code of Criminal Procedure, appointed or employed to
21 serve as a peace officer for a law enforcement agency.

22 Sec. 114.0002. RULES. The attorney general by rule shall:

23 (1) establish the requirements for operators of
24 commercial lodging establishments to comply with the training

1 required under Section 114.0051;

2 (2) create and make available to commercial lodging
3 establishments a template for the sign required under Section
4 114.0053; and

5 (3) designate a telephone number for reporting a
6 suspected act of human trafficking or a violation of this chapter.

7 Sec. 114.0003. EFFECT ON MUNICIPAL ORDINANCES. (a) This
8 chapter does not preempt a municipal ordinance, rule, or other
9 regulation related to human trafficking awareness and prevention in
10 commercial lodging establishments, including training and
11 certification requirements.

12 (b) If a municipal ordinance described by Subsection (a)
13 conflicts with a provision of this chapter, the more stringent
14 regulation controls to the extent of the conflict.

15 SUBCHAPTER B. MEASURES TO PREVENT HUMAN TRAFFICKING

16 Sec. 114.0051. TRAINING REQUIRED. (a) The operator of a
17 commercial lodging establishment shall require each employee who is
18 directly employed by the establishment to complete an annual human
19 trafficking awareness and prevention training program. The
20 training program, including any supporting supplemental training
21 material, must:

22 (1) be not less than 20 minutes in duration;

23 (2) be approved by the attorney general or appear on
24 the list of preapproved training programs published by the attorney
25 general;

26 (3) be completed by a new employee of the
27 establishment not later than the 90th day after the date the

1 employee is hired;

2 (4) provide a certificate of completion for an
3 employee who completes the training; and

4 (5) include:

5 (A) an overview of human trafficking, including a
6 description of:

7 (i) the experience of human trafficking
8 victims;

9 (ii) how and why human trafficking takes
10 place in the hospitality industry; and

11 (iii) how human trafficking is defined;

12 (B) guidance on how to identify individuals who
13 are most at risk for human trafficking;

14 (C) information on the difference between labor
15 and sex trafficking as that relates to identification of human
16 trafficking in the hospitality industry;

17 (D) guidance on the role of an employee in
18 reporting and responding to human trafficking; and

19 (E) the contact information of appropriate
20 entities for reporting human trafficking, including:

21 (i) the National Human Trafficking Hotline
22 toll-free telephone number and text line;

23 (ii) appropriate law enforcement agencies;

24 and

25 (iii) a telephone number designated by the
26 attorney general for reporting suspected human trafficking.

27 (b) The training required under this section may be offered

1 in person or online. Online training must include a pacing
2 mechanism that requires the employee to read all course materials,
3 view all videos, complete all coursework, and certify that the
4 employee has completed all coursework before issuing a certificate
5 of completion.

6 (c) The attorney general shall publish on the attorney
7 general's Internet website a list of preapproved training programs
8 that satisfy the requirements for the human trafficking awareness
9 and prevention training program required by this section.

10 Sec. 114.0052. TRAINING COMPLIANCE; RECORD RETENTION. (a)
11 The operator of a commercial lodging establishment shall maintain,
12 in the form and manner prescribed by the attorney general, all
13 documentation and certificates of completion for all current and
14 former employees of the establishment who have completed the human
15 trafficking training required by Section 114.0051.

16 (b) The operator shall maintain sufficient records to show
17 the operator's compliance with Section 114.0051 and shall provide
18 the records to the attorney general, in the form and manner
19 prescribed by the attorney general, not later than 72 hours after
20 the attorney general requests the records.

21 Sec. 114.0053. SIGN REQUIRED. The operator of a commercial
22 lodging establishment shall display at the commercial lodging
23 establishment a sign, in the form prescribed by the attorney
24 general, that:

25 (1) includes a statement that employees of the
26 commercial lodging establishment are required to receive annual
27 human trafficking training and may not be disciplined, retaliated

1 against, or otherwise discriminated against for making a good faith
2 report of a suspected act of human trafficking;

3 (2) includes information on how to recognize and
4 report human trafficking, including a list of indicators of human
5 trafficking;

6 (3) includes a phone number designated by the attorney
7 general for reporting a suspected act of human trafficking or a
8 violation of this chapter;

9 (4) includes the contact information for reporting
10 suspicious activity to the Department of Public Safety;

11 (5) is at least 11 inches by 17 inches in size and
12 written in at least a 16-point font;

13 (6) is posted separately in English, Spanish, and any
14 other primary language spoken by 10 percent or more of the
15 establishment's employees; and

16 (7) is posted in a location that is easily visible to
17 all employees.

18 Sec. 114.0054. DISCRIMINATION AND RETALIATION PROHIBITED.
19 The operator of a commercial lodging establishment may not
20 discipline, retaliate against, or otherwise discriminate against
21 an employee who in good faith reports a suspected act of human
22 trafficking to the operator, a law enforcement agency, the National
23 Human Trafficking Resource Center, the attorney general, or any
24 other appropriate authority.

25 SUBCHAPTER C. ENFORCEMENT

26 Sec. 114.0101. ENTRY BY PEACE OFFICER. A peace officer may
27 enter the premises of a commercial lodging establishment between

1 the hours of 9 a.m. and 5 p.m. Monday through Friday to ensure
2 compliance with this chapter.

3 Sec. 114.0102. OPPORTUNITY TO CURE. If the attorney
4 general has reason to believe an operator of a commercial lodging
5 establishment has violated this chapter, the attorney general shall
6 provide written notice to the operator that:

7 (1) describes the operator's violation;

8 (2) states that the commercial lodging establishment
9 may be liable for a civil penalty if the operator does not cure the
10 violation before the 30th day after the date the operator receives
11 the notice; and

12 (3) includes the maximum potential civil penalty that
13 may be imposed for the violation.

14 Sec. 114.0103. CIVIL PENALTY. (a) If the operator of a
15 commercial lodging establishment fails to cure a violation of this
16 chapter before the 30th day after the date the operator receives
17 notice of the violation under Section 114.0102, the establishment
18 is liable to this state for a civil penalty in an amount not to
19 exceed \$500 for each violation. Each day a violation continues is a
20 separate violation for purposes of imposing the civil penalty.

21 (b) In determining the amount of a civil penalty to impose
22 under this section, a court must consider:

23 (1) the seriousness of a violation;

24 (2) a history of previous violations;

25 (3) the amount necessary to deter a future violation;

26 (4) efforts made to correct a violation; and

27 (5) any other matter that justice may require.

1 Sec. 114.0104. ACTION BY ATTORNEY GENERAL. (a) The
2 attorney general may bring an action in the name of the state:

3 (1) to recover a civil penalty imposed under Section
4 114.0103; or

5 (2) for injunctive relief to require compliance with
6 this chapter.

7 (b) An action under this section may be brought in a
8 district court in:

9 (1) Travis County; or

10 (2) a county in which any part of the violation or
11 threatened violation occurs.

12 (c) The attorney general may recover reasonable expenses
13 incurred in obtaining injunctive relief or a civil penalty under
14 this section, including court costs, reasonable attorney's fees,
15 and investigatory costs.

16 SECTION 2. Not later than December 1, 2021, the attorney
17 general shall adopt rules necessary to implement Chapter 114,
18 Business & Commerce Code, as added by this Act.

19 SECTION 3. (a) Except as provided by Subsection (b) of this
20 section, this Act takes effect September 1, 2021.

21 (b) Chapter 114, Business & Commerce Code, as added by this
22 Act, takes effect January 1, 2022.

President of the Senate

Speaker of the House

I certify that H.B. No. 390 was passed by the House on April 1, 2021, by the following vote: Yeas 122, Nays 26, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 390 on May 5, 2021, by the following vote: Yeas 125, Nays 17, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 390 was passed by the Senate, with amendments, on May 3, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor