

STATE OF NEW YORK

244

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MAYER, BIAGGI, BROOKS, JACKSON, LIU, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to human trafficking awareness and training for certain lodging facility employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 205 to read as follows:

3 § 205. Human trafficking awareness and training. 1. Human trafficking
4 recognition training program. a. For purposes of this section, "lodging
5 facility" shall mean any inn, hotel, motel, motor court or other estab-
6 lishment that provides lodging to transient guests. Such term shall not
7 include an establishment treated as a dwelling unit for the purposes of
8 any state or local law or regulation or an establishment located within
9 a building that has five or less rooms for rent or hire and that is
10 actually occupied as a residence by the proprietor of such establish-
11 ment.

12 b. Every lodging facility shall require all employees who are likely
13 to interact or come into contact with guests to undergo a human traf-
14 ficking recognition training program to provide training in the recogni-
15 tion of a human trafficking victim as defined in section four hundred
16 eighty-three-aa of the social services law. Such training program shall
17 be established or approved by the division of criminal justice services
18 and the office of temporary and disability assistance in consultation
19 with the New York state interagency task force on human trafficking. The
20 training program may be developed by a federal, state, or non-profit
21 organization, and may be incorporated as part of the lodging facility's
22 existing training programs or may be provided by organizations or
23 providers identified by the commissioner of the division of criminal

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 justice services or the commissioner of the office of temporary and
2 disability assistance, provided that the training includes all of the
3 requirements of this section. Established or approved training programs
4 may be made available through methods including, but not limited to,
5 in-person instruction, electronic and video communication, or online
6 programs.

7 c. Any human trafficking recognition training program established or
8 approved by the division of criminal justice services and the office of
9 temporary and disability assistance in consultation with the New York
10 state interagency task force on human trafficking as required in this
11 section shall address no less than the following issues:

- 12 (i) the nature of human trafficking;
- 13 (ii) how human trafficking is defined in law;
- 14 (iii) how to identify victims of human trafficking;
- 15 (iv) relief and recovery options for survivors; and
- 16 (v) social and legal services available to victims.

17 d. The commissioner of the division of criminal justice services and
18 the commissioner of the office of temporary and disability assistance
19 shall make available a list of established or approved human trafficking
20 recognition programs for use by a lodging facility.

21 e. All new employees required to receive human trafficking recognition
22 training shall receive such training within their first month of employ-
23 ment.

24 f. The training shall take place on the premises of the lodging facil-
25 ity and shall be considered compensable time.

26 2. Record keeping requirements of human trafficking recognition train-
27 ing. Every keeper of each lodging facility shall maintain records indi-
28 cating that each employee required to undergo an established or approved
29 human trafficking recognition training program pursuant to this section
30 has completed such training. Such records shall be kept on file by the
31 lodging facility for the period during which the employee is employed by
32 the lodging facility and for one year after such employment ends.

33 § 2. This act shall take effect on the sixtieth day after it shall
34 have become a law; provided however, paragraph d of subdivision 1 of
35 section 205 of the general business law, as added by section one of this
36 act shall take effect immediately; provided further that all applicable
37 current employees of a lodging facility on the effective date of this
38 act shall receive human trafficking recognition training within four
39 months of the effective date of this act.