

# STATE OF NEW YORK

244--A

Cal. No. 485

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MAYER, BIAGGI, BROOKS, GOUNARDES, JACKSON, LIU, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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

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

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1 organization, and may be incorporated as part of the lodging facility's  
2 existing training programs or may be provided by organizations or  
3 providers identified by the commissioner of the division of criminal  
4 justice services or the commissioner of the office of temporary and  
5 disability assistance, provided that the training includes all of the  
6 requirements of this section. Established or approved training programs  
7 may be made available through methods including, but not limited to,  
8 in-person instruction, electronic and video communication, or online  
9 programs.

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

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

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

24 e. All new employees required to receive human trafficking recognition  
25 training shall receive such training within their first month of employ-  
26 ment.

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

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

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