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:

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

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

b. Every lodging facility shall require all employees who are likely to interact or come into contact with guests to undergo a human trafficking recognition training program to provide training in the recognition of a human trafficking victim as defined in section four hundred eighty-three-aa of the social services law. Such training program shall be established or approved by the division of criminal justice services and the office of temporary and disability assistance in consultation with the New York state interagency task force on human trafficking. The 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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organization, and may be incorporated as part of the lodging facility's existing training programs or may be provided by organizations or providers identified by the commissioner of the division of criminal justice services or the commissioner of the office of temporary and disability assistance, provided that the training includes all of the requirements of this section. Established or approved training programs may be made available through methods including, but not limited to, in-person instruction, electronic and video communication, or online programs.

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

(i) the nature of human trafficking;

(ii) how human trafficking is defined in law;

(iii) how to identify victims of human trafficking;

(iv) relief and recovery options for survivors; and

(v) social and legal services available to victims.

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

e. All new employees required to receive human trafficking recognition training shall receive such training within their first month of employment.

f. The training shall take place on the premises of the lodging facility and shall be considered compensable time.

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

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