

1 H.161

2 Introduced by Representatives Sullivan of Dorset, Browning of Arlington,  
3 O'Sullivan of Burlington, Bates of Bennington, Bock of  
4 Chester, Brumsted of Shelburne, Christensen of Weathersfield,  
5 Coffey of Guilford, Colburn of Burlington, Cupoli of Rutland  
6 City, Dickinson of St. Albans Town, Elder of Starksboro,  
7 Gannon of Wilmington, Hooper of Burlington, Jerome of  
8 Brandon, Leffler of Enosburgh, Martel of Waterford, McCoy of  
9 Poultney, Morrissey of Bennington, Noyes of Wolcott, Pugh of  
10 South Burlington, and Rachelson of Burlington

11 Referred to Committee on

12 Date:

13 Subject: Crimes; human trafficking; notice and education

14 Statement of purpose of bill as introduced: This bill proposes to require the  
15 Department of Health to adopt rules to establish one or more educational  
16 programs designed to train employees of lodging establishments and food  
17 service establishments in the identification and reporting of suspected human  
18 trafficking activity and to require that lodging establishments and food service  
19 establishments train their employees on such. The bill also requires that  
20 various businesses and establishments post model notices on how victims of  
21 human trafficking can access help and services.

1 An act relating to training and notice requirements regarding human  
2 trafficking

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 13 V.S.A. chapter 60, subchapter 3 is added to read:

5 Subchapter 3. Training and Notices

6 § 2671. DEFINITIONS

7 As used in this subchapter:

8 (1) “Adult entertainment facility” means an establishment whose  
9 primary business is the commercial sale, dissemination, or distribution of  
10 sexually explicit material, shows, or other exhibitions.

11 (2) “Airport” shall have the same meaning as defined in 5 V.S.A. § 202.

12 (3) “Commissioner” means the Commissioner of Health.

13 (4) “Department” means the Department of Health.

14 (5) “Farm labor contractor” means any person, other than an agricultural  
15 employer, an agricultural association, or an employee of an agricultural  
16 employer or agricultural association, who, for money or other valuable  
17 consideration paid or promised to be paid, performs any farm labor contracting  
18 activity, including: recruiting, soliciting, hiring, employing, furnishing, or  
19 transporting any migrant or seasonal agricultural worker.

20 (6) “Food service establishment” means entities that prepare, serve, and  
21 sell food to the public, including restaurants, temporary food vendors, caterers,  
22 mobile food units, and limited operations as defined in rule.

1           (7) “Lodging establishment” means a place where overnight  
2           accommodations are regularly provided to the transient, traveling, or  
3           vacationing public, including hotels, motels, inns, and bed-and-breakfasts.  
4           “Lodging establishment” shall not include short-term rentals.

5           (8) “Massage establishment” means a place of business in which any  
6           method of massage therapy is administered or practiced for compensation.

7           (9) “Public rest area” means a roadside facility that provides services to  
8           the traveling public, including: restrooms, food, short-term parking, and travel  
9           information.

10           (10) “Truck stop” means a privately owned and operated facility that  
11           provides food, fuel, shower or other sanitary facilities, and lawful overnight  
12           truck parking.

13           § 2672. EMPLOYEE TRAINING

14           (a) In consultation with the Office of the Attorney General, the  
15           Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish  
16           one or more educational programs designed to train employees of lodging  
17           establishments and food service establishments in the identification and  
18           reporting of suspected human trafficking activity. The rules shall require the  
19           owner or operator of each lodging establishment and food service  
20           establishment to train those classes of employees reasonably expected to  
21           routinely interact with guests, using an approved educational program, within a

1 reasonable period of time after hiring and at regular intervals thereafter, and to  
2 maintain documentation of such training.

3 (b) All lodging establishments and food service establishments shall  
4 provide the Department with proof of employee training upon request. Proof  
5 of training shall include the name, date of birth, and job title of the employee  
6 trained, the date the training occurred, and the approved educational program  
7 used.

8 (c) The owner or operator of a lodging establishment or food service  
9 establishment may submit its own educational program for this purpose to the  
10 Commissioner for his or her approval. The Commissioner shall approve such a  
11 program if it is determined to be at least as comprehensive as the other  
12 programs adopted by rule.

13 § 2673. NOTICE

14 (a) In consultation with the Attorney General, the Commissioner shall  
15 develop a model notice on how victims of human trafficking can access help  
16 and services. The notice shall be at least 8.5 inches by 11 inches in size and  
17 written in a font size and type that is easily read. The Commissioner shall  
18 consider whether the notice should be available in a language in addition to  
19 English in order to meet the needs of the community. The Commissioner shall  
20 make the model notice available for download on the Department's website

1 and shall furnish copies of the notice to businesses upon request without a  
2 charge.

3 (b) On and after January 1, 2020, each of the following businesses and  
4 other establishments shall, upon the availability of the model notice described  
5 in subsection (a) of this section, post such notice in a conspicuous place near  
6 the public entrance of the establishment or in another conspicuous location in  
7 clear view of the public and employees where similar notices appear:

8 (1) first- and third-class alcoholic beverages licensees;

9 (2) airports;

10 (3) bus stations;

11 (4) public rest areas;

12 (5) truck stops;

13 (6) hospital emergency rooms;

14 (7) urgent care centers;

15 (8) farm labor contractors;

16 (9) massage establishments; and

17 (10) adult entertainment facilities.

18 (c) The following persons shall post the model notice in a conspicuous and  
19 accessible place in clear view of employees:

20 (1) the administrator of a public or private primary or secondary school;

21 (2) the owner of a lodging establishment; and

1           (3) the owner of a tattoo establishment.

2           (d) A person who obtains a municipal permit to hold a public gathering or  
3 special event that is conducted on property open to the public shall post the  
4 model notice in a conspicuous and accessible place in clear view of the public  
5 and employees where similar notices appear.

6           (e)(1) The governmental agency regulating a business or establishment  
7 shall monitor and enforce compliance with this section. Upon finding a  
8 violation, the governmental agency shall provide the business or establishment  
9 with reasonable notice of noncompliance and that it will be subject to a civil  
10 penalty if the issue is not corrected within 30 days.

11           (2) A business or establishment that fails to comply with this section  
12 within 30 days of being provided notice in accordance with subdivision (1) of  
13 this subsection shall be subject to a civil penalty of not more than \$200.00 for a  
14 first offense and not more than \$500.00 for a second or subsequent offense.

15           (3) School administrators as provided in subdivision (c)(1) of this  
16 section and persons who obtain a municipal permit as provided in  
17 subsection (d) of this section are not subject to the penalties in this subsection.

18       Sec. 2. EFFECTIVE DATE

19           This act shall take effect on July 1, 2019.