

BILL ANALYSIS

Senate Research Center
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H.B. 3721
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Several licensees in Texas are required to post signage and notices displaying the national human trafficking hotline number or other information regarding assistance for trafficking victims, including alcoholic beverage permit and license holders, cosmetologists, hospitals, massage schools and establishments, and sexually oriented businesses. Given that the Department of Public Safety of the State of Texas (DPS) has a proven history of effectiveness in collecting, analyzing, and culling suspicious activity for investigations, there have been calls to add DPS contact information to the signage displayed in these establishments as the number to contact for tips and reports of suspected trafficking. H.B. 3721 seeks to address this issue by providing for the inclusion of that contact information on certain human trafficking signs and notices.

H.B. 3721 amends current law relating to the inclusion of information for reporting suspicious activity to the Department of Public Safety on certain human trafficking signs or notices.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the attorney general in SECTION 9 of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 11 of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 12 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 104.07, Alcoholic Beverage Code, by adding Subsection (a-1), as follows:

(a-1) Requires that the sign displaying the national human trafficking hotline, in addition to the notice required under Subsection (a) (relating to requiring the holder of certain permits or licenses to display a sign containing language providing that obtaining forced labor or services is a crime), include the contact information for reporting suspicious activity to the Department of Public Safety of the State of Texas (DPS).

SECTION 2. Amends Section 102.101(b), Business & Commerce Code, as follows:

(b) Requires that the sign directing victims of human trafficking to contact the National Human Trafficking Resource Center prescribed by the attorney general by rule under Section 102.101 (Posting of Certain Sign Required) include the contact information for reporting suspicious activity to DPS.

SECTION 3. Amends Section 125.002(f-1), Civil Practice and Remedies Code, as follows:

(f-1) Requires that the bond, if the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is under Section 125.0015(a)(6) or (7) (relating to providing that a person maintains a common nuisance if the person maintains a place to which persons

habitually go for certain offenses related to prostitution), also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001 (Room Rate Information), Occupations Code, a sign that includes the contact information for reporting suspicious activity to DPS.

SECTION 4. Amends Section 402.0351(b), Government Code, to require that the sign prescribed by the attorney general regarding services and assistance available to victims of human trafficking and displayed at transportation hubs include the contact information for reporting suspicious activity to DPS. Makes nonsubstantive changes.

SECTION 5. Amends Section 245.025, Health and Safety Code, by adding Subsection (a-1), to require that, in addition to the information required under Subsection (a) (relating to requiring an abortion facility to display signs containing certain information), the sign include the contact information for reporting suspicious activity to DPS.

SECTION 6. Amends Section 455.207(b), Occupations Code, to require that the sign required by Section 455.207 (Posting of Certain Notices Required) include the contact information for reporting suspicious activity to DPS. Makes nonsubstantive changes.

SECTION 7. Amends Section 1602.408(c), Occupations Code, to require that the sign required by Section 1602.408 (Posting of Certain Notices Required) include the contact information for reporting suspicious activity to DPS.

SECTION 8. Requires the Texas Alcoholic Beverage Commission, not later than December 1, 2021, in collaboration with DPS, to develop guidance for compliance with and notify affected license and permit holders of the change in law made by this Act to Section 104.07 (Posting of Certain Notices Required), Alcoholic Beverage Code.

SECTION 9. (a) Requires the attorney general, not later than December 1, 2021, in collaboration with DPS, to adopt the rules necessary to implement the changes in law made by this Act to Section 102.101, Business & Commerce Code, and Section 402.0351 (Required Posting of Human Trafficking Signs at Certain Transportation Hubs), Government Code.

(b) Provides that, not later than January 1, 2022:

(1) a sexually oriented business is required to comply with Section 102.101, Business & Commerce Code, as amended by this Act; and

(2) a transportation hub is required to comply with Section 402.0351, Government Code, as amended by this Act.

SECTION 10. Makes application of Section 125.002, Civil Practice and Remedies Code, as amended by this Act, prospective.

SECTION 11. (a) Requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2021, in collaboration with DPS, to adopt the rules necessary to implement the change in law made by this Act to Section 245.025 (Human Trafficking Signs Required), Health and Safety Code.

(b) Requires a hospital or abortion facility, not later than January 1, 2022, to comply with Section 245.025, Health and Safety Code, as amended by this Act.

SECTION 12. (a) Requires the Texas Commission of Licensing and Regulation, not later than December 1, 2021, in collaboration with DPS, to adopt the rules necessary to implement the changes in law made by this Act to Sections 455.207 and 1602.408, Occupations Code.

(b) Provides that, not later than January 1, 2022:

(1) a massage establishment or massage school is required to comply with Section 455.207, Occupations Code, as amended by this Act; and

(2) a licensed facility as defined by Section 1602.408(a) (relating to the definition of "licensed facility"), Occupations Code, is required to comply with Section 1602.408, Occupations Code, as amended by this Act.

SECTION 13. Effective date: September 1, 2021.