

By: Parker

H.B. No. 3718

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the requirement that certain entities post human
3 trafficking signs; providing a civil penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section [402.0351](#), Government Code, is amended to
6 read as follows:

7 Sec. 402.0351. REQUIRED POSTING OF HUMAN TRAFFICKING SIGNS
8 BY [~~AT~~] CERTAIN ENTITIES [~~TRANSPORTATION HUBS~~]. (a) In this
9 section:

10 (1) "Commission" means the Health and Human Services
11 Commission.

12 (2) "Cosmetology facility" means a person who holds a
13 license to operate a facility or school under Chapter [1602](#),
14 Occupations Code.

15 (3) "Hospital" has the meaning assigned by Section
16 [241.003](#), Health and Safety Code.

17 (4) "Hotel" has the meaning assigned by Section
18 [2155.051](#), Occupations Code.

19 (5) "Massage establishment" and "massage school" have
20 the meanings assigned by Section [455.001](#), Occupations Code.

21 (6) "Sexually oriented business" has the meaning
22 assigned by Section [243.002](#), Local Government Code.

23 (7) "Transportation [~~,"transportation]~~ hub" means a
24 bus, bus stop, train, train station, rest area, gas station with

1 adjacent convenience store, or airport.

2 (a-1) A person who operates any of the following business
3 entities shall post at the entity the sign prescribed under
4 Subsection (b), or a substantially similar sign, in the manner
5 prescribed by Subsection (d):

6 (1) an entity permitted or licensed under Chapter 25,
7 26, 28, 32, 69, or 71, Alcoholic Beverage Code, other than an entity
8 holding a food and beverage certificate;

9 (2) a cosmetology facility;

10 (3) a hospital;

11 (4) a hotel;

12 (5) a massage establishment;

13 (6) a massage school;

14 (7) a sexually oriented business; or

15 (8) a transportation hub.

16 (a-2) The Parks and Wildlife Department shall post the sign
17 prescribed under Subsection (b), or a substantially similar sign,
18 in the manner prescribed by Subsection (d) at each state park and
19 other recreational site under the department's jurisdiction.

20 (b) The attorney general by rule shall prescribe the design
21 and content of a sign required to be posted under this section. The
22 rules must require that the sign:

23 (1) contain information regarding services and
24 assistance available to victims of human trafficking;

25 (2) ~~[to be displayed at transportation hubs. The sign~~
26 ~~must~~ be in ~~[both]~~ English, ~~[and]~~ Spanish, and any other language
27 determined appropriate by the attorney general in consultation with

1 the commission; and

2 (3) include:

3 (A) [~~(1)~~] the toll-free telephone number and
4 Internet website of the National Human Trafficking Resource Center;
5 and

6 (B) [~~(2)~~] the key indicators that a person is a
7 victim of human trafficking.

8 (c) The attorney general shall produce signs and make the
9 signs available at no cost to each person [~~by rule shall prescribe~~
10 ~~the transportation hubs that are~~] required to post a sign under this
11 section. On request, the attorney general shall provide the person
12 with the requisite number of signs necessary to comply with this
13 section [~~described by Subsection (b)~~]. The cost to produce and
14 deliver signs under this subsection shall be equally shared between
15 the attorney general and the commission.

16 (d) [~~A person who operates a transportation hub that is~~
17 ~~required to post a sign under Subsection (c) shall post a sign~~
18 ~~described by Subsection (b) at the transportation hub.~~] The
19 attorney general[+

20 [~~(1)~~] by rule shall prescribe the manner in which the
21 sign must be displayed [~~at the transportation hub~~] and any
22 exceptions to the sign posting requirement. The rules:

23 (1) must require that at a minimum the sign be posted
24 in:

25 (A) each public restroom of the entity;

26 (B) a conspicuous place that is either:

27 (i) near the public entrance of the entity;

1 or

2 (ii) in clear view of the public and
3 employees and near the location similar notices are customarily
4 posted; and

5 (C) for a sign posted in a hospital, the areas
6 described by Paragraphs (A) and (B) in relation to the hospital's
7 emergency room [~~under this section~~]; and

8 (2) may require that the sign be a certain size and
9 that the notice be displayed in a certain font and type size [~~shall~~
10 enforce this section].

11 (e) In adopting the rules under this section [~~Subsection~~
12 ~~(b)~~], the attorney general shall consult with the commission. The
13 content of the notice contained in the sign required by this section
14 must be agreed to by both the attorney general and the commission
15 [~~the Texas Department of Transportation~~].

16 (f) The attorney general shall issue a warning to a person
17 for a first violation of Subsection (a-1). After receiving a
18 warning for the first violation, a person who violates Subsection
19 (a-1) is subject to a civil penalty in the amount of \$200 for each
20 subsequent violation.

21 SECTION 2. The following provisions are repealed:

- 22 (1) Section 104.07, Alcoholic Beverage Code;
- 23 (2) Subchapter C, Chapter 102, Business & Commerce
24 Code;
- 25 (3) Section 241.011, Health and Safety Code; and
- 26 (4) Sections 455.207 and 1602.408, Occupations Code.

27 SECTION 3. Not later than January 1, 2022, the attorney

1 general shall:

2 (1) in consultation with the Health and Human Services
3 Commission, adopt rules necessary to implement Section 402.0351,
4 Government Code, as amended by this Act, including rules
5 prescribing the content and design of the sign required by that
6 section; and

7 (2) produce and make available for distribution an
8 appropriate number of signs to properly implement Section
9 402.0351(c), Government Code, as amended by this Act.

10 SECTION 4. This Act takes effect September 1, 2021.