
A BILL FOR AN ACT

RELATING TO HUMAN TRAFFICKING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that human traffickers
2 often exploit the privacy and anonymity available through the
3 hospitality industry. Transient accommodations are especially
4 attractive locations for human traffickers partly because
5 hospitality staff are not adequately trained to recognize signs
6 of trafficking and report instances of suspected trafficking.
7 Given the widespread harm caused by human trafficking, it is
8 important that employees of transient accommodations receive
9 training that equips them to act swiftly and effectively in
10 response to known or suspected human trafficking at their
11 workplaces.

12 The purpose of this Act is to:

- 13 (1) Establish training requirements for employees of
14 transient accommodations in human trafficking
15 awareness and response;
- 16 (2) Require operators of transient accommodations to
17 display National Human Trafficking Resource Center



1 hotline information to employees, establish written
2 human trafficking prevention policies, and implement
3 procedures for reporting known or suspected human
4 trafficking; and

5 (3) Require the Hawaii tourism authority to monitor
6 compliance with this Act.

7 SECTION 2. Chapter 371, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§371- Human trafficking awareness; transient
11 accommodations; training; signage; reporting; noncompliance.

12 (a) Every operator of a transient accommodation in the State
13 shall provide human trafficking awareness training to its
14 employees in accordance with the following schedule:

15 (1) Initial training for existing employees shall be
16 completed by December 1, 2020, and re-training shall
17 occur on an annual basis thereafter; and

18 (2) New employees shall complete training within thirty
19 days of the first date of employment.

20 (b) Human trafficking awareness training shall include the
21 following components:



- 1 (1) The definition of human trafficking and commercial
2 exploitation of children;
- 3 (2) Guidance on indicators of human trafficking and how to
4 identify individuals at risk of being trafficked and
5 individuals potentially engaged in the act of
6 trafficking;
- 7 (3) Differences between labor and sex trafficking,
8 specific to the transient accommodations sector;
- 9 (4) Guidance on the role of hospitality employees in
10 reporting and responding to human trafficking; and
- 11 (5) The contact information for the National Human
12 Trafficking Hotline toll-free telephone number and
13 text message line or contact information for the
14 applicable county police department.

15 No later than December 31 of each year, every operator of a
16 transient accommodation shall certify in writing to the Hawaii
17 tourism authority that each employee has completed the training
18 required by this section.

19 (c) No later than January 1, 2021, every operator of a
20 transient accommodation shall:

1 (1) Comply with the signage requirements of section
2 371-20;
3 (2) Establish a written human trafficking prevention
4 policy that applies to all employees; and
5 (3) Implement procedures for reporting known or suspected
6 human trafficking to the National Human Trafficking
7 Hotline or to a local law enforcement agency;
8 provided that transient accommodations established after
9 January 1, 2021, shall have one hundred eighty days from the
10 first day of opening its doors to the public to comply with this
11 subsection.

12 (d) The Hawaii tourism authority shall maintain a list of
13 transient accommodations operators that have been deemed by the
14 authority to be noncompliant with this section. Before
15 including the operator on the noncompliance list, the authority
16 shall provide transient accommodations operators ninety days
17 after the authority's issuance of a written notice of violation
18 to cure the violation. The authority shall make the
19 noncompliance list available to other government agencies upon
20 request.



1 (e) As used in this section, "operator" and "transient
2 accommodations" have the same meaning as provided in section
3 237D-1.

4 (f) No later than September 1, 2020, the Hawaii tourism
5 authority shall adopt interim rules, without regard to chapter
6 91, to effectuate the purposes of this section. No later than
7 September 1, 2021, the Hawaii tourism authority shall adopt
8 rules pursuant to chapter 91 to effectuate the purposes of this
9 section. The interim rules and rules shall include the
10 following:

11 (1) A fine schedule that is commensurate with existing
12 fine schedules for other violations by operators of
13 transient accommodations; and

14 (2) A mechanism that ensures, to the extent practicable,
15 that any transient accommodation booked for personal
16 use by an employee of the authority is not a transient
17 accommodation deemed by the authority to be
18 noncompliant with this section."

19 SECTION 3. Section 371-20, Hawaii Revised Statutes, is
20 amended by amending subsections (a) through (c) to read as
21 follows:



1 "(a) Every employer specified in subsection (b) shall post
2 and keep posted in a place readily accessible and conspicuous to
3 individuals in the employer's employ a poster no smaller than
4 eight and one-half inches by eleven inches in size that states
5 the following:

6 "If you or someone you know is being forced to engage in
7 any activity and cannot leave - whether it is commercial
8 sex, housework, farm work, or any other similar activity -
9 call the National Human Trafficking Resource Center Hotline
10 at 1-888-373-7888 to access help and services.

11 Victims of human trafficking are protected under United
12 States and Hawaii law.

13 The hotline is:

- 14 (1) Available twenty-four hours a day, seven days a week;
15 (2) Toll-free;
16 (3) Operated by a nonprofit, nongovernmental organization;
17 (4) Anonymous and confidential;
18 (5) Accessible in one hundred seventy languages; and
19 (6) Able to provide help, referral to services, training,
20 and general information."



1 (b) For purposes of this section, "employer" means any
2 person that:

3 (1) Holds a class 5 or class 11 liquor license pursuant to
4 section 281-31;

5 (2) Maintains a massage therapy establishment that employs
6 five or more people; [øæ]

7 (3) Employs one or more erotic or nude massagers or exotic
8 or nude dancers as defined in section 712-1210[-]; or

9 (4) Operates a transient accommodation as defined in
10 section 371- ; provided that the poster shall be
11 printed in an easily legible font in English and in
12 any other language that is spoken by at least ten per
13 cent of the transient accommodation's employees.

14 (c) [A] Unless otherwise specified, a poster required
15 under subsection (a) shall be printed in English and the
16 director may supplement the required information."

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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H.B. NO. 2429

Report Title:

Human Trafficking; HTA; Training; Enforcement

Description:

Establishes training requirements for employees of transient accommodations in human trafficking awareness and response. Requires operators of transient accommodations to display National Human Trafficking Resource Center hotline information to employees, establish written human trafficking prevention policies, and implement procedures for reporting known or suspected human trafficking. Requires the Hawaii Tourism Authority to monitor compliance with this Act.

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