

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 472

By Senators Chapman and Caputo

[Originating in the Committee on Government

Organization; reported February 7, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §16-6-26, relating to requiring hotels and public lodging establishments to
3 provide human trafficking awareness training to employees; mandating annual training;
4 establishing reporting procedures; requiring local board of health approval of training
5 program; establishing penalties; providing that no private cause of action is created; and
6 authorizing rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. HOTELS AND RESTAURANTS.

§16-6-26. Human trafficking awareness training and policies for employees of hotels and public lodging establishments; enforcement; penalties; rulemaking.

1 (a) A hotel or public lodging establishment shall:

2 (1) Provide annual training regarding human trafficking awareness to employees of the
3 establishment who perform housekeeping duties in the rental units or who work at the front desk or
4 reception area where guests ordinarily check in or check out. Such training must also be provided
5 for new employees within 60 days after they begin their employment in those roles, or by January
6 1, 2025, whichever occurs later. The establishment shall maintain records of each individual
7 employee's receipt of training, which records the establishment shall provide to the local board of
8 health upon request;

9 (2) By January 1, 2025, implement a procedure for the reporting of suspected human
10 trafficking to the National Human Trafficking Hotline or to a local law enforcement agency; and

11 (3) By January 1, 2025, post in a conspicuous location in the establishment which is
12 accessible to employees a human trafficking public awareness sign at least 11 inches by 15 inches
13 in size, printed in an easily legible font and in at least 32-point type, which states in English and
14 Spanish and any other language predominantly spoken in that area which the local board of health
15 deems appropriate substantially the following or similar language having the same meaning:

16 "If you or someone you know is being forced to engage in an activity and cannot leave,
17 whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any
18 other activity, call the National Human Trafficking Resource Center at 888-373-7888 or text INFO
19 or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are
20 protected under United States and West Virginia Law".

21 (b) The human trafficking awareness training required under this section must be
22 submitted to and approved by the local board of health, and shall include, at a minimum, all of the
23 following:

24 (1) The definition of human trafficking and the difference between the two forms of human
25 trafficking: sex trafficking and labor trafficking;

26 (2) Guidance specific to the hotel and public lodging sector concerning how to identify
27 individuals who may be victims of human trafficking; and

28 (3) Guidance concerning the role of the employees of a hotel or public lodging
29 establishment in reporting and responding to suspected human trafficking.

30 (c) The local board of health shall approve or disapprove of the use and content of any
31 training program in writing within 60 days of the submission of the program. If the local board of
32 health does not approve or disapprove the training program within 60 days, the program shall be
33 deemed to have been approved.

34 (d) For a violation committed on or after July 1, 2026, the local board of health shall impose
35 an administrative penalty of \$2,000 per day on a hotel or public lodging establishment that is not in
36 compliance with this section, unless the board receives adequate written documentation from the
37 hotel or public lodging establishment which provides assurance that each deficiency will be
38 corrected within 45 days after the board provided the hotel or public lodging establishment with
39 notice of its violation. For a second or subsequent violation of this section committed on or after
40 July 1, 2026, the local board of health may not provide a correction period to a hotel or public
41 lodging establishment and shall impose and collect the applicable administrative penalty.

42 (e) This section does not establish a private cause of action. This section does not alter or
43 limit any other existing remedies available to survivors of human trafficking.

44 (f) The Bureau for Public Health may propose rules for legislative approval in accordance
45 with §29A-3-1 et seq. of this code as it deems necessary to carry out the provisions of this section.
46 The bureau may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code
47 as it deems necessary.