
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1335 Session of
2022

INTRODUCED BY SCHWANK, KANE, STREET, COMITTA, FONTANA, KEARNEY,
CAPPELLETTI, BOSCOLA, MUTH, COSTA AND TARTAGLIONE,
OCTOBER 3, 2022

REFERRED TO JUDICIARY, OCTOBER 3, 2022

AN ACT

1 Amending the act of October 25, 2012 (P.L.1618, No.197),
2 entitled "An act providing for the National Human Trafficking
3 Resource Center Hotline Notification Act; imposing duties on
4 the Department of Labor and Industry; and prescribing
5 penalties," further providing for definitions and for
6 required posting; providing for business entity required
7 training; further providing for enforcement and for
8 affirmative defenses; providing for regulations; and making
9 editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Sections 2 and 3 of the act of October 25, 2012
13 (P.L.1618, No.197), known as the National Human Trafficking
14 Resource Center Hotline Notification Act, are amended to read:

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Bed and breakfast homestead or inn." A private residence
20 open to the public that offers overnight accommodations with 10
21 or fewer bedrooms and which breakfast is included in the charge

1 for the room and the only meal offered to guests.

2 "Business entity." A lodging establishment, a full-service
3 truck stop establishment or a truck stop establishment located
4 in this Commonwealth.

5 "Business entity employee." An individual who has an
6 agreement of employment with a business entity in a role that is
7 likely to interact or come into contact with victims of human
8 trafficking because the business entity employee has employment
9 duties that require reoccurring interaction with the public or
10 employment in security, the front desk or reception area, room
11 service, bell staff, housekeeping, customer assistance with
12 moving possessions or belongings or driving duties.

13 "County agency." A county children and youth social service
14 agency established under section 405 of the act of June 24, 1937
15 (P.L.2017, No.396), known as the County Institution District
16 Law, and supervised by the department under Article IX of the
17 act of June 13, 1967 (P.L.31, No.21), known as the Human
18 Services Code.

19 "Department." The Department of Human Services of the
20 Commonwealth.

21 "Drinking establishment." Any bar, tavern or club which:

22 (1) operates pursuant to an eating place retail
23 dispenser's license, restaurant liquor license or retail
24 dispenser's license under the act of April 12, 1951 (P.L.90,
25 No.21), known as the Liquor Code; and

26 (2) has been found to be a [drug-related] nuisance under
27 [42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or
28 declared a common nuisance under section 1 of the act of June
29 23, 1931 (P.L.1178, No.319), entitled "An act declaring
30 buildings and parts of buildings used for purposes of

1 fornication, lewdness, assignation, and prostitution to be
2 nuisances; providing a method of abating same; establishing a
3 method of procedure against those who use said buildings, or
4 parts thereof, for such purposes; and providing penalties for
5 violations of this act."] a nuisance law.

6 "Employment." The performance of or assistance with duties
7 at a business entity, for remuneration, by an individual who is
8 under a contract of hire, expressed or implied, written or oral.
9 The term shall include service for interstate commerce.

10 "Establishment." Includes:

11 (1) A personal service establishment.

12 (2) A drinking establishment.

13 (3) An adult entertainment enterprise featuring nude or
14 partially nude dancing or providing live adult entertainment.

15 (4) A hotel or motel found to be a [drug-related]
16 nuisance under [42 Pa.C.S. Ch. 83 Subch. H (relating to drug
17 nuisances) or declared a common nuisance under section 1 of
18 the act of June 23, 1931 (P.L.1178, No.319), entitled "An act
19 declaring buildings and parts of buildings used for purposes
20 of fornication, lewdness, assignation, and prostitution to be
21 nuisances; providing a method of abating same; establishing a
22 method of procedure against those who use said buildings, or
23 parts thereof, for such purposes; and providing penalties for
24 violations of this act."] a nuisance law.

25 (5) An airport, train station or bus station.

26 (6) A welcome center or rest area operated by the
27 Department of Transportation or the Pennsylvania Turnpike
28 Commission.

29 (7) A full-service truck stop [as defined in section 2
30 of the act of June 13, 2008 (P.L.182, No.27), known as the

1 Clean Indoor Air Act] establishment.

2 "Full-service truck stop establishment." The term shall have
3 the same definition as the definition of "full-service truck
4 stop" in section 2 of the act of June 13, 2008 (P.L.182, No.27),
5 known as the Clean Indoor Air Act.

6 "Human trafficking." Any activity in violation of 18 Pa.C.S.
7 § 3011 (relating to trafficking in individuals) either alone or
8 in conjunction with an activity in violation of 18 Pa.C.S. §
9 3012 (relating to involuntary servitude).

10 "Labor." Work or service of economic or financial value.

11 "Labor servitude." Labor performed or provided by an
12 individual that is induced or obtained in violation of 18
13 Pa.C.S. § 3012.

14 "Licensing authority." The governmental agency authorized by
15 law to license any aspect of the business of an establishment or
16 a business entity.

17 "Lodging establishment." An establishment, except for a
18 time-share arrangement or a bed and breakfast homestead or inn,
19 with lodging accommodations, facilities or privileges or
20 services, including:

21 (1) A hotel, motel, inn or resort found to be a nuisance
22 under a nuisance law.

23 (2) A hotel as defined in 4 Pa.C.S. § 1103 (relating to
24 definitions).

25 (3) A hotel establishment as defined in 12 Pa.C.S. §
26 3402 (relating to definitions).

27 (4) A building, other than one listed under paragraph
28 (1), which is held out by any means, including advertising,
29 license, registration with a hotelkeepers' group, convention
30 listing association, travel publication or similar

1 association or government agency, as being available to
2 provide overnight lodging or use of facility space for
3 consideration to individuals seeking temporary accommodation.

4 (5) A place which advertises to the public that it will
5 provide beds, sanitary facilities or other space for a
6 temporary period to members of the public.

7 (6) A place recognized as a hostelry, except for
8 portions of the facility which are devoted to individuals who
9 have established permanent residence.

10 "Nuisance law." Either:

11 (1) A drug-related nuisance under 42 Pa.C.S. Ch. 83
12 Subch. H (relating to drug nuisances).

13 (2) A common nuisance under section 1 of the act of June
14 23, 1931 (P.L.1178, No.319), entitled "An act declaring
15 buildings and parts of buildings used for purposes of
16 fornication, lewdness, assignation, and prostitution to be
17 nuisances; providing a method of abating same; establishing a
18 method of procedure against those who use said buildings, or
19 parts thereof, for such purposes; and providing penalties for
20 violations of this act."

21 "Personal service establishment." A place which:

22 (1) allows physical contact with another individual in a
23 closed door setting for the purpose of, but not limited to,
24 maintaining good health and establishing and maintaining good
25 physical condition through the physical contact regardless of
26 whether the place is required to obtain a license or permit
27 from the Commonwealth for its operation; and

28 (2) has been found to be a [drug-related] nuisance under
29 [42 Pa.C.S. Ch. 83 Subch. H (relating to drug nuisances) or
30 declared a common nuisance under section 1 of the act of June

1 23, 1931 (P.L.1178, No.319), entitled "An act declaring
2 buildings and parts of buildings used for purposes of
3 fornication, lewdness, assignation, and prostitution to be
4 nuisances; providing a method of abating same; establishing a
5 method of procedure against those who use said buildings, or
6 parts thereof, for such purposes; and providing penalties for
7 violations of this act."] a nuisance law.

8 "Secretary." The Secretary of Human Services of the
9 Commonwealth.

10 "Service." Any act committed at the behest, under the
11 supervision or for the benefit of another.

12 "Sex act." Any touching or exposure of the sexual or
13 intimate parts of an individual for the purpose of gratifying
14 sexual desire.

15 "Sexual servitude." Any sex act or performance involving a
16 sex act for which anything of value is directly or indirectly
17 given, promised to or received by any individual or which is
18 performed or provided by any individual and is induced or
19 obtained from:

20 (1) a minor; or

21 (2) any other individual by any of the means under 18
22 Pa.C.S. § 3012(b).

23 "Training." Awareness education training offered by a
24 business entity to a business entity employee as required under
25 section 3.1.

26 "Truck stop establishment." A premises that:

27 (1) Is equipped with diesel islands used for fueling
28 commercial motor vehicles.

29 (2) Has sold on average 50,000 gallons of diesel or
30 biodiesel fuel each month for the previous 12 months or is

1 projected to sell an average of 50,000 gallons of diesel or
2 biodiesel fuel each month for the next 12 months.

3 (3) Has at least 20 parking spaces dedicated for
4 commercial motor vehicles.

5 (4) Has a convenience store.

6 (5) Is situated on a parcel of land of not less than
7 three acres that the truck stop establishment owns or leases.

8 (6) Is not located on any property owned by the
9 Pennsylvania Turnpike Commission.

10 Section 3. Required posting.

11 (a) Sign.--An establishment and a business entity shall post
12 a sign containing information regarding the National Human
13 Trafficking Resource Center Hotline. Any other establishment or
14 business may post a sign.

15 (b) Posting.--Establishments and business entities shall
16 post at least one sign in a conspicuous manner clearly visible
17 to the public and employees of the [establishment]
18 establishments or business entities.

19 (c) Size, information and design.--The sign shall be no
20 smaller than 8 1/2 by 11 inches.

21 (1) The Department of Labor and Industry shall design
22 the sign to include the following information:

23 (i) The National Human Trafficking Resource Center
24 Hotline at 1-888-373-7888[.] and text line at 233733.

25 (i.1) The contact information for the law
26 enforcement agency in the county where the sign is
27 posted.

28 (ii) Victims of human trafficking are protected
29 under United States and Pennsylvania law.

30 (2) The Department of Labor and Industry may consult

1 with human trafficking victim advocates to determine other
2 information that may be included on the sign.

3 (3) The Department of Labor and Industry shall design
4 the sign to draw attention to the telephone and text number
5 of the National Human Trafficking Resource Center Hotline by
6 showing the [number] numbers in bold type and large font.

7 (4) The sign shall be posted in English, Spanish and any
8 other language mandated by the Voting Rights Act of 1965
9 (Public Law 89-110, 42 U.S.C. § 1973 et seq.) in the county
10 where the sign will be posted.

11 (d) Notice.--

12 (1) The licensing authority shall provide notice of this
13 section on its Internet website.

14 (2) The Department of Labor and Industry shall provide
15 the sign required by subsection (a) on its Internet website
16 for establishments and business entities to print as needed.

17 Section 2. The act is amended by adding a section to read:

18 Section 3.1. Business entity required training.

19 (a) General rule.--

20 (1) A business entity shall develop and provide training
21 on identifying human trafficking, the activities of human
22 trafficking, protection efforts for victims of human
23 trafficking and the prevention of human trafficking in
24 accordance with subsection (d) to all business entity
25 employees.

26 (2) A business entity may contract with a third-party
27 that specializes in human trafficking training to develop or
28 provide the training.

29 (3) The training may be based on the model awareness
30 training developed by the department under subsection (c).

1 (4) A confirmation of completion of the training shall
2 be signed by the business entity employee and retained by the
3 business entity for two years after the date of completion of
4 the training.

5 (5) The business entity employee may not be charged a
6 fee to receive training.

7 (b) Frequency.--Training shall:

8 (1) Occur within six months of:

9 (i) the effective date of this section;

10 (ii) the date on which a business entity employee is
11 hired; or

12 (iii) the date of transfer of a business entity
13 employee within the business entity if the business
14 entity employee has not received the training within the
15 last two years.

16 (2) Reoccur every two years for each business entity
17 employee.

18 (c) Duties of department.--

19 (1) The department, in consultation with county
20 agencies, shall develop a Statewide protocol for improvement
21 of identification, protection of victims and prevention of
22 human trafficking and model training that includes, at a
23 minimum, the requirements of subsection (d).

24 (2) The department, in consultation with county
25 agencies, shall develop guidance and written materials based
26 on best practice and approaches to offering training.

27 (3) The department shall provide the model training,
28 guidance and written materials to a requesting business
29 entity and shall post the model training, guidance and
30 written materials on its publicly accessible Internet

1 website.

2 (d) Requirements.--

3 (1) Training developed and provided shall, at a minimum:

4 (i) Consist of 20 minutes of classroom or other
5 effective interactive education regarding human
6 trafficking.

7 (ii) Provide the definition of human trafficking.

8 (iii) Provide a general overview of identifying
9 those at highest risk for human trafficking and
10 protecting victims of human trafficking.

11 (iv) Teach the difference between labor servitude
12 and sexual servitude.

13 (v) Provide guidance on how to respond to suspected
14 instances of human trafficking.

15 (vi) Provide the contact information listed in
16 section 3(c)(1) and the locations of the posted signs
17 required under section 3(b) in the business entity.

18 (2) Training may include materials and information
19 provided by the department, a Federal department or agency, a
20 State department or agency, a county agency or a private
21 nonprofit organization that represents the interests of
22 victims of human trafficking.

23 Section 3. Sections 4 and 6(a)(1) of the act are amended to
24 read:

25 Section 4. Enforcement.

26 (a) Complaints.--A complaint regarding a possible violation
27 of this act may be made to the appropriate law enforcement
28 agency or the licensing authority if the establishment or
29 business entity is subject to licensure. A complaint to the
30 licensing authority shall be made in one of the following

1 manners:

2 (1) In writing.

3 (2) By telephone call to the licensing authority's toll-
4 free telephone number.

5 (3) By an electronic submission to the licensing
6 authority's regularly maintained Internet website.

7 (b) Responsibilities.--

8 (1) Except as provided under paragraph (2), upon receipt
9 of a complaint by the licensing authority, the following
10 apply:

11 (i) Except as set forth under subparagraph (ii), the
12 licensing authority shall investigate the complaint and
13 enforce this act.

14 (ii) If the establishment or business entity is
15 subject to licensure by an agency of the Commonwealth,
16 the licensing authority shall refer the complaint to the
17 appropriate Commonwealth licensing agency for
18 investigation and enforcement of this act.

19 (2) If the complaint is made to a law enforcement
20 agency, the agency shall investigate the complaint and
21 enforce this act.

22 Section 6. Affirmative defenses.

23 (a) General rule.--Any of the following shall be an
24 affirmative defense by an owner, operator or manager to a
25 prosecution or imposition of an administrative penalty under
26 this act:

27 (1) When the violation occurred, the actual control of
28 the establishment or business entity was not exercised by the
29 owner, operator or manager, but by a lessee.

30 * * *

1 Section 4. The act is amended by adding a section to read:

2 Section 10. Regulations.

3 The secretary may promulgate regulations as necessary to
4 implement section 3.1.

5 Section 5. The provisions of this act are severable. If any
6 provision of this act or its application to any person or
7 circumstance is held invalid, the invalidity shall not affect
8 other provisions or applications of this act which can be given
9 effect without the invalid provision or application.

10 Section 6. This act shall take effect in 60 days.