

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 1740 (Sanchez)  
Version: March 22, 2023  
Hearing Date: June 13, 2023  
Fiscal: Yes  
Urgency: No  
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**SUBJECT**

Human trafficking: notice: pediatric care facilities

**DIGEST**

This bill adds facilities that provide pediatric care to the list of establishments that must post a specified notice regarding forced commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity.

**EXECUTIVE SUMMARY**

Section 52.6 of the Civil Code (Section 52.6) requires certain establishments to post notices regarding resources for witnesses to and victims of human trafficking and slavery. That section also requires rail and bus stations to train their employees in identifying and reporting incidents of human trafficking. The Fair Employment and Housing Act (FEHA) also requires hotel and motel employers to provide at least 20 minutes of training and education regarding human trafficking awareness to their employees, as provided. Both federal and state law authorize actions by victims of human trafficking, and sex trafficking in particular.

In response to an uptick in human trafficking during the COVID-19 pandemic, this bill seeks to expand the reach of Section 52.6 by including facilities that provide pediatric care on the list of establishments that must post the specified notice regarding forced commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity.

The bill is sponsored by the author. The bill is supported by various medical and law enforcement organizations as well as the City and County of San Francisco's Department on the Status of Women. There is no known opposition.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Provides that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of the crime of human trafficking. (Pen. Code § 236.1.)
- 2) Requires specified businesses and establishments to post notices in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted. (Civ. Code § 52.6.)
- 3) Requires the notices to include specific language regarding a textline and various hotlines to contact if one is aware of or is a victim of human trafficking. The Department of Justice is required to create a model notice that may be used by these businesses. (Civ. Code § 52.6.)
- 4) Provides that a business or other establishment that operates intercity passenger rail or light rail stations, or bus stations shall provide at least 20 minutes of training to employees who may interact with, or come into contact with, a victim of human trafficking or who are likely to receive, in the course of their employment, a report from another employee about suspected human trafficking, in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency. A list of topics that must be covered in such training is further provided. (Civ. Code § 52.6.)
- 5) Subjects businesses that fail to comply with the notice and training requirements of Section 52.6 of the Civil Code to civil penalties. (Civ. Code § 52.6.)
- 6) Provides that nothing in Civil Code Section 52.6 prevents local governing bodies from adopting and enforcing a local ordinance, rule, or regulation to prevent slavery or human trafficking. (Civ. Code § 52.6.)
- 7) Requires hotels and motels to provide at least 20 minutes of classroom or other effective interactive training and education regarding human trafficking awareness to each employee who is likely to interact or come into contact with victims of human trafficking, as specified. A list of topics that must be covered in such training is further provided. (Gov. Code § 12950.3.)
- 8) Defines “pediatric services” as all medical services rendered by any licensed physician to persons from birth to 21 years of age, and shall include attendance at labor and delivery. (Welf. & Inst. Code § 16907.5.)

This bill requires facilities that provide pediatric care to post the above notice regarding slavery and human trafficking. “Facilities that provide pediatric care” means medical facilities that provide pediatric services, as defined.

### COMMENTS

#### 1. The troubling prevalence of human trafficking

Human trafficking is the world’s fastest growing criminal enterprise, bringing in annual profits in the tens of billions of dollars. Human trafficking is generally defined as the use of force, coercion, or fraud to obtain coerced labor or personal services. Existing law provides that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of the crime of human trafficking.

The International Labour Organization estimates that approximately 40 million people were victims of some form of human slavery worldwide in 2016.<sup>1</sup> This includes 24.9 million in forced labor, meaning they were being “forced to work under threat or coercion as domestic workers, on construction sites, in clandestine factories, on farms and fishing boats, in other sectors, and in the sex industry.” Over 70 percent of these victims were women and girls and 1 in four victims were children. In their 2019 Data Report, the U.S. National Human Trafficking Hotline identified over 22,000 victims and survivors and over 4,300 traffickers.<sup>2</sup>

The U.S. State Department has estimated that the incidence of human trafficking and slavery has only gotten worse during the COVID-19 pandemic:

The economic and social distress generated by the pandemic and related mitigation efforts exacerbated risks for vulnerable and marginalized populations. These included women and children, people affected by travel restrictions and stay-at-home orders, communities in areas of food insecurity, and survivors of trafficking, as well as persons directly and indirectly affected by the disruption of economic activities and reduced livelihood options. Due to school closures, some children lacked access to education, shelter, and/or food. Survivors of trafficking faced an increased risk of potential re-victimization due to financial and emotional hardships during the crisis.<sup>3</sup>

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<sup>1</sup> *Global Estimates of Modern Slavery* (2017) International Labour Organization, [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf). All internet citations are current as of May 22, 2023.

<sup>2</sup> *2019 Data Report*, U.S. National Human Trafficking Hotline, <https://humantraffickinghotline.org/sites/default/files/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>.

<sup>3</sup> *Trafficking in Persons Report* (June 2021) United States Department of State, <https://www.state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf>.

Traffickers look for people who are susceptible for a variety of reasons, including psychological or emotional vulnerability, economic hardship, lack of a social safety net, membership in a marginalized group, natural disasters, or political instability. Human trafficking is often described as a hidden crime as victims rarely come forward to seek help because of language barriers, the severe trauma resulting from these crimes, fear of the traffickers, and/or fear of law enforcement.

## 2. California's human trafficking awareness and training law

To increase awareness of human trafficking and provide support to victims, Section 52.6 requires certain businesses and establishments, including truck stops, health facilities, massage parlors, and transit centers, to post notices encouraging victims of human trafficking and those who suspect human trafficking to contact a textline or one of several hotlines to access help and services. The law requires the notice to state specified content and requires the Department of Justice to post a model notice.

In addition, several laws, SB 970 (Atkins, Ch. 842, Stats. 2018) and AB 2034 (Kalra, Ch. 812, Stats. 2018), established training requirements for specified employees. AB 2034 amended Section 52.6, requiring businesses that operate intercity passenger rail or light rail stations or bus stations to train certain employees in recognizing the signs of human trafficking and how to report those signs.

SB 970 added Section 12950.3 to the Government Code, which required such employee trainings at hotels and motels. SB 970 also explicitly stated that it was the intent of the Legislature in enacting the bill "to establish a minimum threshold for human trafficking awareness training and education."

SB 630 (Stern, Ch. 57, Stats. 2019) made clear that Section 52.6, and the requirements set out therein, do not prevent local governing bodies from adopting and enforcing a local ordinance, rule, or regulation to prevent slavery or human trafficking. It further provides that Section 52.6 does not supersede or preempt a local ordinance, rule, or regulation that duplicates or supplements the requirements Section 52.6 imposes upon businesses and other establishments. The addition of this clause paves the way for local jurisdictions to take more aggressive approaches to combatting the scourge of human trafficking in California.

AB 1661 (Davies, Ch. 106, Stats. 2022) required businesses that provide hair, nail, electrolysis, and skin care services, and other related businesses or establishments subject to regulation under the Barbering and Cosmetology Act to post the required notice above in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted.

3. Another expansion of Section 52.6

This bill takes another step forward by including facilities that provide pediatric care. This includes all medical facilities that provide pediatric services. Pediatric services are medical services rendered by a licensed physician to persons from birth to 21 years of age, and include attendance at labor and delivery.

According to the author:

Human trafficking is on the rise in California and unfortunately minors make up a significant proportion of human trafficking victims. Recent studies have shown that a majority of actively trafficked victims access healthcare services. That is why I introduced AB 1740 to provide greater notice of life-saving information to trafficked minors accessing pediatric healthcare services.

Writing in support, a coalition of law enforcement groups argues:

AB 1740 ensures that medical facilities that provide pediatric services, including labor and delivery, post important information to help connect potentially trafficked victims with relevant resources. To do this, the bill amends Section 52.6 of the Civil Code so that medical facilities that provide pediatric services display human trafficking warning posters on their premises.

Our law enforcement associations support legislation that seeks to improve the safety of the public, including efforts to assist victims of human trafficking.

**SUPPORT**

Arcadia Police Officers' Association  
Burbank Police Officers' Association  
California Academy of Family Physicians  
California Academy of Preventive Medicine  
California Coalition of School Safety Professionals  
California Medical Association  
City and County of San Francisco, Department on the Status of Women  
Claremont Police Officers Association  
Corona Police Officers Association  
Culver City Police Officers' Association  
Deputy Sheriffs' Association of Monterey County  
Fullerton Police Officers' Association  
Los Angeles School Police Officers Association

Murrieta Police Officers' Association  
Newport Beach Police Association  
Palos Verdes Police Officers Association  
Placer County Deputy Sheriffs' Association  
Pomona Police Officers' Association  
Riverside Police Officers Association  
Riverside Sheriffs' Association  
Santa Ana Police Officers Association  
Upland Police Officers Association

### OPPOSITION

None known

### RELATED LEGISLATION

#### Pending Legislation:

SB 376 (Rubio, 2023) provides that a victim of human trafficking or abuse has the right to have a human trafficking advocate and a supporter person of the victim's choosing present at an interview by a law enforcement authority. This bill is currently in the Assembly Public Safety Committee.

SB 727 (Limón, 2023) authorizes a plaintiff in an action arising from human trafficking to seek a finding that specific debts were incurred as the result of the trafficking and without the consent of the plaintiff. This bill is currently in the Assembly Judiciary Committee.

#### Prior Legislation:

AB 1661 (Davies, Ch. 106, Stats. 2022) *See* Comment 2.

AB 1788 (Cunningham, Ch. 760, Stats. 2022) established a cause of action against hotels for failing to report known sexual trafficking within the hotel, as specified, or where an employee benefits from sexual trafficking activity within the hotel, as specified.

SB 630 (Stern, Ch. 57, Stats. 2019) *See* Comment 2.

SB 970 (Atkins, Ch. 842, Stats. 2018) *See* Comment 2.

AB 2034 (Kalra, Ch. 812, Stats. 2018) *See* Comment 2.

SB 225 (Stern, Ch. 565, Stats. 2017) updated language that is required to be included in notices certain businesses must post. It included a special textline that can be texted for services and support.

SB 597 (Leyva, Ch. 570, Stats. 2017) allowed victims of human trafficking to participate in the Secretary of State's Safe at Home program.

AB 260 (Santiago, Ch. 547, Stats. 2017) included hotels, motels, and other lodging establishments among the businesses that must post signage regarding reporting human trafficking.

AB 1227 (Bonta, Ch. 558, Stats. 2017) required human trafficking prevention education in schools.

SB 1193 (Steinberg, Ch. 515, Stats. 2012) added Section 52.6 to the Civil Code.

**PRIOR VOTES:**

Assembly Floor (Ayes 75, Noes 0)  
Assembly Appropriations Committee (Ayes 16, Noes 0)  
Assembly Judiciary Committee (Ayes 11, Noes 0)

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