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Senate Bill 597 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Rebekah Warren
Committee: Families, Seniors and Human Services

Date Completed: 8-20-14

CONTENT

The bill would amend the Public Health Code to require the Department of Licensing and Regulatory Affairs to establish training standards for identifying human trafficking victims.

Under the Code, boards are responsible for promulgating rules to establish standards for the education and licensure of health professionals. The bill would give that power to the Department, in consultation with the boards.

The bill would require the Department to adopt rules that would include training standards for identifying victims of human trafficking for individuals licensed under Article 15 of the Code, except those licensed under Part 188. The bill also would require that rules promulgated by the task force on physician's assistants include training standards for identifying victims of human trafficking.

(Article 15 applies to occupations regulated under the Code. Part 188 pertains to occupations relating to veterinary medicine.)

Both sets of rules would have to be adopted within one year of the effective date of the bill. The rules would apply for a license or registration renewal beginning with the first renewal cycle after the rules were promulgated and for an initial license or registration issued five or more years after the rules were promulgated.

MCL 333.16148 & 333.17060

BACKGROUND

Human Trafficking

Human trafficking under Michigan law is a class of criminal offenses involving the recruitment, transportation, or provision of a person for the purposes of forced labor or services (labor trafficking) or commercial sex acts (sex trafficking). Despite media and news reports portraying human trafficking as a foreign or out-of-state concern, these crimes are reported in this State with some frequency. Michigan is believed to be a destination for foreign and domestic human trafficking for several reasons.¹ The State's border crossings into Canada allow traffickers convenient entry into the United States. Likewise, the interstate system that runs through Michigan allows traffickers to bring their victims from other states. In addition, the financial hardships suffered by economically depressed areas

¹ "An Overview of Human Trafficking in the U.S. and Michigan", p. 3, Senate Fiscal Agency *State Notes: Topics of Legislative Interest*, Spring 2014.

such as Flint and Detroit make enforcement of the laws pertaining to human trafficking difficult.

Medical Issues & Signs of Human Trafficking

Physical and mental abuse, prolonged confinement, neglect, and malnourishment often affect victims of human trafficking. Any of these conditions could result in a victim's being taken to a clinic or hospital for treatment. Victims tend to display certain indicators useful in recognizing human trafficking activity. Injuries to victims may include burns, cuts, bruises, scars, broken bones, or other symptoms of physical abuse, drug or alcohol addiction, sexually transmitted infections, malnourishment, or prolonged infection or poor health that could be readily detected by routine medical examinations.² There also may be signs of mental abuse or stress, such as suicidal ideation, post-traumatic stress disorder, or depression. Victims or individuals accompanying victims may exhibit other general indicators. These include not having legal documentation or using false identification, avoiding eye contact, exhibiting a sense of hyper-vigilance, tension, or loss of sense of time.³

In Michigan, the Legislature, the Governor, and the Attorney General collaborated to form the Michigan Commission on Human Trafficking, a group composed of law enforcement officers, legislators, human trafficking activist organizations, and academics for the purpose of assessing the threat of human trafficking and developing a strategy to combat it. The Commission's 2013 report set forth a number of findings, strategies, and legislative recommendations to reduce human trafficking in this State, including guidelines pertaining to medical professionals.⁴

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have a minor, but likely negative, fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local units of government. New costs introduced by the bill would consist primarily of revisions to administrative rules regarding the regulation of health professions.

Fiscal Analyst: Josh Sefton

² "Identifying Victims of Human Trafficking: What to Look for During a Medical Exam/Consultation", *National Human Trafficking Resource Center Newsletter*, 11-15-2011, retrieved 8-18-2014 at: http://act.polarisproject.org/o//5417/t/0/blastContent.jsp?email_blast_KEY=1184274.

³ *Id.*

⁴ Michigan Commission on Human Trafficking, *2013 Report on Human Trafficking*, 37, retrieved 8-18-2014 at: http://michigan.gov/documents/ag/2013_Human_Trafficking_Annual_Report_439271_7.pdf?20140403122710.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.