

Senate Bill 389

By: Senators Jackson of the 2nd, Halpern of the 39th, Jones of the 10th, Rahman of the 5th and Jones II of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 28 of Title 31 of the Official Code of Georgia Annotated, relating to
2 tourist courts, so as to require operators of certain hotels, motels, and other tourist
3 accommodations to provide panic devices to employees to help protect them from sexual
4 harassment and violent acts; to provide for definitions; to provide for exceptions; to require
5 the Department of Public Health to develop a program to educate tourist court employees
6 regarding the use of panic devices; to provide for denial, suspension, and revocation of
7 tourist court permits and other penalties; to provide for rules and regulations providing for
8 standards related to the provision and use of panic devices; to provide for related matters; to
9 provide for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 28 of Title 31 of the Official Code of Georgia Annotated, relating to tourist courts,
13 is amended by adding a new Code section to read as follows:

14 "31-28-2.1.

15 (a) As used in this Code section, the term:

16 (1) 'Act of violence' means sexual harassment or any activity involving actual or
17 threatened sexual assault or other unwanted physical contact.

18 (2) 'Guest room' means a room or dwelling unit made available by a tourist court for
19 overnight occupancy by guests.

20 (3) 'Panic device' means a two-way radio or other electronic device that permits an
21 individual to communicate with or otherwise effectively summon immediate on-scene
22 assistance from a security officer, manager, supervisor, or other appropriate tourist court
23 staff member.

24 (4) 'Service employee' means any individual who works full time or part time performing
25 housekeeping or room service duties at a tourist court for or under the direction of the
26 hotel owner, employer, or any subcontractor of the hotel employer for wages or salary or
27 remuneration of any type.

28 (5) 'Tourist court employer' means any person, including but not limited to, a corporate
29 officer or executive, who directly or indirectly or through an agent or any other person,
30 including though the services of a temporary staffing agency, employs or exercises
31 control over the wages, hours, or working conditions of any individual employed in
32 furtherance of the tourist court's provision of lodging and other related services for the
33 public.

34 (b) No later than December 15, 2022, the Department of Public Health shall develop and
35 provide by rules and regulations a program, which may include written information, to
36 educate service employees regarding the use of panic devices and the tourist court's
37 obligations in the event the service employees activate such devices, and to encourage
38 service employees to activate panic devices when appropriate.

39 (c) On or before January 1, 2023, every tourist court employer shall provide a panic device
40 to each service employee assigned to work in a guest room without any other employees
41 present, at no cost to the service employee.

42 (d) A service employee may use a panic device if the service employee reasonably
43 believes there is an ongoing crime, or immediate threat of an act of violence or other
44 emergency in the service employee's presence. The service employee may cease work and
45 leave the immediate area of perceived danger or inappropriate conduct to await the arrival
46 of assistance, and no adverse action may be taken against the service employee for taking
47 such measures.

48 (e) Upon a service employee activating a panic device, a security officer, manager,
49 supervisor, or other appropriate tourist court staff shall respond promptly to the location
50 of the service employee.

51 (f) A tourist court employer shall:

52 (1) Ensure and keep records verifying that every service employee has participated in the
53 program and received all written information pertaining to the program developed by the
54 Department of Public Health pursuant to subsection (b) of this Code section;

55 (2) Keep a record of any accusations by a service employee that a guest or other
56 individual has committed a crime or an act of violence or any other inappropriate conduct
57 toward such service employee and maintain the name of the guest or individual so
58 accused as a part of such record for a period of five years from the date of the incident;

59 (3) Report any incident involving an alleged act of violence or criminal conduct by a
60 guest or other individual to the appropriate law enforcement agency so that the law
61 enforcement agency may determine whether to pursue criminal charges and cooperate
62 with any investigation undertaken by the law enforcement agency; and

63 (4) Notify service employees who are assigned to work in a room in which an alleged
64 act of violence occurred or in which a guest is staying who is alleged to have committed
65 an act of violence and provide service employees, other than the service employee who
66 activated the panic device or was the victim of the alleged act of violence, with the option
67 of either servicing such guest room in conjunction with another service employee or
68 opting out of servicing such room for the duration of the guest's stay at the tourist court.

69 The service employee who activated the panic device or was the victim of an alleged act
70 of violence shall immediately be reassigned to a different work area away from the guest
71 room where the alleged incident occurred or in which the guest is staying for the duration
72 of the guest's stay at the tourist court.

73 (g) If a guest commits an act for which a panic device is used on the premises of the tourist
74 court, is accused by a service employee of an act of violence on the premises of the tourist
75 court, or is convicted of a crime that takes place on the premises of the tourist court, the
76 tourist court may decline to provide occupancy to such guest.

77 (h) A tourist court employer shall advise guests of the panic devices it provides to service
78 employees by:

79 (1) Placing signs on the interior side of guest room doors in a prominent location and in
80 large font detailing the provision of panic devices to service employees and the
81 provisions of this Code section; or

82 (2) Requiring guests to acknowledge such provision as part of the tourist court's terms
83 and conditions upon checking in to the tourist court.

84 (i) The county board of health or its duly authorized representative may suspend or revoke
85 a permit or refuse to issue a permit to any person, firm, or corporation for the operation of
86 a tourist court that fails to comply with this Code section.

87 (j) Any tourist court and tourist court employer found to have violated this Code section
88 shall each be subject to a fine not to exceed \$5,000.00 for the first violation and not to
89 exceed \$10,000.00 for each subsequent violation.

90 (k) This Code section shall not apply to tourist courts consisting of fewer than 50 guest
91 rooms."

92 **SECTION 2.**

93 Said chapter is further amended by revising Code Section 31-28-3, relating to denial,
94 suspension, and revocation of permits, as follows:

95 "31-28-3.
96 The county boards of health may suspend or revoke permits for the operation of a tourist
97 court where the health, sanitation, and safety of the public or of the individuals who work
98 at the tourist court require such action. When, in the judgment of such board or its duly
99 authorized agents, it is necessary and proper that such application for a permit be denied
100 or that a permit previously granted be suspended or revoked, the applicant or holder of the
101 permit shall be notified thereof in writing and shall be afforded an opportunity for hearing
102 as provided in Article 1 of Chapter 5 of this title. In the event that such application is
103 finally denied or such permit finally suspended or revoked, the applicant or holder thereof
104 shall be given notice in writing, which notice shall specifically state the reasons why the
105 application or permit has been suspended, revoked, or denied."

106 **SECTION 3.**

107 Said chapter is further amended by revising Code Section 31-28-5, relating to standards for
108 health, sanitation, and safety, as follows:

109 "31-28-5.

110 (a) The Department of Public Health and county boards of health shall have the power to
111 adopt and promulgate rules and regulations to ensure the protection of the public health.
112 Such rules and regulations shall prescribe reasonable standards for health, sanitation, and
113 safety of tourist courts with regard to:

- 114 (1) Location, drainage, and maintenance of grounds;
115 (2) Size, ventilation, and maintenance of sleeping rooms, toilet and washrooms, and
116 laundry rooms, where provided;
117 (3) Installation of all electrical equipment and exposed electrical wiring;
118 (4) Heating appliances and equipment, and installation thereof;
119 (5) Water supply, plumbing fixtures and installations;
120 (6) Sewage disposal;

- 121 (7) Garbage and refuse disposal;
122 (8) Control of vermin;
123 (9) Accident prevention; and
124 (10) The provision and use of panic buttons pursuant to Code Section 31-28-2.1; and
125 (11) Spacing of trailer coaches and lighting of trailer parks.
126 (b) County boards of health are empowered to adopt and promulgate supplementary rules
127 and regulations consistent with those adopted and promulgated by the department."

128 **SECTION 4.**

129 This Act shall become effective upon its approval by the Governor or upon its becoming law
130 without such approval.

131 **SECTION 5.**

132 All laws and parts of laws in conflict with this Act are repealed.