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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of State
Division:	Executive Office
Contact Person:	Lydia Doss, Tennessee Businesses Against Trafficking Program Coordinator
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Ashley Bowers, Department of State, Human Resource Director
Address:	312 Rosa Parks Ave., 7 th Floor, Nashville, Tennessee 37243
Phone:	(615) 741-7411
Email:	Ashley.Bowers@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	William R. Snodgrass Tennessee Tower, Nashville Conference Room		
Address 2:	312 Rosa Parks Ave.		
City:	Nashville		
Zip:	37243		
Hearing Date:	05/17/2024		
Hearing Time:	9:00 AM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

☐ Amendment
☒ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1360-11-02	Tennessee Businesses Against Trafficking
Rule Number	Rule Title
1360-11-02-.01	Definitions
1360-11-02-.02	Application for TBAT Certificate
1360-11-02-.03	Human Trafficking Prevention Training

1360-11-02-.04	Program Violations
1360-11-02-.05	Certification Renewal
1360-11-02-.06	Benefits to Businesses

New

1360-11-02-.01 DEFINITIONS

The following terms as used in this Chapter have the following meanings:

- (1) "Commercial sex industry" means a commercial enterprise primarily engaged in providing services or offering for sale, rental, or exhibition, devices or items intended to facilitate sexual stimulation or gratification for its clientele.
- (2) "Entity" means a domestic or foreign for-profit corporation, limited partnership, limited liability company, professional association, cooperative association, bank, trust company, savings and loan association or company, insurance company, reciprocal or interinsurance exchange, railroad company, cemetery company, government-regulated cooperative, stock company, abstract and title insurance company, organization that engages in for-profit activities through the use of employees, or any other organization that is governed under the Tennessee Code Annotated, federal law, or the laws of another state or nation.
- (3) "Human trafficking" means any offense referred to in TCA § 39-13-314(a)(1).
- (4) "Human trafficking prevention training" means training designed to combat human trafficking, focusing on the accurate and prompt identification and reporting of, and response to, suspected human trafficking.
- (5) "Partnership" or "partner" means an entity that has applied to participate in the Tennessee Businesses Against Trafficking program, has satisfied the requirements of participation in the program, and has received a Tennessee Businesses Against Trafficking Certificate.
- (6) "Secretary of State" or "Secretary" means the Secretary of State or the Secretary of State's authorized representative or designee;
- (7) "TBAT" means Tennessee Businesses Against Trafficking;
- (8) "Zero-tolerance policy" means a policy regarding human trafficking that includes, at a minimum, the following:
 - (a) Compliance with relevant federal and state laws and regulations pertaining to human trafficking;
 - (b) A periodic review of the business's supply lines, supplies, agents, subcontractors, other inputs, and facilities associated with the business to identify potential vulnerabilities to human trafficking, and taking appropriate actions to address any adverse findings, which may include incorporating language in supplier contracts outlining the entity's human trafficking policies and encouraging suppliers to adhere to these policies; and
 - (c) Implementation of measures to prevent the use of business funds for patronizing business entities or others involved in the commercial sex industry and to ensure that business resources are not used to engage in sexual conduct that violates state or federal laws or to operate a business within the commercial sex industry.

Authority: T.C.A. § 38-1-802.

1360-11-02-.02 APPLICATION FOR TBAT CERTIFICATE

- (1) Any entity seeking to join the Tennessee Businesses Against Trafficking Program must submit an application to the Secretary of State on a form provided by the Secretary and supported by additional documentation, if required, demonstrating the following:
 - (a) The applicant has adopted a Zero-Tolerance Policy regarding human trafficking;

- (b) The applicant will participate in at least one anti-human trafficking public awareness or education campaign each year for the duration of its participation in the partnership;
 - (c) Verification that the applicant will offer all current employees Human Trafficking Prevention Training within 60 days of application approval;
 - (d) Verification that the applicant will include Human Trafficking Prevention Training in all new hire materials or has established periodic training programs;
 - (e) An agreement to share with the Secretary of State best practices that are effective in combatting human trafficking;
 - (f) Contact information to ensure applicant receives timely updates to training materials and other pertinent announcements from the Secretary of State; and
 - (g) Any additional information as required by the Secretary of State.
- (2) The application for a TBAT Certificate must contain the signature of an individual with authority to sign on behalf of the entity and the date on which the applicant signed the application.
 - (3) If, after a review of the application and any additional documentation requested by the Secretary of State, the Secretary determines that all the requirements set forth in subsections (1) and (2) of this Rule have been met, the Secretary will approve the application, issue a TBAT Certificate to the applicant, and the applicant will be named a TBAT Partner.
 - (4) All TBAT Certificates issued by the Secretary of State must bear an expiration date that will be two years from the date the certificate is issued.
 - (5) There is no fee for an entity to submit an application for a TBAT Certificate.

Authority: T.C.A. § 38-1-802.

1360-11-02-.03 HUMAN TRAFFICKING PREVENTION TRAINING

Human Trafficking Prevention Training must include the following:

- (1) A general overview of human trafficking;
- (2) A general overview of state law on human trafficking;
- (3) The definition of human trafficking and the commercial exploitation of children;
- (4) Guidance on how to recognize potential human trafficking victims;
- (5) Guidance on how to recognize potential human traffickers;
- (6) Guidance on how to identify activities commonly associated with human trafficking;
- (7) Safe and effective responses to human trafficking situations, including how to report suspected human trafficking to proper law enforcement officials; and
- (8) Pre-training and post-training surveys to gauge the trainees' increased understanding of the scope and signs of human trafficking and the manner in which to respond to potential trafficking.

Authority: T.C.A. § 38-1-802.

1360-11-02-.04 PROGRAM VIOLATIONS

- (1) Any Partner who violates the requirements of these Rules, including implementation of the Human Trafficking Prevention Training and Zero-Tolerance Policy, may result in termination of the Partnership and revocation of the entity's TBAT Certificate.
- (2) To revoke an entity's participation in the program, the Secretary will send a revocation letter to the entity stating the grounds for non-compliance that resulted in termination of the Partnership and revocation of the TBAT Certificate.
- (3) Any entity that has its Partnership terminated and its TBAT Certificate revoked may submit an application for TBAT Certification after rectifying the grounds for non-compliance. The Secretary has discretion to approve or deny, for any reason, the application of an entity that had its Partnership terminated and TBAT Certificate revoked.

Authority: T.C.A. § 38-1-802.

1360-11-02-.05 CERTIFICATION RENEWAL

- (1) An entity may renew its TBAT Certificate by filing an application for renewal in the same manner as the original application under these Rules.
- (2) An application for renewal may be submitted only during the renewal period. The renewal period begins sixty (60) days before the expiration of the TBAT Certificate and ends on the date of the TBAT Certificate's expiration. An application for renewal submitted before the renewal period will be rejected.
- (3) An application for renewal submitted after the renewal period will be treated as a new application under these Rules.

Authority: T.C.A. § 38-1-802.

1360-11-02-.06 BENEFITS TO BUSINESSES

- (1) Any entity that becomes a Partner in the Tennessee Businesses Against Trafficking program will receive a Tennessee Businesses Against Trafficking Certificate and Digital participation symbol signifying the business's commitment to combatting human trafficking.
- (2) The Secretary will place the name of each Partner on the Secretary of State website and may publicly acknowledge the partnership through various communication channels, such as the Secretary of State website, social media platforms, and newsletters.

Authority: T.C.A. § 38-1-802.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: March 22, 2024

Signature: [Signature]

Name of Officer: Michael T. Harmon

Title of Officer: General Counsel, Department of State

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Filed with the Department of State on: 3/22/2024

[Signature]
Tre Hargett
Secretary of State

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