

HOUSE COMMERCE AND ECONOMIC DEVELOPMENT  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 139

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO OCCUPATIONAL SAFETY; REQUIRING HOTEL EMPLOYERS TO  
PROVIDE EMPLOYEES WHO WORK ALONE IN GUEST ROOMS WITH PANIC  
BUTTONS TO PROTECT FROM VIOLENCE OR SEXUAL HARASSMENT;  
ESTABLISHING RIGHTS AND RESPONSIBILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 50-9-1 NMSA 1978 (being Laws 1972,  
Chapter 63, Section 1, as amended) is amended to read:

"50-9-1. SHORT TITLE.--~~[Sections 50-9-1 through 50-9-25]~~  
Chapter 50, Article 9 NMSA 1978 may be cited as the  
"Occupational Health and Safety Act"."

SECTION 2. A new section of the Occupational Health and  
Safety Act is enacted to read:

"[NEW MATERIAL] HOTEL EMPLOYEE SAFETY--CIVIL PENALTY.--

A. A hotel employer shall:

1 (1) provide an employee working alone in a  
2 guest room with a panic button free of charge. An employee may  
3 use the panic button and cease work if the employee reasonably  
4 believes that there is an act of violence, sexual harassment or  
5 other emergency happening in the employee's presence;

6 (2) with the employee's consent, report an  
7 incident of violence or sexual harassment to the police and  
8 cooperate with an investigation; and

9 (3) post a notice on the back of each guest  
10 room door that:

11 (a) includes the heading: "The Law  
12 Protects Hotel Employees from Assault and Sexual Harassment";

13 (b) is printed in at least eighteen-  
14 point font; and

15 (c) states that panic buttons are  
16 provided to hotel employees assigned to work alone in guest  
17 rooms, including housekeepers, room servers and other  
18 employees.

19 B. An employee who informs a hotel employer of an  
20 act of violence or sexual harassment by a guest shall receive  
21 paid time off to alert the police, provide a police statement  
22 or initiate contact with a counselor or attorney of the  
23 employee's choosing.

24 C. For the purposes of this section:

25 (1) "hotel employer" means a person who

1 controls and operates a hotel, motel, bed and breakfast, inn or  
 2 a similar lodging facility, directly or indirectly, including  
 3 through the services of a temporary staffing service or agency,  
 4 employs or exercises control over the wages, hours or working  
 5 conditions of a hotel employee at a hotel, motel, bed and  
 6 breakfast, inn or similar lodging facility; and

7 (2) "panic button" means an emergency contact  
 8 device or an emergency contact application on a mobile device,  
 9 appropriate for the size and layout of the establishment, that  
 10 can be used to summon immediate on-scene assistance from an  
 11 employee, security personnel or a representative of a hotel  
 12 employer."

13 SECTION 3. EFFECTIVE DATE.--The effective date of the  
 14 provisions of this act is January 1, 2020.

underscoring material = new  
~~[bracketed material]~~ = delete