

RÉSUMÉ DIGEST

ACT 703 (HB 830)

2018 Regular Session

Stokes

New law requires a sexually oriented business to verify age and work eligibility status before hiring an employee or entering into a contract with an independent contractor for work in the sexually oriented business.

New law defines the term sexually oriented business as well as the various types of sexually oriented businesses. New law provides definitions to certain terms that arise in new law regarding activity, performance, or presentation in certain sexually oriented businesses.

New law provides that, for purposes of new law, an employee is defined as any individual who is employed by a sexually oriented business for remuneration pursuant to any contract for hire but does not include an independent contractor.

New law defines independent contractor as an individual who enters into a contract to perform services for a sexually oriented business on a non-exclusive basis.

New law requires that an operator of a sexually oriented business (operator) verify the age and employment status of each potential employee through the U.S. Citizenship and Immigration Services E-Verify program or by the completion of Form I-9 and retain the documentation proving such eligibility to work in his records for at least three years.

New law requires that an operator of a sexually oriented business verify the age and work eligibility status of an independent contractor by requiring the independent contractor to submit a U.S. Citizenship and Immigration Services Form I-9 List A document or a List B document along with a completed Internal Revenue Service Form W-9 with a verified social security number or taxpayer identification number.

New law requires that before hiring an employee or independent contractor, the operator shall require the potential employee or independent contractor to answer a questionnaire, provided by La. Workforce Commission (LWC), and retain the answers for his record. This questionnaire includes questions to give an indication whether or not a potential employee or independent contractor could be a victim of human trafficking.

New law requires that the questionnaire be retained by the operator for a period of three years after the last day of work and that it be stored in a locked or otherwise secure location.

New law requires that if an operator suspects that a potential employee, employee, or independent contractor is a victim of human trafficking that he contact local law enforcement or the National Human Trafficking Resource Center Hotline as soon as possible within 24 hours.

New law requires that notices regarding human trafficking be posted in English and Spanish.

New law allows the executive director of LWC, the commissioner of the office of alcohol and tobacco control, or a law enforcement agency of the state or its political subdivisions to conduct an investigation of an operator for violations of new law and that if the investigation shows that an operator has violated new law, the agency representative may notify the attorney general who may pursue civil charges against the operator in the 19th Judicial District Court.

New law provides that upon a finding that a violation has occurred, the court shall issue penalties as follows:

- (1) For a first violation, a fine of \$1,000.
- (2) For a second violation, a fine of \$5,000.
- (3) For a third and any subsequent violation, a fine of \$10,000.

Effective August 1, 2018.

(Adds R.S. 23:1019.1-1019.6)