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**HOUSE COMMITTEE AMENDMENTS**

Substitute for Original House Bill No. 651 by Representative Hodges as proposed by the House Committee on Labor and Industrial Relations

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To enact Part XIV of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1019.1 through 1019.8, relative to employment; to provide for verification of age and work-eligibility status for exotic dancers in sexually oriented businesses; to provide with respect to human trafficking; to provide for notices to be posted; to provide definitions; to provide for enforcement; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XIV of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1019.1 through 1019.8, is hereby amended and reenacted to read as follows:

PART XIV. HUMAN TRAFFICKING PREVENTION ACT

§1019.1. Legislative intent; policy;

A. The legislature finds all of the following:

(1) Businesses that operate in this state which provide opportunities for vice are avenues which can encourage human trafficking and contribute to the lack of safety of the community.

(2) Certain negative secondary effects constitute a harm which the state has a substantial government interest in preventing or abating. This substantial government interest in preventing secondary effects, which is the state's rationale for this Part, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the state's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the state. The state

finds that the cases and documentation relied on in this Part are reasonably believed to be relevant to these secondary effects, particularly human trafficking.

B. Employer verification of age and work authorization status of exotic dancers would ensure that the exotic dancer is a consenting adult, legally authorized to work in the United States.

§1019.2. Definitions

The following terms shall have the meaning ascribed herein as used in this Part:

(1) "Adult arcade" means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

(2) "Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, gentleman's club, strip club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

(a) Persons who appear in a state of nudity or seminudity.

(b) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities.

(3) "Exotic dancer" means a striptease dancer, belly dancer, or any other performer in a sexually oriented business.

(4) "Operator" means either of the following:

(a) Any individual who owns a sexually oriented business.

(b) Any individual who is on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises.

(8) "Sexually oriented business" shall include adult arcades, adult cabaret, gentleman's club, go-go club, or strip bar, escort or escort agencies, massage parlors, nude model studios, and sexual encounter centers.

§1019.3. Exotic dancer eligibility verification; defense

A. No later than the first day of employment, the operator shall verify the age of each exotic dancer by requesting the exotic dancer produce a birth certificate and a government issued picture identification.

B. No later than the first day of employment, the operator shall verify the work authorization status of each exotic dancer by requesting the exotic dancer produce one of the following:

- (1) United States birth certificate or certified birth card.
- (2) Naturalization certificate.
- (3) Certificate of citizenship.
- (4) Alien registration receipt card.
- (5) United States immigration form I-94 with employment authorized stamp.

C. The operator shall make a copy of the documents required in Subsections (A) and (B) of this Section and retain these copies in his records for at least three years after the last day of the exotic dancer's employment with the sexually oriented business.

D. Any operator who verifies the age and the work authorization status of an the exotic dancer as required by this Section is presumed to have been in good faith, and is not subject to any penalty as a result of his reliance on the accuracy of the verification documents.

§1019.4. Questionnaire

A. Before hiring an exotic dancer, the operator shall ask the following questions of the exotic dancer:

- (1) Is your freedom of movement restricted?
- (2) How do you learn about job opportunities?
- (3) Did you come to this country for a specific job that you were promised?
- (4) What forms of media or telecommunication do you have access to?

(5) Do you or does someone else retain your identification documents?

(6) Were you provided with false documents or identification?

(7) How was payment for your travel handled?

(8) Do you owe your employer any money?

(9) Are you at least eighteen years of age?

B. The operator shall ask the questions verbally to the exotic dancer to gauge the exotic dancer's response, record the answers on the questionnaire, and then each party shall sign the questionnaire affirming the accuracy of the answers.

C. The operator shall retain a copy of the questionnaire for his records for at least three years after the last day of the exotic dancer's employment with the sexually oriented business.

D. The Louisiana Workforce Commission shall prepare a standard form questionnaire to be used in compliance with this Section.

§1019.5. Mandatory reporting

If any operator of a sexually oriented business reasonably believes, based on the answers to the questionnaire, that he has come in contact with a victim of human trafficking, he shall contact local law enforcement or call the Trafficking Information and Referral Hotline to coordinate with local resources.

§1019.6. Notices to be posted

Every operator of a sexually oriented business shall post and keep posted in conspicuous places upon its premises a notice as required by R.S. 15:541.1

§1901.7. Enforcement; penalties

A. The Louisiana Workforce Commission shall enforce the provisions of this Section. The executive director may assess civil penalties against any person violating the provisions of this Part, or when appropriate, inform the proper governing, law enforcement, or licensing authority to suspend a license or permit to do business, as follows:

(1) For a first violation, a fine not less than five hundred dollars, nor more than one thousand dollars, or imprisonment for not less than thirty days, nor more than ninety days, or both.

(2) For a second violation, a fine not less than one thousand dollars, nor more than five thousand dollars, and his occupational license shall be suspended for a thirty-day period.

(3) For a third violation, the appropriate local governing authority or licensing agency shall immediately revoke the violator's permit or license to do business as a sexually oriented business in the state of Louisiana.

B. Civil penalties may be imposed only by a ruling of the executive director pursuant to an adjudicatory hearing held in accordance with the Administrative Procedure Act, R.S. 49:950, et seq.

C. The executive director may institute civil proceedings in the Nineteenth Judicial District Court to enforce the rulings of the Louisiana Workforce Commission. In the event judgment is rendered in the court affirming the civil penalties assessed, the court shall also award to the Louisiana Workforce Commission reasonable attorney fees, and judicial interest on the civil penalties from the date of its assessment by the Louisiana Workforce Commission until paid and all costs.

D. The executive director may institute civil proceedings in the Nineteenth Judicial District Court seeking injunctive relief to restrain and prevent violations of the provisions of this Part or of the rules and regulations adopted under the provisions of this Part. If the court grants the injunctive relief sought by the Louisiana Workforce Commission, it shall also award reasonable attorney fees and costs to the Louisiana Workforce Commission.

§1901.8. Rulemaking authority

The Louisiana Workforce Commission is hereby authorized and directed to promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for the enforcement of this Part.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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**Abstract:** Provides for age and work-status verification for exotic dancers to prevent human trafficking.

Proposed law provides legislative intent and definitions.

Proposed law defines an exotic dancer as a striptease dancer, belly dancer, or any other performer in a sexually oriented business.

Proposed law defines an operator of a sexually oriented business as the owner or any other individual who is on the premises and causes the business to function.

Proposed law requires an operator of a sexually oriented business to verify the age of each exotic dancer by requiring the exotic dancer submit a birth certificate and government-issued identification.

Proposed law requires an operator of a sexually oriented business to verify the work authorization status of each exotic dancer by requiring the exotic dancer to produce a United States birth certificate or certified birth card, naturalization certificate, certificate of citizenship, alien registration receipt card, or a United States immigration form I-94 with employment authorized stamp.

Proposed law requires the operator to retain a copy of the verification documents for at least 3 years after the last day of the exotic dancer's employment.

Proposed law provides immunity from penalty for any operator who verifies age and employment status of exotic dancers as required in proposed law.

Proposed law provides a questionnaire for an operator to ask each exotic dancer when the exotic dancer is hired. The questionnaire asks questions that could reveal whether the exotic dancer has been trafficked.

Proposed law requires the Louisiana Workforce Commission (LWC) to prepare the questionnaire in a standard form, and further requires the operator retain each questionnaire for 3 years after the last day of the exotic dancer's employment.

Proposed law requires that a notice be posted in each sexually oriented business with human trafficking hotline information.

Proposed law requires the executive director of the LWC to enforce proposed law.

Proposed law requires the executive director of the LWC to enforce civil penalties, or, when appropriate, notify the appropriate governing, law enforcement, or licensing authority for business license revocation as provide in proposed law.

Proposed law provides for penalties as follows:

- (1) On 1<sup>st</sup> violation, a fine not less than \$500, nor more than \$1,000, or imprisonment for not less than 30 days, nor more than 90 days, or both.

- (2) On 2<sup>nd</sup> violation, a fine not less than \$1,000, nor more than \$5,000, and a 30 day suspension of his business license.
- (3) On 3<sup>rd</sup> violation, an immediate revocation of the violator's permit or license to do business as a sexually oriented business in the state of Louisiana.

Proposed law provides that civil penalties may be imposed in an administrative hearing, or may be brought in the 19<sup>th</sup> JDC by the executive director of the LWC.

Proposed law authorizes and directs the LWC to promulgate rules and regulations in accordance with the APA.

(Adds R.S. 23:1019.1 through 1019.8)