

**Representative Kyle R. Andersen** proposes the following substitute bill:

**MODIFICATIONS TO HUMAN TRAFFICKING PROVISIONS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kyle R. Andersen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates a human trafficking education program and requires certain individuals to participate in the program.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Human Trafficking Education Program;
- ▶ provides development and content requirements for the program;
- ▶ requires employees of sexually oriented businesses to complete the program;
- ▶ directs government agencies overseeing the licensure of sexually oriented businesses to require applicants to complete the program; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 **10-8-41.5**, as last amended by Laws of Utah 2019, Chapter 303

27 **17-50-331**, as enacted by Laws of Utah 2010, Chapter 398

28 ENACTS:

29 **67-5-36**, Utah Code Annotated 1953

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31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **10-8-41.5** is amended to read:

33 **10-8-41.5. Regulation of sexually oriented business.**

34 (1) As used in this section:

35 (a) "Adult service" means dancing, serving food or beverages, modeling, posing,  
36 wrestling, singing, reading, talking, listening, or other performances or activities conducted by  
37 a nude or partially denuded individual for compensation.

38 (b) "Compensation" means:

39 (i) a salary;

40 (ii) a fee;

41 (iii) a commission;

42 (iv) employment;

43 (v) a profit; or

44 (vi) other pecuniary gain.

45 (c) (i) "Escort" means [~~a person~~] an individual who, for compensation, dates, socializes  
46 with, visits, consorts with, or accompanies another, or offers to date, consort with, socialize  
47 with, visit, or accompany another:

48 (A) to a social affair, entertainment, or a place of amusement; or

49 (B) within a place of public or private resort, a business or commercial establishment,  
50 or a private quarter.

51 (ii) "Escort" does not mean [~~a person~~] an individual who provides business or personal  
52 services, including:

53 (A) a licensed private nurse;

54 (B) an aide for the elderly or [~~a person~~] an individual with a disability;

55 (C) a social secretary or similar service personnel whose relationship with a patron is  
56 characterized by a contractual relationship having a duration of 12 hours or more and who

57 provides a service not principally characterized as dating or socializing; or

58 (D) [~~a person~~] an individual who provides services such as singing telegrams, birthday  
59 greetings, or similar activities that are characterized by an appearance in a public place,  
60 contracted for by a party other than the [~~person~~] individual for whom the service is being  
61 performed, and of a duration not to exceed one hour.

62 (d) "Escort service" means any person who furnishes or arranges for an escort to  
63 accompany another individual for compensation.

64 (e) "Nude or partially denuded individual" means an individual with any of the  
65 following less than completely and opaquely covered:

66 (i) genitals;

67 (ii) the pubic region; or

68 (iii) a female breast below a point immediately above the top of the areola.

69 (f) (i) "Sexually oriented business" means a business at which any nude or partially  
70 denuded individual, regardless of whether the nude or partially denuded individual is an  
71 employee of the sexually oriented business or an independent contractor, performs any service  
72 for compensation.

73 (ii) "Sexually oriented business" includes:

74 (A) an escort service; or

75 (B) an adult service.

76 (2) [~~A person~~] An individual employed in a sexually oriented business may not work in  
77 a municipality if:

78 (a) the municipality requires that [~~a person~~] an individual employed in a sexually  
79 oriented business obtain an individual license; and

80 (b) the [~~person~~] individual has not obtained an individual license from the  
81 municipality.

82 (3) A business entity or sole proprietorship that conducts a sexually oriented business  
83 may not conduct business in a municipality if:

84 (a) (i) the municipality requires that a sexually oriented business obtain a license; and

85 [~~(b)~~] (ii) the business entity has not obtained a license from the municipality[.]; or

86 (b) the business entity or sole proprietorship fails to ensure that each owner, employee,  
87 or independent contractor of the sexually oriented business completes the Human Trafficking

88 Education program established in Section 67-5-36.

89 (4) If a municipality requires a business entity or sole proprietorship that conducts a  
90 sexually oriented business to obtain a licence, the municipality shall include as a requirement  
91 of the license that the business entity or sole proprietorship provide documentation  
92 demonstrating that each owner, employee, or independent contractor of the sexually oriented  
93 business completes the Human Trafficking Education Program established in Section 67-5-36.

94 (5) The requirement described in Subsection (3)(b) applies regardless of whether the  
95 municipality requires a sexually oriented business to obtain a business license.

96 [~~4~~] (6) (a) A violation of this section by an individual who is at least 18 years old, a  
97 sole proprietorship, or a business entity is a class A misdemeanor.

98 (b) A person charged under this section may not also be charged under Section  
99 76-10-1302.

100 (7) Within one year after the day on which the Office of the Attorney General provides  
101 notice in accordance with Subsection 67-5-36(7):

102 (a) a business entity or sole proprietorship that conducts a sexually oriented business  
103 shall comply with Subsection (3)(b); and

104 (b) a municipality requiring a sexually oriented business to obtain a license, shall  
105 comply with the requirements of Subsection (4).

106 Section 2. Section 17-50-331 is amended to read:

107 **17-50-331. Regulation of sexually oriented business.**

108 (1) As used in this section:

109 (a) "Adult service" means dancing, serving food or beverages, modeling, posing,  
110 wrestling, singing, reading, talking, listening, or other performances or activities conducted by  
111 a nude or partially denuded individual for compensation.

112 (b) "Compensation" means:

113 (i) a salary;

114 (ii) a fee;

115 (iii) a commission;

116 (iv) employment;

117 (v) a profit; or

118 (vi) other pecuniary gain.

119 (c) (i) "Escort" means [~~a person~~] an individual who, for compensation, dates, socializes  
120 with, visits, consorts with, or accompanies another, or offers to date, consort with, socialize  
121 with, visit, or accompany another:

122 (A) to a social affair, entertainment, or a place of amusement; or

123 (B) within[~~-(H)~~] a place of public or private resort[~~-(H)~~], a business or commercial  
124 establishment[~~-(H)~~], or a private quarter.

125 (ii) "Escort" does not mean [~~a person~~] an individual who provides business or personal  
126 services, including:

127 (A) a licensed private nurse;

128 (B) an aide for the elderly or [~~a person~~] an individual with a disability;

129 (C) a social secretary or similar service personnel[~~-(H)~~] whose relationship with a  
130 patron is characterized by a contractual relationship having a duration of 12 hours or more[  
131 ~~and (H)~~] and who provides a service not principally characterized as dating or socializing; or

132 (D) [~~a person~~] an individual who provides services such as singing telegrams, birthday  
133 greetings, or similar activities[~~-(H)~~] that are characterized by an appearance in a public  
134 place[~~-(H)~~], contracted for by a party other than the [~~person~~] individual for whom the service is  
135 being performed[~~-(H)~~], and of a duration not to exceed one hour.

136 (d) "Escort service" means any person who furnishes or arranges for an escort to  
137 accompany another individual for compensation.

138 (e) "Nude or partially denuded individual" means an individual with any of the  
139 following less than completely and opaquely covered:

140 (i) genitals;

141 (ii) the pubic region; or

142 (iii) a female breast below a point immediately above the top of the areola.

143 (f) (i) "Sexually oriented business" means a business at which any nude or partially  
144 denuded individual, regardless of whether the nude or partially denuded individual is an  
145 employee of the sexually oriented business or an independent contractor, performs any service  
146 for compensation.

147 (ii) "Sexually oriented business" includes:

148 (A) an escort service; or

149 (B) an adult service.

150 (2) ~~[A person]~~ An individual employed in a sexually oriented business may not work in  
151 the unincorporated area of a county if:

152 (a) ~~[if]~~ the county requires that ~~[a person]~~ an individual employed in a sexually  
153 oriented business be licensed individually; and

154 (b) ~~[if the person]~~ the individual is not licensed by the county.

155 (3) A business entity or sole proprietorship that conducts a sexually oriented business  
156 may not conduct business in an unincorporated area of a county if:

157 (a) (i) ~~[if]~~ the county requires that a sexually oriented business be licensed; and

158 ~~[(b)]~~ (ii) ~~[if]~~ the business entity is not licensed by the county~~[-]~~; or

159 (b) the business entity or sole proprietorship fails to ensure that each owner, employee,  
160 or independent contractor of the sexually oriented business completes the Human Trafficking  
161 Education program established in Section [67-5-36](#).

162 (4) If a county requires a business entity or sole proprietorship that conducts a sexually  
163 oriented business to obtain a licence, the county shall include as a requirement of the license  
164 that the business entity or sole proprietorship provide documentation demonstrating that each  
165 owner, employee, or independent contractor of the sexually oriented business completes the  
166 Human Trafficking Education Program established in Section [67-5-36](#).

167 (5) The requirement described in Subsection (3)(b) applies regardless of whether the  
168 county requires a sexually oriented business to obtain a business license.

169 (6) Within one year after the day on which the Office of the Attorney General provides  
170 notice in accordance with Subsection [67-5-36](#)(7):

171 (a) a business entity or sole proprietorship that conducts a sexually oriented business  
172 shall comply with Subsection (3)(b); and

173 (b) a county requiring a sexually oriented business to obtain a license, shall comply  
174 with the requirements of Subsection (4).

175 Section 3. Section **67-5-36** is enacted to read:

176 **67-5-36. Human Trafficking Education Program -- Creation -- Content --**  
177 **Enforcement.**

178 (1) As used in this section:

179 (a) "Human trafficking" means the act of forcing or coercing an individual to perform  
180 some type of labor or sexual act.

181 (b) "Program" means the Human Trafficking Education Program created in this  
182 section.

183 (2) There is created the Human Trafficking Education Program.

184 (3) The Office of the Attorney General shall develop and manage the program.

185 (4) The Office of the Attorney General shall contract with a reputable organization that  
186 operates primarily to combat human trafficking to:

187 (a) develop or access content for the program that meets the requirements of  
188 Subsection (5);

189 (b) develop or access an online platform to provide public access to the program that  
190 meets the requirements of Subsection (4); and

191 (c) update the program's content as relevant data and information develop within the  
192 human trafficking subject area, or as otherwise needed.

193 (5) The Human Trafficking Education Program shall:

194 (a) provide an online, research-based education course that informs participants of:

195 (i) the various forms of human trafficking currently in practice;

196 (ii) the common characteristics of victims of human trafficking;

197 (iii) how to identify a human trafficking operation or a victim of human trafficking;

198 (iv) the best practices for assisting a victim or suspected victim of human trafficking;

199 (v) current resources available to victims of human trafficking; and

200 (vi) other information relevant to preventing human trafficking, identifying and  
201 reporting human trafficking, and assisting victims of human trafficking;

202 (b) be available to the public without charge on an online platform;

203 (c) test a participant of the program throughout the course to ensure the participant's  
204 understanding of the information presented; and

205 (d) generate a certificate of completion for an individual completing the full course.

206 (6) Completion of the program is mandatory for any employee of a sexually oriented  
207 business as defined in Sections [10-8-41.5](#) and [17-50-331](#).

208 (7) The Office of the Attorney General shall provide written notice to each county and  
209 municipality when development of the program is complete and the program is accessible to  
210 the public.