

**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:

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

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



28 ENACTS:

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



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

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

82 (b) the individual has not completed the Human Trafficking Education Program  
83 established in Section 67-5-36.

84 (3) (a) If a municipality requires an individual employed in a sexually oriented business  
85 to obtain an individual license, the municipality shall include as a requirement of the license  
86 that the individual complete the Human Trafficking Education Program established in Section  
87 67-5-36.

88 (b) The requirement described in Subsection (2)(b) applies regardless of whether the  
89 municipality requires an individual employed in a sexually oriented business to obtain an

90 individual license.

91 [~~(3)~~] (4) A business entity that conducts a sexually oriented business may not conduct  
92 business in a municipality if:

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

94 (b) the business entity has not obtained a license from the municipality.

95 [~~(4)~~] (5) (a) A violation of this section by an individual who is at least 18 years old is a  
96 class A misdemeanor.

97 (b) [~~A person~~] An individual charged under this section may not also be charged under  
98 Section 76-10-1302.

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

100 **17-50-331. Regulation of sexually oriented business.**

101 (1) As used in this section:

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

105 (b) "Compensation" means:

106 (i) a salary;

107 (ii) a fee;

108 (iii) a commission;

109 (iv) employment;

110 (v) a profit; or

111 (vi) other pecuniary gain.

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

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

116 (B) within[~~;~~(H)] a place of public or private resort[~~;~~(H)], a business or commercial  
117 establishment[~~;~~or(H)], or a private quarter.

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

120 (A) a licensed private nurse;

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

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

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

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

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

133 (i) genitals;

134 (ii) the pubic region; or

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

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

140 (ii) "Sexually oriented business" includes:

141 (A) an escort service; or

142 (B) an adult service.

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

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

147 ~~[(b)]~~ (ii) ~~[if the person]~~ the individual is not licensed by the county~~[-];~~ or

148 (b) the individual has not completed the Human Trafficking Education Program  
149 established in Section 67-5-36.

150 (3) (a) If a county requires that an individual employed in a sexually oriented business  
151 obtain an individual license, the county shall include as a requirement of the license that the

152 individual demonstrate that the individual has completed the Human Trafficking Education  
153 Course established in Section 67-5-36.

154 (b) The requirement described in Subsection (2)(b) applies regardless of whether the  
155 county requires an individual employed in a sexually oriented business to obtain an individual  
156 license.

157 ~~[(3)]~~ (4) A business entity that conducts a sexually oriented business may not conduct  
158 business in an unincorporated area of a county if:

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

160 (b) ~~[if]~~ the business entity is not licensed by the county.

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

162 **67-5-36. Human Trafficking Education Program -- Creation -- Content --**  
163 **Enforcement.**

164 (1) As used in this section:

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

167 (b) "Program" means the Human Trafficking Education Program created in this  
168 section.

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

170 (3) The Attorney General shall develop and manage the program.

171 (4) The Attorney General shall contract with a reputable organization that operates  
172 primarily to combat human trafficking to:

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

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

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

179 (5) The Human Trafficking Education Program shall:

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

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

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

- 183            (iii) how to identify a human trafficking operation or a victim of human trafficking;  
184            (iv) the best practices for assisting a victim or suspected victim of human trafficking;  
185            (v) current resources available to victims of human trafficking; and  
186            (vi) other information relevant to preventing human trafficking, identifying and  
187 reporting human trafficking, and assisting victims of human trafficking;  
188            (b) be available to the public without charge on an online platform;  
189            (c) test a participant of the program throughout the course to ensure the participant's  
190 understanding of the information presented; and  
191            (d) generate a certificate of completion for an individual completing the full course.  
192            (6) Completion of the program is mandatory for any employee of a sexually oriented  
193 business as defined in Sections [10-8-41.5](#) and [17-50-331](#).