



February 17, 2015

SENATE BILL No. 296

DIGEST OF SB 296 (Updated February 12, 2015 2:04 pm - DI 55)

Citations Affected: IC 7.1-3.

Synopsis: Adult entertainment performers. Requires a holder of a retailer's permit that provides adult entertainment on the licensed premises to: (1) require adult entertainment performers to provide proof of age and proof of legal residency; (2) take a photograph of each adult entertainer who auditions to provide adult entertainment at the licensed premises and retain the photograph for at least three years; (3) require all employees to sign a document acknowledging their awareness of the problem of human trafficking; (4) display human trafficking awareness posters in at least two places in the licensed premises; and (5) cooperate with any law enforcement investigation. Authorizes the alcohol and tobacco commission to suspend, revoke, or refuse to renew a retailer's permit if the permit holder fails to comply with these requirements.

Effective: July 1, 2015.

**Buck, Alting, Arnold J, Banks A,
Randolph, Houchin**

January 8, 2015, read first time and referred to Committee on Commerce & Technology.
February 16, 2015, amended, reported favorably — Do Pass.

SB 296—LS 7109/DI 87



February 17, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 296

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-3-23-20.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 20.5. (a) As used in this section,**
4 **"adult entertainment" means adult oriented entertainment in**
5 **which performers disrobe or perform in an unclothed state for**
6 **entertainment.**
7 **(b) This section applies to the holder of a retailer's permit that**
8 **provides adult entertainment on the licensed premises.**
9 **(c) The holder of a retailer's permit that provides adult**
10 **entertainment on the licensed premises shall do the following:**
11 **(1) Require a performer who provides adult entertainment on**
12 **the licensed premises to provide proof of age by two (2) forms**
13 **of government issued identification, including a:**
14 **(A) state issued driver's license;**
15 **(B) state issued identification card; or**
16 **(C) passport;**

SB 296—LS 7109/DI 87



- 1 showing the performer to be at least eighteen (18) years of
 2 age.
 3 **(2) Require a performer who provides adult entertainment on**
 4 **the licensed premises to provide proof of legal residency in the**
 5 **United States by means of:**
 6 **(A) a birth certificate;**
 7 **(B) a Social Security card;**
 8 **(C) a passport;**
 9 **(D) valid documentary evidence described in IC 9-24-9-2.5;**
 10 **or**
 11 **(E) other valid documentary evidence issued by the United**
 12 **States demonstrating that the performer is entitled to**
 13 **reside in the United States.**
 14 **(3) Take a photograph of each adult entertainer who auditions**
 15 **to provide adult entertainment at the licensed premises at the**
 16 **time of the audition and retain the photograph for at least**
 17 **three (3) years after:**
 18 **(A) the date of the audition; or**
 19 **(B) the last day on which the performer provides adult**
 20 **entertainment at the licensed premises;**
 21 **whichever is later. A photograph taken under this subdivision**
 22 **must show the adult entertainer's facial features.**
 23 **(4) Require all performers and other employees of the retail**
 24 **permit holder to sign a document approved by the**
 25 **commission to acknowledge their awareness of the problem of**
 26 **human trafficking.**
 27 **(5) Display human trafficking awareness posters in at least**
 28 **two (2) of the following locations on the licensed premises:**
 29 **(A) The office of the manager of the licensed premises.**
 30 **(B) The locker room used by performers or other**
 31 **employees.**
 32 **(C) The break room used by performers or other**
 33 **employees.**
 34 **Posters displayed under this subdivision must describe human**
 35 **trafficking, state indicators of human trafficking (such as**
 36 **restricted freedom of movement and signs of physical abuse),**
 37 **set forth hotline telephone numbers for law enforcement, and**
 38 **be approved by the commission.**
 39 **(6) Cooperate with any law enforcement investigation**
 40 **concerning allegations of a violation of this section.**
 41 **(d) The commission may revoke, suspend, or refuse to renew the**
 42 **permit issued for the licensed premises if the holder fails to comply**



1 with subsection (c).
2 (e) In determining whether to revoke, suspend, or refuse to
3 renew the permit issued for a licensed premises under subsection
4 (d), the commission may consider:
5 (1) the extent to which the permit holder has cooperated with
6 any law enforcement investigation as required by subsection
7 (c)(6); and
8 (2) whether the permit holder has provided training to
9 performers who provide adult entertainment at the permit
10 holder's licensed premises and other employees of the licensed
11 premises through a program that:
12 (A) is designed to increase the awareness of human
13 trafficking and assist victims of human trafficking; and
14 (B) has been approved by:
15 (i) a department of the United States government; or
16 (ii) a nationwide association made up of operators who
17 run adult entertainment establishments.



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred Senate Bill No. 296, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, delete "means of" and insert "**two (2) forms of government issued identification, including**".

Page 2, between lines 12 and 13, begin a new line block indented and insert the following:

"(3) Take a photograph of each adult entertainer who auditions to provide adult entertainment at the licensed premises at the time of the audition and retain the photograph for at least three (3) years after:

(A) the date of the audition; or

(B) the last day on which the performer provides adult entertainment at the licensed premises;

whichever is later. A photograph taken under this subdivision must show the adult entertainer's facial features.

(4) Require all performers and other employees of the retail permit holder to sign a document approved by the commission to acknowledge their awareness of the problem of human trafficking.

(5) Display human trafficking awareness posters in at least two (2) of the following locations on the licensed premises:

(A) The office of the manager of the licensed premises.

(B) The locker room used by performers or other employees.

(C) The break room used by performers or other employees.

Posters displayed under this subdivision must describe human trafficking, state indicators of human trafficking (such as restricted freedom of movement and signs of physical abuse), set forth hotline telephone numbers for law enforcement, and be approved by the commission.

(6) Cooperate with any law enforcement investigation concerning allegations of a violation of this section."

Page 2, after line 15, begin a new paragraph and insert:

"(e) In determining whether to revoke, suspend, or refuse to renew the permit issued for a licensed premises under subsection (d), the commission may consider:

(1) the extent to which the permit holder has cooperated with



any law enforcement investigation as required by subsection (c)(6); and

(2) whether the permit holder has provided training to performers who provide adult entertainment at the permit holder's licensed premises and other employees of the licensed premises through a program that:

(A) is designed to increase the awareness of human trafficking and assist victims of human trafficking; and

(B) has been approved by:

(i) a department of the United States government; or

(ii) a nationwide association made up of operators who run adult entertainment establishments.".

and when so amended that said bill do pass.

(Reference is to SB 296 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0.

