

Human Trafficking Alcohol Retailer's Responsibilities

Effective March 21, 2016, Indiana Code 7.1-3-23-20.5 was amended under SEA 14. Please note the changes in red.

7.1-3-23-20.5 under SEA 532 requires the following:

Sec. 20.5. (a) As used in this section, "adult entertainment" means adult oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

(b) This section applies to the holder of a retailer's permit that provides adult entertainment on the licensed premises.

(c) The holder of a retailer's permit that provides adult entertainment on the licensed premises shall do the following:

(1) Require a performer who provides adult entertainment on the licensed premises to provide proof of age **by at least one (1)** form of government issued identification, including a:

- (A) state issued driver's license;
- (B) state issued identification card; or
- (C) passport;

showing the performer to be at least eighteen (18) years of age.

(2) Require a performer who provides adult entertainment on the licensed premises to provide proof of legal residency in the United States by means of:

- (A) a birth certificate;
- (B) a Social Security card;
- (C) a passport;
- (D) valid documentary evidence described in IC 9-24-9-2.5; or
- (E) other valid documentary evidence issued by the United States

demonstrating that the performer is entitled to reside in the United States.

(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 **only** 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.

(d) The commission may revoke, suspend, or refuse to renew the permit issued for the licensed premises if the holder fails to comply with subsection (c).

(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.

Adult Entertainment will include ANY alcohol retailer that brings onto their premise or allows to be brought onto their premise exotic dancers, lingerie shows, cabaret shows, burlesque shows or like thereof even if the event is a one (1) time occurrence.

If you have any questions regarding 7.1-3-23-20.5, please contact Sgt. Swallow at humantrafficking@atc.in.gov