

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 262 Session of 2015

INTRODUCED BY BAKER, BLOOM, BISHOP, BENNINGHOFF, V. BROWN, O'BRIEN, KAUFFMAN, KNOWLES, D. COSTA, COHEN, REESE, HARHART, MARSICO, KORTZ, MURT, DeLUCA, A. HARRIS, PHILLIPS-HILL, CUTLER, GINGRICH, TOPPER, FEE, MCGINNIS, MALONEY, DUSH, KRIEGER, LAWRENCE, GILLEN, PICKETT, LONGIETTI, READSHAW, HARPER, M. K. KELLER, PETRARCA, HICKERNELL, BARBIN, GRELL, METCALFE, SONNEY, SACCONI, EVERETT, QUIGLEY, DIAMOND, QUINN, GREINER, DIGIROLAMO, ROEBUCK, EMRICK, GIBBONS, MACKENZIE, HELM, PYLE, BOBACK, MUSTIO, RAPP, MAJOR, REGAN, COX, DEAN, F. KELLER, ZIMMERMAN, MATZIE AND SCHLEGEL CULVER, FEBRUARY 3, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2015

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
 2 Pennsylvania Consolidated Statutes, in adult-oriented
 3 establishments, further providing for legislative findings
 4 and intent, for definitions and for requirements for adult-
 5 oriented establishments; providing for registration of
 6 employees of adult-oriented establishments, for certain
 7 prohibited acts and for duties of department; further
 8 providing for civil action to enjoin or abate violations and
 9 for penalty; and providing for training course, for appeals,
 10 for regulations and for severability.

11 The General Assembly of the Commonwealth of Pennsylvania
 12 hereby enacts as follows:

13 Section 1. Section 5501(a)(1), (2) introductory paragraph,
 14 (ii), (iv) and (v) and (b) of Title 68 of the Pennsylvania
 15 Consolidated Statutes are amended and subsection (a)(2) is
 16 amended by adding subparagraphs to read:

17 § 5501. Legislative findings and intent.

1 (a) Findings.--The General Assembly finds as follows:

2 (1) There are within this Commonwealth a number of
3 adult-oriented establishments which require special
4 regulation by law and supervision by public safety agencies
5 in order to prevent sex trafficking and to protect and
6 preserve the health, safety and welfare of the patrons and
7 employees of these establishments, as well as the health,
8 safety and welfare of the citizens of this Commonwealth.

9 (2) Statistics and studies performed in a substantial
10 number of communities in this Commonwealth[, in] and
11 throughout the United States [and by the State of Delaware]
12 indicate that:

13 * * *

14 (ii) the closed booths, cubicles, studios and rooms
15 and holes in partitions between booths, cubicles, studios
16 and rooms have been used by employees, patrons, clients
17 or customers of adult-oriented establishments for the
18 purpose of engaging in sexual acts;

19 * * *

20 (iv) doors, curtains, blinds and/or other closures
21 installed in or on the entrances or exits, or both, of
22 the booths, cubicles, studios and rooms which are closed
23 while the booths, cubicles, studios and rooms are in use
24 encourage patrons using the booths, cubicles, studios and
25 rooms to engage in sexual acts in the closures and
26 through holes in partitions between the closures with
27 employees, prostitutes, patrons, clients or customers,
28 thereby promoting and encouraging prostitution and the
29 commission of sexual acts which result in the direct
30 exchange of bodily fluids which put the participants at

1 high risk for contracting communicable diseases,
2 including AIDS, and which cause blood, semen and urine to
3 be deposited on the floors or walls, or both, of the
4 booths, cubicles, studios and rooms, which deposits could
5 prove detrimental to the health and safety of other
6 persons who may come in contact with such deposits; [and]

7 (iv.1) many persons, particularly women and even
8 minors, have been exploited by being forced to work in
9 adult-oriented establishments or in adult entertainment
10 against their will at risk of violence or deportation;

11 (iv.2) sexual exploitation often results in
12 prostitution;

13 (iv.3) persons who lack documentation are often
14 trafficked to the United States against their will and
15 are more likely to be subject to exploitation and moved
16 from location to location to prevent detection;

17 (iv.4) adult-oriented establishments are associated
18 with a wide variety of harmful secondary effects, such as
19 illicit sexual activities, criminal activities and
20 negative impacts on surrounding property values,
21 including the businesses and residential areas adjacent
22 to the establishments;

23 (iv.5) the General Assembly seeks to stop sex
24 trafficking and to minimize and control the harmful
25 secondary effects of adult-oriented establishments by
26 protecting the citizens of this Commonwealth from
27 increased crime, preserving the quality of life for
28 employees of adult-oriented establishments and
29 maintaining the property values and character of the
30 surrounding neighborhoods;

1 (iv.6) alcohol consumption impairs judgment and
2 lowers inhibitions, which increases the risk of adverse
3 secondary effects;

4 (iv.7) alcohol consumption increases sexual
5 aggression, particularly in a sexually charged
6 environment, putting patrons and employees at risk and
7 increasing demand for commercial sex;

8 (iv.8) women face a higher risk of sexual
9 victimization at adult-oriented establishments,
10 particularly when alcohol is present; and

11 (v) the reasonable regulation and supervision of
12 such adult-oriented establishments tend to discourage sex
13 trafficking, sexual acts and prostitution and thereby
14 promote the health, safety and welfare of the employees,
15 patrons, clients and customers of these establishments.

16 * * *

17 (b) Intent.--It is not the intent of the General Assembly in
18 enacting this legislation to deny to any person rights of speech
19 protected by the Constitution of the United States or the
20 Constitution of Pennsylvania, or both, nor is it the intent of
21 the General Assembly to impose by this chapter any additional
22 limitations or restrictions on the contents of any communicative
23 materials, including sexually oriented films, performances,
24 videotapes, books and other materials. It is also not the intent
25 of the General Assembly to restrict persons from voluntarily
26 seeking employment in adult-oriented establishments. Further, by
27 enacting this legislation, the General Assembly does not intend
28 to deny or restrict the rights of any adult to obtain or view,
29 or both, any sexually oriented materials protected by the
30 Constitution of the United States or the Constitution of

1 Pennsylvania, or both, nor does it intend to restrict or deny
2 any constitutionally protected rights that distributors or
3 exhibitors of sexually oriented materials may have to sell,
4 distribute or exhibit these materials.

5 Section 2. The definitions of "adult entertainment," "adult-
6 oriented establishment," "employee," "inspector" and "sexual
7 activities" in section 5502 of Title 68 are amended and the
8 section is amended by adding definitions to read:

9 § 5502. Definitions.

10 The following words and phrases when used in this chapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 * * *

14 "Adult cabaret." A nightclub, bar, juice bar, restaurant,
15 bottle club or similar commercial establishment, whether or not
16 alcoholic beverages are served, that regularly features live
17 performances that are characterized by the exposure of specified
18 anatomical areas or specified sexual activities.

19 "Adult entertainment."

20 (1) An exhibition of any adult-oriented motion pictures,
21 meaning those distinguished or characterized by an emphasis
22 on matter depicting, describing or relating to specified
23 sexual activities or specified anatomical areas.

24 (2) A live performance, display or dance of any type
25 which has as a significant or substantial portion of the
26 performance [any actual or simulated performance of]
27 depicts specified sexual activities or exhibition and viewing
28 of specified anatomical areas[, removal of articles of
29 clothing or appearing unclothed, pantomiming, modeling or any
30 other personal services offered customers].

1 * * *

2 "Adult-oriented establishment." The term includes, without
3 limitation, the following establishments when operated for
4 profit, whether direct or indirect:

5 (1) Adult bookstores.

6 (2) Adult motion picture theaters.

7 (3) Adult mini-motion picture theaters.

8 (3.1) Adult cabarets.

9 (4) Any premises to which the public, patrons or members
10 are invited or admitted and which are so physically arranged
11 as to provide booths, cubicles, rooms, studios, compartments
12 or stalls separate from the common areas of the premises for
13 the purpose of viewing adult-oriented motion pictures or
14 where an entertainer regularly provides adult entertainment
15 to a member of the public, a patron or a member.

16 [(5) An adult entertainment studio or any premises that
17 are physically arranged and used as such, whether advertised
18 or represented as an adult entertainment studio, rap studio,
19 exotic dance studio, encounter studio, sensitivity studio,
20 modeling studio or any other term of like import.]

21 (6) Any business offering the service of an escort.

22 The term "booths, cubicles, rooms, studios, compartments or
23 stalls" for purposes of defining "adult-oriented establishments"
24 does not mean enclosures which are private offices used by the
25 owner, manager or persons employed on the premises for attending
26 to the tasks of their employment, and which are not held out to
27 the public for the purpose of viewing motion pictures or other
28 entertainment for a fee, and which are not open to any persons
29 other than employees.

30 "Commercial sex act." Any sexual activity, including sexual

1 intercourse, deviate sexual intercourse or indecent contact, in
2 which anything of monetary value is given to another or received
3 by another.

4 "Department." The Department of State of the Commonwealth.

5 "Employee." [Any and all persons, including independent
6 contractors, who work in or at or render any service directly
7 related to the operation of an adult-oriented establishment.]
8 Any person who performs any service on the premises of an adult-
9 oriented establishment, on a full-time, part-time or contract
10 basis, whether or not the person is an employee, independent
11 contractor or agent. The term does not include a person
12 exclusively on the premises for repair or maintenance of the
13 premises or for the delivery of goods to the premises.

14 * * *

15 "Escort." A person who, for consideration, agrees or offers
16 to:

17 (1) privately model lingerie with the intention and
18 purpose of providing sexual stimulation or sexual
19 gratification to the customer;

20 (2) privately disrobes for another person with the
21 intention of providing sexual stimulation or sexual
22 gratification to the customer;

23 (3) come to the specified location for the purpose of
24 disrobing and providing sexual stimulation or sexual
25 gratification to the customer; or

26 (4) perform a massage, where one or more of the persons
27 engaging in the massage is nude or seminude, for the purpose
28 of providing sexual stimulation or sexual gratification to
29 the customer.

30 "Influential interest." Any of the following:

1 (1) Having the legal authority to manage or control
2 operations, policies and procedures.

3 (2) Holding a management position in a legal entity that
4 has the legal authority to manage or control operations,
5 policies and procedures.

6 (3) Having an ownership of a financial interest of no
7 less than 30%.

8 "Inspector." An employee of the department authorized and
9 designated by the department, a municipality's public health
10 department authorized and designated by the director of the
11 department, an employee of a municipality's department of
12 inspections and permits authorized and designated by the
13 director of the department, an employee of a municipality's
14 police department authorized by the commanding officer of the
15 police department or other persons designated by the governing
16 body of a municipality to inspect premises regulated under this
17 chapter to cooperate in taking the required actions authorized
18 by this chapter where violations are found on a premises and to
19 request correction of unsatisfactory conditions found on a
20 premises.

21 * * *

22 "Registrant." A person, employee, partnership or corporation
23 that submits a registration form under section 5503(e) (relating
24 to requirements for adult-oriented establishments) or 5503.1(b)
25 (relating to registration of employees of adult-oriented
26 establishments).

27 "Sex trafficking." The recruitment, harboring,
28 transportation or obtaining of a person for a commercial sex act
29 when it is induced by force, fraud or coercion.

30 "Sexual activities." Includes sexual intercourse, as defined

1 in 18 Pa.C.S. § 3101 (relating to definitions), masturbation,
2 sadism, masochism, bestiality, fellatio, cunnilingus, lewd
3 exhibition of the genitals or nudity if the nudity is depicted
4 for purposes of sexual stimulation or gratification. The term
5 does not include any of the following:

6 (1) Medical publications or films or bona fide
7 educational publications or films.

8 (2) Any art or photography publications that devote no
9 less than 25% of the lineage of each issue to articles and
10 advertisements dealing with subjects of art or photography.

11 (3) Any news periodical that reports or describes
12 current events and from time-to-time publishes photographs of
13 nude or seminude persons in connection with the dissemination
14 of the news.

15 (4) Any publications or films that describe and report
16 different cultures and from time-to-time publish or show
17 photographs or depictions of nude or seminude persons when
18 describing cultures in which nudity or seminudity is
19 indigenous to the populations.

20 * * *

21 "Specified criminal activity." A violation of any of the
22 following for which less than two years have elapsed since the
23 date of conviction or the date of release from confinement
24 imposed for the conviction, if the conviction was a result of a
25 crime that is no less than a misdemeanor of the third degree,
26 less than five years have elapsed since the date of conviction
27 or the date of release from confinement imposed for the
28 conviction, if the conviction was a result of a crime that is no
29 less than a felony of the third degree or less than five years
30 have elapsed since the date of the conviction or the date of

1 release from confinement imposed for the conviction, if the
2 conviction is no less than a misdemeanor of the third degree
3 occurring within 24 months after a conviction of a crime that is
4 not less than a misdemeanor of the third degree:

5 (1) Section 13 of the act of April 14, 1972 (P.L.233,
6 No.64), known as The Controlled Substance, Drug, Device and
7 Cosmetic Act.

8 (2) The provisions of 18 Pa.C.S. § 911 (relating to
9 corrupt organizations).

10 (3) The provisions of 18 Pa.C.S. § 2709.1 (relating to
11 stalking).

12 (4) The provisions of 18 Pa.C.S. § 3011 (relating to
13 trafficking in individuals).

14 (5) The provisions of 18 Pa.C.S. Ch. 31 (relating to
15 sexual offenses).

16 (6) The provisions of 18 Pa.C.S. § 5901 (relating to
17 open lewdness).

18 (7) The provisions of 18 Pa.C.S. § 5902 (relating to
19 prostitution and related offenses).

20 (8) The provisions of 18 Pa.C.S. § 5903 (relating to
21 obscene and other sexual materials and performances).

22 (9) The provisions of 18 Pa.C.S. § 6301 (relating to
23 corruption of minors).

24 (10) The provisions of 18 Pa.C.S. § 6312 (relating to
25 sexual abuse of children).

26 (11) The provisions of 18 Pa.C.S. 6318 (relating to
27 unlawful contact with minor).

28 (12) The provisions of 18 Pa.C.S. § 6320 (relating to
29 sexual exploitation of children).

30 (13) Any Federal law, State law or law of any other

1 state, equivalent to a violation under paragraph (1), (2),
2 (3), (4), (5), (6), (7), (8), (9), (10), (11) or (12).

3 * * *

4 "Valid photographic ID." A Federal or State-issued
5 photographic identification that, on its face, establishes the
6 age and identity of the bearer. The term does not include any of
7 the following:

8 (1) An identification that is expired, defaced,
9 mutilated or altered.

10 (2) An educational institution identification card.

11 (3) A check cashing identification card.

12 (4) An employee identification card.

13 Section 3. Section 5503 of Title 68 is amended by adding
14 subsections to read:

15 § 5503. Requirements for adult-oriented establishments.

16 * * *

17 (e) Establishment registration.--An adult-oriented
18 establishment may not operate unless the establishment registers
19 with the department on a form provided by the department in
20 accordance with subsection (f).

21 (f) Registration form.--The registration form under
22 subsection (e) shall include, if applicable, all of the
23 following:

24 (1) If the registration form is being submitted by a
25 person, the person's name and any aliases and proof that the
26 person is at least 18 years of age.

27 (2) If the registration form is being submitted by a
28 partnership, the name of the partnership and its partners.

29 (3) If the registration form is being submitted by a
30 corporation, the name of the corporation, the date of its

1 incorporation, the type or classification of the corporation,
2 the names and capacities of its officers and directors.

3 (4) If the registrant operates the adult-oriented
4 establishment or intends to operate the proposed adult-
5 oriented establishment under a name other than that of the
6 registrant, the name of the adult-oriented establishment or
7 proposed adult-oriented establishment.

8 (5) Whether or not any person with an influential
9 interest in the adult-oriented establishment or proposed
10 adult-oriented establishment has been convicted of a crime
11 and, if applicable, the crime committed and the date, place
12 and jurisdiction of the conviction.

13 (6) The specific classification of the adult-oriented
14 establishment or proposed adult-oriented establishment.

15 (7) The address and telephone number of the adult-
16 oriented establishment.

17 (8) The registrant's mailing address.

18 (9) A copy of a valid photographic ID of the registrant.

19 (10) A statement of whether or not any person with an
20 influential interest in the adult-oriented establishment or
21 proposed adult-oriented establishment had an influential
22 interest in any other adult-oriented establishment that has
23 been declared a public nuisance within the previous five
24 years and, if applicable, the name and address of the adult-
25 oriented establishment, the case number and court in which
26 the declaration was issued.

27 (11) A sketch or diagram drawn to a designated scale
28 showing the configuration of the proposed adult-oriented
29 establishment, including the total floor space to be occupied
30 by the proposed adult-oriented establishment. Nothing in this

1 paragraph shall be construed to require the registrant to
2 submit a professionally prepared sketch or diagram.

3 (12) A \$300 registration fee.

4 (g) Employment changes.--An adult-oriented establishment
5 shall provide notice to the department if:

6 (1) the adult-oriented establishment hires or terminates
7 an employee; or

8 (2) an employee has voluntarily ceased employment at the
9 adult-oriented establishment for more than 30 days, whether
10 or not the employee intends to maintain employment at the
11 adult-oriented establishment.

12 (h) Signage.--An adult-oriented establishment shall post the
13 signage as required under section 3 of the act of October 25,
14 2012 (P.L.1618, No.197), known as the National Human Trafficking
15 Resource Center Hotline Notification Act.

16 Section 4. Title 68 is amended by adding sections to read:
17 § 5503.1. Registration of employees of adult-oriented
18 establishments.

19 (a) Employee registration.--A person may not be employed in
20 an adult-oriented establishment unless the person registers by
21 submitting a registration form to the department in accordance
22 with subsection (b) to enable the department to determine
23 whether or not the person is prohibited from employment in an
24 adult-oriented establishment under this chapter.

25 (b) Registration form.--The registration form under
26 subsection (a) shall include, if applicable, all of the
27 following:

28 (1) The person's full name and any aliases, including
29 "stage" names.

30 (2) The person's age, date of birth and place of birth.

1 (3) The person's height, weight and hair and eye color.

2 (4) The person's home address and telephone number.

3 (5) The person's place of employment, including the
4 address and telephone number of the place of employment.

5 (6) A copy of a valid photographic ID that indicates
6 the person is at least 18 years of age.

7 (7) A statement of whether or not the person has been
8 convicted of a crime and, if applicable, the crime committed
9 and the date, place and jurisdiction of the conviction.

10 (8) A statement of whether or not the person has been a
11 victim of sex trafficking.

12 (9) A statement of whether or not the person has
13 previously been denied registration or been subject to a
14 revocation of the person's registration.

15 (10) A passport-size photograph of the person.

16 (11) A \$50 registration fee.

17 § 5505.1. Certain prohibited acts.

18 (a) Nudity prohibited.--A person may not knowingly or
19 intentionally appear nude or seminude in an adult-oriented
20 establishment unless the person is:

21 (1) an employee of the adult-oriented establishment;

22 (2) at least six feet from any patron, client or
23 customer; and

24 (3) on a stage at least two feet above the floor.

25 (b) Alcohol prohibited.--

26 (1) Notwithstanding any other provision of law, an
27 adult-oriented establishment may not serve or allow liquor,
28 malt or brewed beverages on its premises.

29 (2) This subsection shall apply to adult-oriented
30 establishments operating on or after the effective date of

1 this paragraph.

2 § 5505.2. Duties of department.

3 (a) Employer registration.--

4 (1) No later than 30 days upon receipt of a registration
5 form under section 5503(e) (relating to requirements for
6 adult-oriented establishments), the department shall provide
7 documentation to the registrant via first class mail stating
8 that:

9 (i) the adult-oriented establishment has registered
10 in accordance with section 5503 and the date of
11 registration; or

12 (ii) the adult-oriented establishment has failed to
13 register with the department in accordance with section
14 5503 and the reasons for the failure.

15 (2) The documentation under paragraph (1)(ii) shall be
16 prominently displayed at the adult-oriented establishment.

17 (b) Employee registration.--

18 (1) No later than 30 days upon receipt of a
19 registration form under 5503.1(b) (relating to registration
20 of employees of adult-oriented establishments), the
21 department shall provide to the registrant via first class
22 mail:

23 (i) if the registrant is an employee that has
24 registered in accordance with section 5503.1, a
25 photographic ID card of the employee; or

26 (ii) documentation stating that the registrant has
27 failed to register in accordance with section 5503.1 and
28 the reasons for the failure.

29 (2) The photographic ID card under paragraph (1)(ii)
30 shall be:

1 (i) maintained on the premises of the adult-oriented
2 establishment when the employee is working; and

3 (ii) upon request, provided to the department or an
4 inspector.

5 (c) Registration revocation.--The department shall provide a
6 notice of revocation via first class mail to a registrant if:

7 (1) the registrant provided false information on the
8 registration form under section 5503(e) or 5503.1(b);

9 (2) the registrant is 17 years of age or younger; or

10 (3) the registrant has committed a specified criminal
11 activity.

12 (d) Investigations.--

13 (1) The department shall conduct periodic investigations
14 to verify that the information provided under sections
15 5503(e) and 5503.1(b) is factual and monitor the activities
16 of adult-oriented establishments and employees.

17 (2) The department shall share the information acquired
18 under paragraph (1) with inspectors as necessary to enforce
19 the provisions of this chapter.

20 (e) Coordination.--The department shall share the
21 information obtained in accordance with this chapter with law
22 enforcement personnel and prosecutors seeking to investigate
23 human trafficking or any violation of this chapter.

24 Section 5. Section 5506(a) and (b) (1) of Title 68 are
25 amended and the section is amended by adding a subsection to
26 read:

27 § 5506. Civil action to enjoin or abate violations.

28 (a) Action [authorized] to enjoin or abate violations.--

29 (1) An action to enjoin or abate a violation of this
30 chapter may be brought in the name of the Commonwealth of

1 Pennsylvania by:

2 (i) the Attorney General[,];

3 (ii) the district attorney of the county [concerned
4 or] in which the adult-oriented establishment is located;

5 (iii) the solicitor of the municipality in which the
6 adult-oriented establishment is located[.]; or

7 (iv) the property owner or resident of a property
8 within one-half mile of where the adult-oriented business
9 is located.

10 (2) The action under paragraph (1) shall be brought and
11 tried as an action in equity in the court of common pleas of
12 the county in which the adult-oriented establishment is
13 located.

14 (a.1) Action sex trafficking victims.--

15 (1) An employee who is a victim of sex trafficking as a
16 result of employment with an adult-oriented establishment
17 may bring an action for appropriate relief, including actual
18 damages, compensatory damages, punitive damages, injunctive
19 relief and attorney fees and costs, against the adult-
20 oriented establishment. Punitive damages may only be awarded
21 upon showing proof by a preponderance of evidence that the
22 adult-oriented establishment committed sex trafficking with
23 malice, oppression or fraud.

24 (2) In addition to the remedies provided under this
25 title, a prevailing plaintiff under paragraph (1) may be
26 awarded not more than the plaintiff's actual damages
27 multiplied by three or \$10,000, whichever is greater.

28 (3) Any restitution paid by an adult-oriented
29 establishment to a victim of sex trafficking shall be
30 credited against any damages under this subsection.

1 (b) Procedure.--

2 [(1) If it is made to appear, by affidavits or
3 otherwise, to the satisfaction of the court that a violation
4 exists, a temporary writ of injunction shall forthwith issue,
5 directed to the operator of the adult entertainment
6 establishment or the owner of the premises, or both,
7 restraining the operator or owner from continuing or
8 permitting the continuation of any violation or violations of
9 this chapter until the conclusion of the hearing and a
10 decision by the court. No bond shall be required in
11 instituting such proceedings. This chapter, insofar as it
12 provides for methods of service and bond, shall not be deemed
13 to be suspended or affected by the Pennsylvania Rules of
14 Civil Procedure governing the action in equity.]

15 * * *

16 Section 6. Section 5508 of Title 68 is amended to read:

17 § 5508. [Penalty] Penalties.

18 (a) General rule.--A person violating any provision of this
19 chapter commits a summary offense and shall, upon conviction, be
20 sentenced to pay a fine of not more than \$300 or to imprisonment
21 for not more than 90 days, or both.

22 (b) Other penalties.--

23 (1) If a person with an influential interest in an
24 adult-oriented establishment has been convicted of a
25 specified criminal activity, the adult-oriented establishment
26 shall be closed until:

27 (i) the specified criminal activity has lapsed; or

28 (ii) the person no longer has an influential
29 interest, whichever is earlier.

30 (2) If an adult-oriented establishment has not

1 registered in accordance with section 5503(e) and (f)
2 (relating to requirements for adult-oriented establishments),
3 the adult-oriented establishment shall be closed until the
4 adult-oriented establishment registers in accordance with
5 section 5503(e) and (f).

6 (3) If an adult-oriented establishment has knowingly
7 employed a person who has not registered in accordance with
8 section 5503.1(a) and (b) (relating to registration of
9 employees of adult-oriented establishments), the adult-
10 oriented establishment shall be closed until:

11 (i) the person registers in accordance with section
12 5503.1(a) and (b); or

13 (ii) the person ceases employment at the adult-
14 oriented establishment.

15 (4) If an adult-oriented establishment fails to comply
16 with this title for the first time, it shall be closed until
17 the adult-oriented establishment complies with this section.

18 (5) If an adult-oriented establishment fails to comply
19 with this title for a second time, the adult-oriented
20 establishment shall be closed:

21 (i) for no less than 30 days; or

22 (ii) until the adult-oriented establishment complies
23 with this title, whichever is later.

24 (6) If an adult-oriented establishment fails to comply
25 with this title for a third or subsequent time, the adult-
26 oriented establishment shall be closed:

27 (i) for no less than 180 days; or

28 (ii) until the adult-oriented establishment complies
29 with this title, whichever is later.

30 (7) In addition to the closure requirements under this

1 subsection, if an adult-oriented establishment has knowingly
2 provided false information in the registration form under
3 section 5503(f), the adult-oriented establishment shall be
4 closed for not less than 30 days.

5 (8) In addition to the closure requirements under this
6 subsection, if an adult-oriented establishment has knowingly
7 allowed sexual activity to occur on its premises, the adult-
8 oriented establishment shall be closed for no less than 90
9 days.

10 (9) In addition to the closure requirements under this
11 subsection, if an adult-oriented establishment has knowingly
12 allowed the possession, use or sale of a controlled substance
13 as defined in section 2 of the act of April 14, 1972
14 (P.L.233, No.64), known as The Controlled Substance, Drug,
15 Device and Cosmetic Act, on the premises, the adult-oriented
16 establishment shall be closed for no less than one year.

17 (10) In addition to the closure requirements under this
18 subsection, if an adult-oriented establishment has knowingly
19 allowed prostitution on its premises, the adult-oriented
20 establishment shall be closed for no less than one year.

21 (11) Notwithstanding any other provision of law, if an
22 adult-oriented establishment has employed, paid or utilized
23 the services of a person who is a victim of sex trafficking,
24 the adult-oriented establishment shall be closed permanently.

25 Section 7. Title 68 is amended by adding sections to read:

26 § 5510. Training course.

27 The Pennsylvania Commission on Crime and Delinquency shall
28 develop a training course for prosecutors, law enforcement
29 personnel, probation and parole officers, juvenile detention
30 center staff and staff workers in shelters to assist them in

1 identifying victims of human trafficking and in investigating
2 and prosecuting those persons and entities responsible for human
3 trafficking.

4 § 5511. Appeals.

5 Any determination by the department under this chapter may be
6 appealed in accordance with 2 Pa.C.S. (relating to
7 administrative law and procedure).

8 § 5512. Regulations.

9 The department shall promulgate regulations necessary to
10 administer this chapter.

11 § 5513. Severability.

12 The provisions of this chapter are severable. If any
13 provision of this chapter or its application to any person or
14 circumstance is held invalid, the invalidity shall not affect
15 other provisions or applications of this chapter which can be
16 given effect without the invalid provision or application.

17 Section 8. This act shall apply to actions initiated on or
18 after the effective date of this section.

19 Section 9. This act shall take effect in 60 days.