

# INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Committee of proponents, who are registered voters of the City of Los Angeles, sponsoring the petition:

Gerard Kenslea, Michael Weinstein, Marijane Jackson, Arlette De La Cruz, Mark Roy McGrath

**As required by the Charter, the City Attorney has prepared the following official petition title, and official petition summary of the primary provisions of this initiative ordinance measure to be adopted by the City Council or submitted directly to the voters.**

## **ADULT FILM INDUSTRY; USE OF CONDOMS; FILM PERMITS.**

### **INITIATIVE ORDINANCE.**

**The proposed ordinance would require any person or entity directly engaged in the creation of adult films who is issued a permit under the authority of the City of Los Angeles (City) for commercial filming of an adult film to maintain engineering and work practice controls, including the provision of and required use of condoms, sufficient to protect employees from exposure to blood or other potentially infectious materials consistent with state law. The proposed ordinance also would require that any film permit issued under authority of the City for commercial filming of an adult film be conditioned on compliance with this requirement and include language regarding the obligation to comply with applicable workplace health and safety regulations. The proposed ordinance also would require the City to charge applicants seeking permits for production of adult films a fee sufficient to pay for periodic inspections. The proposed ordinance would amend the Los Angeles City Municipal Code.**

### TEXT OF THE PROPOSED MEASURE

#### **CITY OF LOS ANGELES SAFER SEX IN THE ADULT FILM INDUSTRY ACT**

##### **Section 1. Title.**

This ordinance shall be known and may be cited as the City of Los Angeles Safer Sex In The Adult Film Industry Act.

##### **Section 2. Findings and Declaration.**

The people of the City of Los Angeles hereby find and declare all of the following:

- (a) The HIV/AIDS crisis, and the ongoing epidemic of sexually transmitted infections as a result of the making of adult films, has caused a negative impact on public health and the quality of life of citizens living in Los Angeles.
- (b) Safer sex practices are a prime method of preventing and reducing the spread of HIV/AIDS and other sexually transmitted infections.
- (c) The Los Angeles County Department of Public Health has documented widespread transmission of sexually transmitted infections associated with the activities of the adult film industry within the City of Los Angeles.
- (d) The Los Angeles County Department of Public Health has opined that the use of condoms is the best and most effective way to stem the spread of sexually transmitted infections within the adult film industry.
- (e) Multiple organizations committed to protecting the public health have called for mandatory use of condoms in the production of adult films, including the American Medical Association, the American Public Health Association, the California Conference of Local AIDS Directors, the California STD Controllers Association, the National Coalition of STD Directors, the National Association of City and County Health Officials, AIDS Healthcare Foundation and the California Medical Association.
- (f) Producers of adult films are required by California Code of Regulations Title 8, Section 5193 to use barrier protection, including condoms, to protect employees during the production of adult films.
- (g) Many producers of adult films in Los Angeles consistently violate the worker safety provisions of California Code of Regulations Title 8, section 5193.
- (h) Pursuant to Section 12.22(A)(13) of the Los Angeles Planning and Zoning Code, producers of all films within the City of Los Angeles, including adult films, are required to obtain film permits. Permits issued pursuant to Section 12.22(A)(13) may contain conditions “consistent with public health, safety

and general welfare.”

- (i) Permits for adult films are currently conditioned with language stating “INTERIOR AND EXTERIOR NUDITY OR SEXUAL ACTIVITY MUST NOT BE VISIBLE OR AUDIBLE BY THE PUBLIC.”
- (j) The City or any person or entity acting on its behalf to issue or process film permits may charge permittees fees in conjunction with the issuance of film permits. Such fees may include fees to provide for inspectors to ensure compliance with conditions on film permits.

### **Section 3. Purpose and Intent.**

The people of the City of Los Angeles hereby declare their purpose and intent in enacting this ordinance to be to minimize the spread of sexually transmitted infections resulting from the production of adult films in the City of Los Angeles, which have caused a negative impact on public health and the quality of life of citizens living in Los Angeles.

### **Section 4.**

Section 12.22.1 is hereby added to the Los Angeles Planning and Zoning Code to read as follows:

#### **SECTION 12.22.1**

#### **SAFER SEX**

#### **CHAPTER 1**

#### **SAFER SEX; SHORT TITLE AND PUBLIC POLICY**

##### **12.22.1(A). Short Title.**

This chapter shall be known as the City of Los Angeles Safer Sex In The Adult Film Industry Act.

##### **12.22.1(B). Use of Condoms In The Making of Adult Films**

- (1) An “adult film” is defined as any film, video, multimedia or other representation of sexual intercourse in which performers actually engage in oral, vaginal, or anal penetration, including but not limited to penetration by a penis, finger, or inanimate object; oral contact with the anus or genitals of another performer; and/or any other activity that may result in the transmission of blood and/or any other potentially infectious materials as defined in California Code of Regulations, Title 8, Section 5193(b).
- (2) “Producer of adult film” is defined as any person or entity directly engaged in the creation of adult films.
- (3) “Filmed” and “filming” refer to the recording of any adult film, regardless of media.
- (4) All producers of adult films issued permits under the authority of the City of Los Angeles or the Los Angeles Police Department pursuant to Section 12.22(A)(13) of this Code or any other law authorizing the issuance of permits for commercial filming are required to maintain engineering and work practice controls sufficient to protect employees from exposure to blood and/or any other potentially infectious materials controls consistent with California Code of Regulations, Title 8, Section 5193. Engineering and work practice controls include, but are not limited to:
  - (a) Simulation of sex acts using acting, production and post-production techniques;
  - (b) Ejaculation outside workers’ bodies;
  - (c) Provision of and required use of condoms whenever acts of vaginal or anal sex are performed during the production of an adult film; and
  - (d) The provision of condom-safe water-based or silicone-based lubricants to facilitate the use of condoms.
- (5) Any film permit issued under the authority of the City of Los Angeles or the Los Angeles Police Department pursuant to Section 12.22(A)(13) of this Code or any other law authorizing the issuance of permits for commercial filming for the production of an adult film must expressly condition said permit on compliance with subsection (4) of this section. Any such permit shall contain the following language: “Permittee must abide by all applicable workplace health and safety regulations, including California Code of Regulations Title 8, Section 5193, which mandates barrier protection, including condoms, to shield performers from contact with blood or other potentially infectious material during the production of films.”
- (6) The City shall charge, or shall direct any other person or entity contracting with the City to administer the film permitting process, to charge, entertainment industry customers seeking permits for the production of adult films a fee sufficient to allow periodic inspections to ensure compliance with the conditions set forth in Section 12.22.1(B)(4).

**Section 5. Competing Measures**

In the event that this measure and another measure or measures relating to the permit process for adult films shall appear on the same ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other relating to the permit process for adult films shall be null and void.

**Section 6. Amendment and Repeal.**

This chapter may be amended to further its purposes by ordinance passed by a majority vote of the Council and approved by the Mayor.

This chapter may not be repealed, except by an ordinance proposed either by petition or by the Council at its own instance and adopted by a vote of the electors, or by an amendment of the charter superseding the ordinance.

**Section 7. Severability**

If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of the Act are severable.

**NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.**

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**AFFIDAVIT OF CIRCULATOR**

I, \_\_\_\_\_, do hereby certify that I am registered to vote or qualified to register to vote in the State of California; that my  
(full name of circulator)  
 present, precise address is \_\_\_\_\_; that I was at least 18  
(complete residential address including number, street, city, state and zip code)  
 years of age at the time I circulated this petition for signatures; that each signature on the attached sheets is genuine and was affixed thereto, on the date shown, in my presence by a separate individual who to me declared himself or herself at the time of signing to be a qualified, registered voter of the City of Los Angeles and actually residing at the address as above set forth; that each signer's name and address on the attached sheets was either personally written by that signer or completed by someone acting with the authority and on the direction of that signer; and that all of the sheets constituting this petition were fastened together at the time the signatures were appended thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_, CA.  
(day) (month) (year) (City)

Signature of Circulator \_\_\_\_\_  
(complete signature indicating full name of circulator)