

**CITY COUNCIL RESEARCH DIVISION  
LEGISLATIVE SUMMARY**



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**Bill Type and Number:** Ordinance 2023-161

**Introducer/Sponsor(s):** Council Member Cumber

**Date of Introduction:** February 28, 2023

**Committee(s) of Reference:** NCSPHS, R

**Date of Analysis:** March 2, 2023

**Type of Action:** Ordinance Code amendment; request for emergency passage on introduction

**Bill Summary:** The bill amends Ordinance Code Chapter 150 – Adult Entertainment and Services Code – to remove language regarding the effective date of the prohibition of performers under the age of 21. It amends Chapter 151 – Dancing Entertainment Establishment Code – to create a new Section 151.104 – Performer Age Restriction – and to remove language elsewhere in the chapter regarding the effective date of the prohibition of performers under the age of 21 and regarding prohibition against issuing a work identification card to any applicant who has been convicted of “any human trafficking-related charge”. Emergency passage on first reading is requested.

**Background Information:** In 2022 the City Council enacted legislation prohibiting persons under the age of 21 from being licensed to perform in adult and dancing entertainment establishments, which included language making the prohibition effective either when the action was determined by a court to be constitutional or at such time as the City was not otherwise prohibited from enforcing it. That ordinance was challenged in court by dancing establishment operators and the court has just ruled that the City’s ban is constitutional. This amendment removes the contingent effective date language as no longer being necessary given the court’s ruling in order to make the ban immediately effective. Additionally, the court ruled that the provision disqualifying a performer from maintaining a work identification card when he or she was convicted of “any human trafficking related charge” was unconstitutionally vague and provided the Sheriff with too much discretion to disqualify a performer, so that disqualifier is being removed.

**Policy Impact Area:** Adult entertainment regulation; human trafficking prevention

**Fiscal Impact:** None to City

**Analyst:** Clements