

Date of Hearing: April 2, 2024

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, AND TOURISM

Mike Gipson, Chair

AB 1966 (Davies) – As Introduced January 30, 2024

SUBJECT: Human trafficking: notice: primary ticket sellers

SUMMARY: This bill would require primary ticket sellers to add notices relating to commercial sex and labor trafficking to electronic confirmations when a mobile or electronic ticket to an event at entertainment facility is purchased.

Specifically, **this bill:**

- 1) Defines “entertainment facility” as a publicly or privately owned place of entertainment with a capacity of over 15,000 people, including, but not limited to, an arena, auditorium, concert hall, live performance venue, museum, racetrack, stadium, theater, or other place where entertainment events are presented for a price of admission. The facility does not have to be used exclusively for entertainment events. The term does not apply to an amusement park or fairground.
- 2) Defines “primary ticket seller” as a primary contractor as defined in Section 22503.5 of the Business and Professions Code (BPC), ticket seller, or agent of the primary contractor or ticket seller that engages in the primary sale of tickets for an event.
- 3) Requires primary ticket sellers, upon the purchase of a mobile or electronic ticket for an event at an entertainment facility, to include the following notice with ticket purchase confirmations sent electronically to the buyer:

“If you or someone you know is being forced to engage in commercial sex or labor trafficking, call the National Human Trafficking Hotline at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.

It is a felony in California to knowingly engage in commercial trafficking and perpetrators of this offense shall be prosecuted under the law.”

EXISTING LAW:

- 1) Defines a ticket seller as any person who for compensation, commission, or otherwise sells admission tickets to sporting, musical, theatre, or any other entertainment event. (BPC Division 8, Chapter 21. Ticket Sellers, Section 22503). Clarifies that the following are not ticket sellers subject to the various sections BPC Chapter 21:
 - a) Any primary contractor or seller of tickets for the primary contractor operating under a written contract with the primary contractor. “Primary contractor” means the person or organization responsible for the event for which tickets are being sold. (BPC 22503.5)

- b) An officially appointed agent of an air carrier, ocean carrier or motor coach carrier who purchases or sells tickets in conjunction with a tour package accomplished through the primary event promoter or their agent by written agreement. (BPC 22503.6)
 - c) Any person who sells six tickets or less to any one single event, provided the tickets are sold off the premises where the event is to take place, including, but not limited to, designated parking areas and points of entry to the event. (BPC 22504)
 - d) Any nonprofit charitable tax-exempt organization selling tickets to an event sponsored by the organization. (BPC 22511)
- 2) Establishes, under federal law, the crimes of kidnapping in interstate or foreign commerce, peonage, slavery, involuntary servitude, forced labor, and trafficking in persons, and provides for criminal and civil penalties. (18 U.S.C. Secs. 1201, 1581 – 1597)
 - 3) Recognizes, under the federal Victims of Trafficking and Violence Protection Act of 2000, the prevalence of continued human trafficking domestically and abroad, and delineates various federal actions to combat trafficking, punish perpetrators, and provide services to victims of trafficking. (22 U.S.C. Section 7101 *et seq.*)
 - 4) Provides that any person who deprives or violates the personal liberty of another with the intent to effect or maintain prostitution, pimping, child pornography, extortion, obscene live conduct, or to obtain forced labor or services is guilty of human trafficking. (Penal Code Section 236.1)
 - 5) Requires the operators of bars, adult or sexually oriented businesses, massage businesses that are not licensed by a central massage licensing authority, specified airports, rail stations, bus stations, truck stops, emergency rooms with general acute care hospitals, urgent care centers, facilities that provide pediatric care, farm labor contractors, privately operated job recruitment centers, roadside rest stops, hotels, motels, bed and breakfast inns, and hair, nail, electrolysis, and skin care and other related businesses or establishments to post a notice publicizing human trafficking resources and requires the notice to be posted in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted. (Civil Code (CIV) Section 52.6 (a))
 - 6) Subjects a facility or business required to post a publicizing human trafficking resources to civil penalties for failure to post the notice. (CIV 52.6 (h))

FISCAL EFFECT: None. This measure has been keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) Author's statement. According to the author, "Human Trafficking is one of the most heinous crimes a person can commit. California has taken bold leadership in recent years to curb this dangerous and illicit business. Victims are often robbed of both personal and economic freedom. AB 1966 is a common-sense measure to ensure that when someone purchases an electronic ticket to an event they receive a notice detailing the resources available to victims, including past, present and future. Knowledge is power and the more outreach that can be done, the more we can hopefully prevent new victims."

- 2) Background. This bill expands the state's attempts to curb human trafficking by requiring primary ticket sellers to include information about commercial sex and labor trafficking on electronic confirmations sent to the purchasers of mobile or electronic tickets to events at entertainment facilities, as defined. Specifically, the electronic confirmation, typically sent as an e-mail after the purchase of a ticket is complete, would include the phone numbers for the National Human Trafficking Hotline and the California Coalition to Abolish Slavery and Trafficking (CAST). It would also include a notice stating that knowingly engaging in commercial trafficking is a felony, and that perpetrators of this offense will be prosecuted under the law.

On the state Attorney General's website, human trafficking is identified as being among the world's fastest growing criminal enterprises.¹ It is estimated to be a \$150 billion-a-year global industry, and is a form of modern day slavery that profits from the exploitation of our most vulnerable populations. One common misperception is that human trafficking requires movement across borders. In reality, it involves controlling a person or group through force, fraud, or coercion to exploit the victims for forced labor, sexual exploitation, or both. This can occur entirely within a single country or it can cross borders.

The International Labor Organization estimates that there are more than 24.9 million human trafficking victims worldwide at any time. This includes 16 million victims of labor exploitation, 4.8 million victims of sexual exploitation, and 4.1 million victims of state imposed forced labor. The victims of human trafficking are often young girls and women. Young girls and women are 57.6% of forced labor victims and 99.4% of sex trafficking victims. However, it is important to note that not all sex trafficking happens to women and girls. Boys, men and transgender individuals are also trafficked and are often overlooked as potential victims.

In 2013, the State enacted Senate Bill 1193 (Steinberg), which added Section 52.6 to the California Civil Code. Section 52.6 mandates that specified businesses and other establishments are required to post a human trafficking model notice created by the Attorney General's Office. This model notice must include information related to support and services available to human trafficking victims and be posted in a conspicuous place in full view of the public. Numerous bills have expanded on section 52.6, as seen in the Prior and Related Legislation below.

- 3) A focus on entertainment and ticketed events. Although there is no definitive data that correlates increases in labor and sex trafficking to major events such as the Super Bowl, it is recognized that these events can serve as a way to increase public outreach and awareness of human trafficking.² With many professional sports teams, stadiums, and concert venues located in California, and with the 2026 FIFA World Cup, the 2027 Super Bowl, and the 2028 Summer Olympic and Paralympic Games coming to the state as well, notices attached to the confirmation e-mails for tickets purchased for these types of events will provide useful tools and information to attendees about resources available to report suspected trafficking incidents.

¹ <https://oag.ca.gov/human-trafficking>

² <https://www.ijm.org/news/is-the-super-bowl-the-largest-human-trafficking-event-in-the-world>

The two hotlines identified on this bill as well as previous legislation related to human trafficking are the National Human Trafficking Hotline and Coalition to Abolish Slavery and Trafficking (CAST). In 2021, the Human Trafficking Hotline received 51,073 signals, meaning phone calls, texts, online chats, emails, and online tip reports. Those signals included 13,277 from victims or survivors of human trafficking. Since the hotline's inception, they have received 399,494 signals, identified 82,301 cases of human trafficking, and identified 164,839 victims in those cases.³ According to CAST's 2023 impact report, the organization received 1,751 hotline calls, and provided services to 1,273 survivors and their families.⁴

- 4) Arguments in support. According to the Little Hoover Commission in support, "In its 2020 report, *Labor Trafficking: Strategies to Uncover this Hidden Crime*, the Commission found that detecting labor trafficking is particularly daunting, as few understand the nature of the crime and to the unsuspecting observer, the work itself may appear legitimate. Increasing public awareness of trafficking crimes may help with both victim identification and crime prevention. However, labor trafficking is often neglected in human trafficking public awareness campaigns. The Commission recommended that California conduct public education and outreach campaigns to increase awareness of all forms of human trafficking. AB 1966 would further the goals of this recommendation. For this reason, the Little Hoover Commission supports this bill."
- 5) Policy considerations. This bill only applies to primary ticket sellers, and therefore the notice related to commercial sex or labor trafficking would only be included on the confirmation for the initial sale of a ticket. As this bill moves forward, the author may wish to include tickets sold on the secondary ticket market as well, in order to ensure that the consumer whom ultimately attends the event for which the ticket was purchased receives the appropriate notice and information included in this bill.
- 6) Prior and related legislation.
 - a) AB 1740 (Sanchez), Chapter 104, Statutes of 2023, required facilities providing pediatric services, defined as a medical facility that provides medical services rendered by any licensed physician to persons from birth to 21 years of age, including attendance at labor and delivery, to post a notice publicizing human trafficking resources in a conspicuous place near the public entrance of an establishment
 - b) AB 1788 (Cunningham), Chapter 760, Statutes of 2022, created civil penalties for hotels for instances of human trafficking that specified employees knew of, recklessly disregarded, or knowingly benefitted from and failed to report to either law enforcement or an appropriate victim services hotline within 24 hours. The bill authorized civil penalties up to \$5,000 for violations.
 - c) AB 1661 (Davies), Chapter 106, Statutes of 2022, required hair, nail, electrolysis, and skin care, and other related businesses or establishments subject to regulation pursuant to the Barbering and Cosmetology Act to post a notice in the establishment containing

³ <https://humantraffickinghotline.org/en/statistics>

⁴ <https://www.castla.org/impact-report-2023/>

specified information about resources available to survivors of slavery and human trafficking.

- d) AB 2318 (Boerner Horvath) from 2020 would have added short-term rentals to the list of businesses and establishments required to post human trafficking notices. Due to bill limits imposed by the onset of the COVID-19 pandemic, this bill was held in Assembly Judiciary.
- e) AB 260 (Santiago), Chapter 547, Statutes of 2017, included hotels, motels, and bed and breakfast inns in the list of establishments required to post human trafficking notices.
- f) SB 1193 (Steinberg), Chapter 515, Statutes of 2012, required specified businesses most often connected with human trafficking to post informational signs at the business entrance or in other areas visible to employees and the public. These signs, posted in English, Spanish, and any other language widely spoken in the county, identify trafficking, state its illegality, and that victims are protected under U.S. law. Each sign provides two toll-free, anonymous hotline numbers for victims or members of the public to call to seek help or report unlawful or suspicious activity.

REGISTERED SUPPORT / OPPOSITION:

Support

California District Attorneys Association
Little Hoover Commission

Opposition

None on file.

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