

Senate Bill 280

Sponsored by Senator TAYLOR (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies that "live entertainer" is employee and not independent contractor.

Prohibits live entertainment facility from employing or otherwise permitting person to perform live entertainment at facility unless person is live entertainer who is 18 years of age or older.

Requires operator of live entertainment facility to submit name and proof of age of live entertainers who are employed at facility to Bureau of Labor and Industries.

Authorizes Commissioner of Bureau of Labor and Industries to establish by rule registration system for purpose of tracking and verifying ages of live entertainers employed by live entertainment facilities. Directs bureau to adopt rules necessary to implement requirements of Act.

A BILL FOR AN ACT

1
2 Relating to live entertainment facilities; creating new provisions; and amending ORS 651.200 and
3 651.205.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 651.200 is amended to read:

6 651.200. As used in this section and ORS 651.205 **and section 3 of this 2019 Act:**

7 (1) **"Employ" has the meaning given that term in ORS 653.010.**

8 (2) **"Employee" has the meaning given that term in ORS 652.310.**

9 (3)(a) **"Live entertainer" means an employee who performs live entertainment at a live**
10 **entertainment facility.**

11 (b) **"Live entertainer" does not mean an independent contractor.**

12 [(1)] (4) **"Live entertainment" means a presentation given in major part by humans to a live**
13 **audience.**

14 [(2)] (5) **"Live entertainment facility" means a place of public accommodation:**

15 (a) That contains 600 or fewer fixed seats;

16 (b) That is operated for profit;

17 (c) That is privately owned;

18 (d) For which the performance of live entertainment is a contributing factor in the generation
19 of revenue for the facility; and

20 (e) For which the number of live [*entertainment contractors*] **entertainers** exceeds the number
21 of employees of the facility **who are not live entertainers** for at least two days during each week
22 that the facility is open to the public.

23 **SECTION 2.** ORS 651.205 is amended to read:

24 651.205. (1) The operator of a live entertainment facility shall display the poster developed by
25 the Commissioner of the Bureau of Labor and Industries under subsection (2) of this section in a
26 conspicuous manner in a sufficient number of places in the [*establishment*] **live entertainment fa-**
27 **ility** to be read by all persons working in the [*establishment*] **facility.**

28 (2)(a) The Commissioner of the Bureau of Labor and Industries shall develop a poster that in-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 cludes:

2 (A) A summary of the rights of [*independent contractors and employees who perform live enter-*
3 *tainment*] **live entertainers**;

4 (B) A description of the services offered through and the toll-free telephone number of the live
5 entertainer hotline established under subsection (3) of this section; and

6 (C) Any additional information determined to be necessary by the commissioner.

7 (b) The Bureau of Labor and Industries shall publish the poster developed by the commissioner
8 under this subsection on the bureau’s website and shall make the poster available to the public at
9 no cost.

10 (3)(a) The bureau shall implement and maintain a toll-free telephone hotline to receive inquiries
11 and complaints related to employment in the performance of live entertainment.

12 (b) A caller to the hotline may remain anonymous and may request that the inquiry or complaint
13 remain confidential.

14 (c) The bureau shall staff the hotline on a half-time basis with a person or persons who have a
15 background in providing live entertainment [*as an independent contractor*] or a background in the
16 operation of a crisis line.

17 (d) The bureau may share information that has not been designated confidential by a hotline
18 caller with agencies participating in the Interagency Compliance Network established under ORS
19 670.700, law enforcement agencies or any other agency designated by the commissioner.

20 **SECTION 3. (1) A live entertainment facility may not employ, hire or otherwise permit**
21 **a person to perform live entertainment at a live entertainment facility unless the person is:**

22 (a) **At least 18 years of age or older; and**

23 (b) **A live entertainer.**

24 (2) **An operator of a live entertainment facility shall submit the following information to**
25 **the Bureau of Labor and Industries in the form and manner prescribed by the Commissioner**
26 **of the Bureau and Labor and Industries by rule:**

27 (a) **The name and age of each live entertainer who is employed at the live entertainment**
28 **facility; and**

29 (b) **Proof that each live entertainer is 18 years of age or older.**

30 (3)(a) **The commissioner by rule shall establish a registration system for the purpose of**
31 **tracking and verifying the age of live entertainers who are employed by a live entertainment**
32 **facility.**

33 (b) **The bureau shall adopt any other rules as may be necessary to implement the re-**
34 **quirements of this section.**