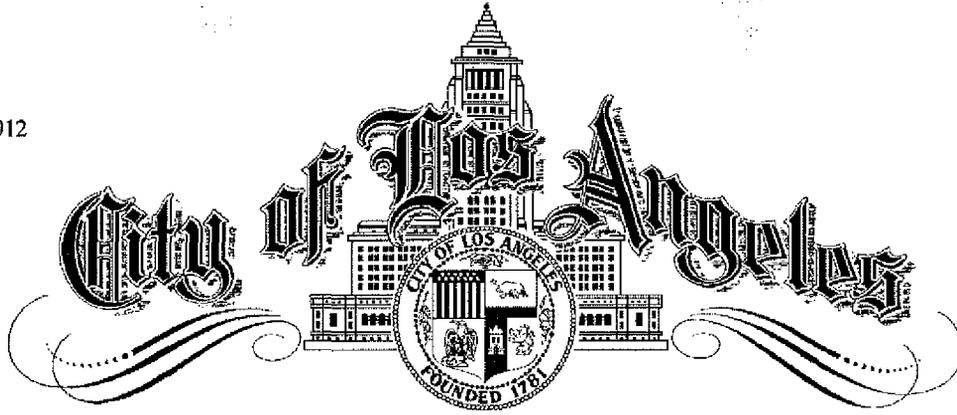


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 13 - 0072
MAR 19 2013

REPORT RE:

AN ORDINANCE AMENDING SECTION 31.00 OF CHAPTER III OF THE LOS ANGELES MUNICIPAL CODE TO ADOPT THE LOS ANGELES COUNTY HEALTH REGULATIONS RELATING TO THE USE OF CONDOMS BY PERFORMERS WHEN FILMING A COMMERCIAL ADULT FILM, THUS AUTHORIZING COUNTY ENFORCEMENT OF THE HEALTH REGULATIONS WITHIN THE CITY, AND A DRAFT ORDINANCE AMENDING SECTION 12.22.1 OF THE LOS ANGELES MUNICIPAL CODE TO REQUIRE THE USE OF CONDOMS WHEN FILMING AN ADULT FILM

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

On January 22, 2013, your Honorable Body requested that this Office 1) draft an ordinance that would adopt Los Angeles County Code Section 11.39, which requires the producers of adult films to apply for, and obtain, a Los Angeles County health permit for use in the filming of adult films; and 2) prepare an ordinance that amends City Ordinance No. 181989 to include the language and intent of County Measure B.

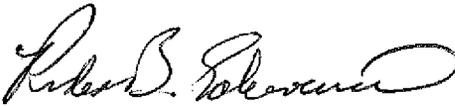
Pursuant to your request, this Office has prepared and now transmits for your consideration two draft ordinances. The first draft ordinance adopts Los Angeles County Code Section 11.39. The second draft ordinance amends City Ordinance No. 181989 to include the language and intent of County Measure B. The latter draft ordinance complies with Council's request that amending Ordinance No. 181989 "may include amending the City's Public Health Code in the Los Angeles Municipal Code or adopting the language in County Measure B with additions and exclusions necessary to

implement the intent of Measure B in the City.” (Council Motion, January 22, 2013, CF 12-1300-S1, section 2(a).) Both draft ordinances have been approved as to form and legality.

If you have any questions regarding this matter, please contact Deputy City Attorney Kimberly Miera at (213) 978-8169. She or another member of this Office will be present when you consider this matter to answer any question you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:KM:fc
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 12.22.1 of the Los Angeles Municipal Code regarding the City of Los Angeles Safer Sex In The Adult Film Industry Act.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.22.1 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SECTION 12.22.1. CITY OF LOS ANGELES SAFER FILMING ORDINANCE.

(A) **Short Title.** This ordinance shall be known as the City of Los Angeles Safer Sex in the Adult Film Industry Act

(B) **Use of Condoms in the Making of Films Involving Exposure to Blood Borne Pathogens.**

(1) For purposes of this Section, an "Adult Film" is defined as any film, video, multimedia or other representation made for commercial purposes 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 sexual 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) For purposes of this Section, "**Producer**" is defined as any person or entity that produces, finances or directs any Adult Film

(3) For purposes of this Section, "**Filmed**" and "**Filming**" are defined as the recording of any Adult Film.

(4) No 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 any Adult Film, shall issue unless the Producer of such film provides proof of a public health permit obtained pursuant to Title 11 of Los Angeles County Code, Sections 11.39.005, et seq.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

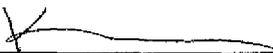
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
KIMBERLY MIERA
Deputy City Attorney

Date 3-19-13

Files No. CF 12-1300-S1

ORDINANCE NO. _____

An ordinance amending Section 31.00 of Chapter III of the Los Angeles Municipal Code to adopt the Los Angeles County health regulations relating to the use of condoms by performers when filming a commercial adult film, as defined by Los Angeles Municipal Code section 12.22.1(B)(1), thus authorizing County enforcement of those health regulations within the City.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Paragraph (F) is added to Subdivision (1) of Subsection (a) of Section 31.00 of Chapter III of the Los Angeles Municipal Code to read as follows:

(F) The provisions of Chapter 11.39 of Title 11 of the Los Angeles County Code, as enacted and referenced in Los Angeles County Ordinance 2012-0058, effective November 18, 2012, as the referenced provisions of the Los Angeles County Code may be amended from time to time, fully express the will and intention of the Council of the City of Los Angeles as to those matters relating to public health that are contained therein, and are hereby adopted and are incorporated herein by reference.

