

## Assembly Bill No. 2338

### CHAPTER 967

An act to add Article 4 (commencing with Section 1700.50) to Chapter 4 of Part 6 of Division 2 of the Labor Code, relating to talent agencies.

[Approved by Governor September 30, 2018. Filed with  
Secretary of State September 30, 2018.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2338, Levine. Talent agencies: education and training.

Existing law requires talent agencies to be licensed by the Labor Commissioner and to comply with specified employment laws applicable to talent agencies.

This bill would require a talent agency to provide educational materials on sexual harassment prevention, retaliation, and reporting resources and nutrition and eating disorders to its artists, would require those educational materials to be in a language the artist understands, and would require the licensee, as part of the application for license renewal, to confirm with the commissioner that it has and will continue to provide the relevant educational materials.

Existing law regulates the employment of minors in the entertainment industry and requires the written consent of the Labor Commissioner for a minor to take part in certain types of employment.

This bill would require, prior to the issuance of a permit to employ a minor in the entertainment industry, that an age-eligible minor and the minor's parent or legal guardian receive and complete training in sexual harassment prevention, retaliation, and reporting resources. The bill would further require a talent agency to request and retain a copy of the minor's entertainment work permit prior to representing or sending a minor artist on an audition, meeting, or interview for engagement of the minor's services.

This bill would make it a violation of existing laws for a talent agency to fail to comply with the bill's education and permit retention requirements and would authorize the commissioner to assess civil penalties of \$100 for each violation, as prescribed.

*The people of the State of California do enact as follows:*

SECTION 1. Article 4 (commencing with Section 1700.50) is added to Chapter 4 of Part 6 of Division 2 of the Labor Code, to read:

## Article 4. Education and Trainings

1700.50. (a) A licensee shall make available via electronic transmission, hard copy brochure, or through other reasonable means educational materials regarding sexual harassment prevention, retaliation, and reporting resources to an adult artist within 90 days of agreeing to representation by the licensee or agency procurement of an engagement, meeting, or interview, whichever comes first.

(b) Sexual harassment educational materials shall include, at a minimum, the components specified in the Department of Fair Employment and Housing's Form 185. Educational materials may be provided electronically, via Internet Web site, or other means.

(c) Educational materials for each artist shall be in the language understood by that artist. The licensee may comply with this language requirement either by making the educational materials available in that language or by having the educational materials presented for the artist in the language that he or she understands.

(d) The licensee shall keep a record for three years confirming that it has made available educational materials regarding sexual harassment prevention, retaliation, and reporting resources to all adult artists who have been signed for representation after the effective date of the act adding this article.

1700.51. (a) A licensee shall make available educational materials regarding nutrition and eating disorders to an adult model artist within 90 days of the date of agreeing to representation by the licensee or agency procurement of an engagement, meeting, or interview, whichever comes first.

(b) Educational materials regarding nutrition and eating disorders shall include, at a minimum, the components specified in the National Institute of Health's Eating Disorders Internet Web site at [www.nimh.nih.gov/health/topics/eating-disorders/index.shtml](http://www.nimh.nih.gov/health/topics/eating-disorders/index.shtml) or a successor Internet Web site.

(c) Educational materials regarding nutrition and eating disorders for each adult model artist shall be in the language understood by that artist. The licensee may comply with this language requirement either by making the educational materials available in the artist's native language or by having the educational materials presented for the artist in the language that he or she understands.

(d) The licensee shall keep a record for three years confirming that it has made available educational materials regarding nutrition and eating disorders to all adult model artists who have been signed for representation after the effective date of the act adding this article.

1700.52. (a) Prior to the issuance of an entertainment work permit to a minor pursuant to Section 1308.5, the parent or legal guardian of a minor between 14 to 17 years of age, inclusive, hereafter "age-eligible minor," as well as the age-eligible minor, shall receive and complete training in sexual harassment prevention, retaliation, and reporting resources.

(b) Sexual harassment prevention training shall consist of training administered by a third-party vendor, on-site, electronically, via Internet Web site, or other means. Sexual harassment prevention training shall include, at a minimum, the components specified in the Department of Fair Employment and Housing's Form 185.

(c) Training for each age-eligible minor and his or her parent or legal guardian shall be in the language understood by that person.

(d) A licensee shall request and retain a copy of the minor's entertainment work permit prior to representing or sending a minor artist on an audition, meeting, or interview for engagement of the minor's services.

1700.53. As part of the application for license renewal, in order to establish that the requirements of this article are met, a licensee shall confirm to the Labor Commissioner that it has and will continue to make available educational materials to adult artists in compliance with Sections 1700.50 and 1700.51.

1700.54. (a) It is a violation of this article for a licensee to do any of the following:

(1) Fail to ensure that educational materials are made available to an adult artist.

(2) Fail to make available educational materials in a language understood by the artist.

(3) Fail to request and retain a minor's entertainment work permit.

(b) If, upon inspection or investigation, the Labor Commissioner determines that a violation of any of the provisions listed in subdivision (a) has occurred, the Labor Commissioner may assess a civil penalty recoverable by the Labor Commissioner in the amount of one hundred dollars (\$100) for each violation. In enforcing this section, the Labor Commissioner shall take into consideration whether the violation was inadvertent, and in his or her discretion, may decide not to penalize the licensee when that violation was due to a clerical error or inadvertent mistake.