

## The Social Health of Nevada

*Leading Indicators and Quality of Life in the Silver State*

# Sex Industry and Sex Workers in Nevada

Rachel T. Macfarlane, PhD, *University of Nevada, Las Vegas*

Celene Fuller, MA, *University of Nevada, Las Vegas*

Barbara G. Brents, *University of Nevada, Las Vegas*

### Introduction

Las Vegas has long been known as the symbolic center of the commercial sex industry. Nevada is host to the only legal system of prostitution in the United States. From the early legalization of quickie divorce and marriage to the marketing of its large resorts, sexuality has been a key component of Nevada's tourist economy. If trends continue, for good or for ill, the sex industry will be an even larger part of the economy in the future.

The sex industry refers to all legal and illegal adult businesses that sell sexual products, sexual services, sexual fantasies, and actual sexual contact for profit in the commercial marketplace. The sex industry encompasses an exceedingly wide range of formal and informal, legal and illegal businesses, as well as a wide range of individuals who work in and around the industry.

This report will review the context in which sexually oriented commercial enterprises have flourished, discuss general trends in the Nevada sex industry, and make policy recommendations.

### Highlights

- The In 2016, profits for webcam hosting sites will reach between \$2 and \$3 and some estimate they will reach \$10 billion by 2020.
- The global sex toy industry globally reportedly grosses \$15 billion annually.
- Las Vegas has around 30 strip clubs, with some 12,000 dancers registered with the Las Vegas Metropolitan police department.
- Nevada is the only state in the country to legalize prostitution; legal brothels exist in 10 of Nevada's 17 counties.

### How to Cite this Report

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## The Global Sexual Economy

### *Sexualization of the Everyday*

While Nevada has a reputation as ‘Sin City,’ Nevada’s sexual economy is very much reflective of social and economic trends around the world, and in many ways little different from other large tourist cities. Globalization, migration, internet and other communication and data exchange technologies blur boundaries between nations. Consumption, not production, drives the global economy. As consumers, we now demand experience, escape, excitement, relaxation, or self-improvement in a wide variety of services. Tourism is now the world’s largest employer.

In the 21st century labor force, the informal economy is the fastest growing employment sector. In 2018, 32% of the workforce worked in part-time or independently contracted jobs (Volmer 2018). Eleven percent of the workforce works full time in the gig economy (Bureau of Labor Statistics 2017). Jobs in new service sectors involve selling core aspects of human relations, emotions, connections and performances. Services that were previously components of private personal or familial relationships such as cooking, caring, friendship, and sex, can now be purchased on the market.

In this context, sexually suggestive images and messages have become commonplace in U.S. culture and advertising. For the last several years – the commercial sexualization of everyday life has become ubiquitous and seemingly irrepressible in all forms of communications: television and online programs, radio talk shows, music videos, online and print ads, billboards, magazine covers and throughout social media.

These dizzying transformations arise in tandem with more tolerance of controversial behaviors once seen as “morally unacceptable” (Newport & Dugan 2017).

- By 2016, Gallup polls showed close to a third of the population (32%) identified as socially liberal, the highest since 1999 (Newport 2015).
- A majority of Americans morally accept same-sex relations, sex outside of marriage and having a baby outside of marriage (Newport 2015).
- More people now support legalizing prostitution than oppose it, with support increasing from 38 percent in 2012 to 49 percent in 2016 (Marist Poll 2018; ProCon 2018a).
- Issues like abortion and gay, lesbian and transgender rights remain wedge issues in political contests, even as social conservatives are decreasing in number (Newport & Dugan 2017).

In this context, we see two important trends affecting sexual commerce: the rapid growth in the size and scope of the commercial sex industry across the globe and a general mainstreaming of the industry.

## Changes in Size and Scope of the Sex Industry

Technology has transformed sexual commerce. The old methods of selling sexual fantasy and sexual services – books, magazines, blue movies, backstreet prostitution and seedy men’s clubs – has been eclipsed by a range of new commercial sexual products and services, largely thanks to digital technology. The internet not only facilitates advertising and other contact between sexual providers and consumers, but also fosters a wide array of sexual communities and new methods of service and product delivery. Consumers now have inexpensive, private access to adult content anywhere they can connect online. Some already point to a not-too-distant future where online sexual service providers can link to remotely controlled sex toys or robots. Virtual reality technology extends this even farther.

The internet has dramatically altered prostitution, the sale of direct sexual services. Street prostitution, which was always the smallest segment of the prostitution industry, has been moving indoors. Most sex workers now use digital technology to facilitate and arrange offline encounters. The ability to screen clients, communicate with other sex workers has made work online much safer to all but the most vulnerable sex workers. Digital technologies also have made it possible to buy and sell sexual services only online with only indirect contact.

Statistics on the size of the sex industry are difficult to collect. Most of the industry is underground and highly stigmatized. Numbers reported in the media are generally unreliable. Country estimates are difficult given the interconnections in global business. The United States government does not keep statistics on the sex industry, but the European Union is working toward measuring the magnitude and impact of the sex industry on Gross Domestic Product (GDP), and in a few years should be coming up with reliable estimates. Below are some estimates from the most reliable sources we found that should give a portrait of the size and scope of the various sectors in the sex industry.

- EU economists estimate that 542,000 female prostitutes worked in the European Union as of 2010 (Adair and Nezhyvenko 2017).
- UK scholars estimated the total number of prostitutes at 72,800 in 2014 (total UK population is 66.57 million). Male and transgender prostitutes are 35% of this population (Brooks-Gordon, Mai, Perry & Sanders 2015).
- UK total gross annual income earned from sex work is estimated to be \$6.7 billion (£5.09 billion) (Brooks-Gordon, Mai, Perry & Sanders 2015).
- The global sex toy industry reportedly grosses \$15 billion annually (Comella 2016).
- US strip club revenue was projected at \$6.6 billion in 2017 from an estimated 4000 establishments (Kelsey 2017).

- The U.S. adult store industry, retail sex paraphernalia, or erotica, including pornographic DVDs and magazines, sex toys and enhancement products is projected to generate \$9.5 billion in revenues in 2018, with 7,700 business employing 38,244 people (McGinley 2018a).
- According to the General Social Survey, about 38% of adults have watched a pornographic video in the last year (Smith, et al 2018).
- Over the five years to 2018, the US adult and pornographic websites industry revenue is expected to increase at an annualized rate of 10.4% to \$568.3 million. This figure includes businesses that distributes pornographic content to subscribers via the internet. It generates revenue through advertisements and membership subscriptions. The industry does not include offline distribution of pornography or live webcam shows (McGinley 2018b).
- Pornhub, the flagship site of industry leader MindGeek, is arguably the most frequently visited online porn site, with 78 billion-page views in 2014 alone (Tarrant 2016:44).
- As of 2017, Pornhub reported that 62.0% of its traffic came through mobile browsers (McGinley 2018b).
- Pay- per-view and adult video-on-demand revenue earned by cable, satellite, and telecommunications companies providing this service was about \$899 million in 2010. (Tarrant 2016:43)
- The webcam market is a multibillion-dollar business that accounts for one third of all adult entertainment revenue globally (Comella 2016).
- In the San Fernando Valley alone, the pornography industry employs 20,000 people (Tarrant 2016).
- Despite being cheaper, more accessible, and easier to discreetly consume, the percentage of men and women in the US who have viewed pornography at least once in the last year has increased only moderately since 1973. In 2014, 54% of men and 27% of women age 18-39 have viewed porn in the last year (Wright 2013; Regenerus, Gordon and Price 2016.)
- Pornography profits by major companies have dropped significantly in recent years thanks to piracy. Stolen porn impacts the industry globally by \$2 billion a year (Tarrant 2016:45).

## **Mainstreaming**

The nationwide trend toward removing business regulations seen as reducing market

competition has benefitted the sex industry, as it becomes increasingly durable, profitable, and respectable. Strip clubs market their establishments as high-class gentlemen's clubs and cocktail lounges that offer adult entertainment. Sex toy stores appear on main street interspersed with upscale retail. The result is a trend toward mainstreaming and what some refer to as the McDonaldization of sex in America (Brents and Sanders 2010; Hausbeck and Brents 2009).

As the adult industry becomes more widespread, businesses and workers increasingly employ standard models of commerce, marketing, and advertising including:

- Traditional business forms such as corporate structures, chains, franchises, and traditional forms of financing.
- Horizontal integration, where a sex business owns non-sex businesses, such as a strip club that also owns a restaurant.
- Vertical integration where sex industry businesses work with non-sex industry businesses for marketing, advertising, distribution, manufacturing, or other business services, such as pay-per-view porn in hotel rooms.
- Establishing traditional business associations, including the AVN Media Network, the Association of Club Executives, and XBiz, and in Las Vegas, the Sin City Chamber of Commerce.
- Mainstreamed marketing where the look, feel, product, image mimics aspects of non-sexual products and services, such as retail outlets that look like traditional storefronts or other night-time leisure venues, packaging that is non-sexual, labels for services that make these appear less transgressive.
- Expanding marketing to new audiences. In many adult content markets, women are the fastest growing group of consumers.
- Various wellness, dating, and massage services are blurring the boundaries around commercial sex.

## **Sex Workers**

Industry analysts increasingly use the term sex worker or sexual service provider to refer to any worker who sells sex or erotic services, including strip dancers, prostitutes, webcam workers, dominatrices, adult film actors, and a wide variety of ancillary and support workers in both the real and virtual worlds. Most workers have preferences on what they would like to be called and so it is always good to ask.

Individuals who work in sexual commerce are in many ways no different than other workers. They are as diverse as the population as a whole and represent the gamut of gender identities, sexual orientations, races, classes, ages, religions, ethnicities, and

geographical locations. Generalizations are difficult across a diverse, often stigmatized and sometimes underground industry, but there has been an explosion of evidence-based, methodologically sound research. This research finds that there is great diversity in the conditions of work, circumstances and resources of workers. Individuals move in and out of the industry frequently and may often work in a variety of venues simultaneously (Benoit et al 2017; Brents et al 2010; Hardy and Sanders 2015; Hoang 2015; Griffith et al., 2012; Miller-Young 2014; Weitzer 2012).

People sell sex and sexual services because of choice, circumstance or coercion – three very different motivations. For some, the circumstances that bring people into sex work may be grim or their options narrow, but they choose selling sex over other jobs. Adults and children who are forced to sell sex are not sex workers. These individuals are exploited, possibly trafficked, and in urgent need of services and assistance. Coercion, even psychological coercion, has very different consequences than for an adult choosing sex work from a broad or narrow range of options.

For reasons we discuss later in this chapter, it is important to keep in mind this distinction. While gendered norms of sexuality create inequalities between men and women that make it far more likely for men to purchase and females to sell, research finds that dynamics and inequalities of race, economic opportunity, and sexual orientations are also very important for understanding the situation of sex workers.

Most sex workers, particularly in legal industries, work flexibly, as independent contractors rather than employees. For some, these are like other service industry jobs in the degree to which workers are exploited, mistreated or victimized by their bosses, customers, other workers, law enforcement or economic situations. Others work in situations of deprivation and violence, outside of the eye of law. Studies that compare individuals in prostitution across segments using purposive samples find significant differences between, for example, indoor and street prostitutes in occupational practices, job satisfaction, self-esteem, physical and psychological health, and several types of victimization (Benoit et al 2017; Benoit et al 2018; McCarthy and Benoit 2017; Weitzer 2012). The resources one brings into their work greatly affects the amount of control one has over working conditions. As is the case with any service industry workers, no one work-related narrative applies to all.

Because the sex industry is so contentious, many commonly cited statistics are taken out of context or information published with a political agenda. For example, the average age of entry into prostitution is NOT age 13. This oft cited statistic is from a 2001 Department of Justice report based on interviews with 210 youth under 18, who were under the direct supervision of either a law enforcement or human service agency. The authors of the study, Richard Estes and Neil Weiner, say clearly in that report that that this statistic cannot be generalized to all individuals in prostitution (Estes and Weiner 2001).

One of the most important points to understand as we contextualize the sex industry in this chapter is that sexual commerce is and has been a critical and sorely understudied

component of contemporary consumer culture. Much recent research is looking beyond sex workers as deviants or victims, focusing more broadly at the complexities of the work, the dynamics of the industry and its relation to contemporary politics and economics.

## **Nevada's Sex Industry: Legal Businesses**

In this section we will lay out the variety of sex businesses that operate legally in Nevada. No entities keep reliable statistics on the sex industry, and sex industry businesses are often privately owned, making reporting even more sporadic. Given the dramatic shifts in communication technology in recent years, many segments of the industry have shifted away from brick and mortar, making the boundaries around Nevada's sex industry quite permeable. All statistics presented here are informed estimates, and readers should be cautious about interpreting these.

The data gathered below is intended to represent the state. However, with the exception of legal brothels most businesses are concentrated in the urban areas of the state, Las Vegas and Reno. The Las Vegas metropolitan area has a population of more than 2 million and Reno a little over 500,000 in 2018. We focus on Las Vegas because of its size and its symbolic association with the sex industry. There are cities in the United States with more strip clubs, adult stores, dungeons and adult film production. However, Las Vegas has the reputation as "sin city" and its marketing campaign, "What happens in Vegas, stays in Vegas" only reinforces that.

### ***Strip Clubs***

Facts about the strip club industry:

- Las Vegas has around 30 strip clubs, gentlemen's clubs and erotic dance establishments.
- Reno has approximately 10 strip clubs.
- A few larger brothels have some form of strip dancing in the bar areas.
- In 2012, approximately 12,000 dancers are registered with the Las Vegas Metropolitan police department, who issue work cards for these and other non-sex industry employees.
- 2,500 dancers work on an average day.
- Slow days in Las Vegas strip clubs are Tuesdays and Wednesdays; some have estimated that on weekends, during large conferences and most holidays, the number of dancers can reach 3,500-4000 performers, with many coming in from out of town.
- The age of dancers varies considerably, from underage girls working illegally to 50+ year-old entertainers of all genders.<sup>1</sup>

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<sup>1</sup> Data on strip clubs is from 2012 Las Vegas Metropolitan Police Department work card data as well as insights from Las Vegas industry analyst Robert Schmidt.

Throughout the urban areas, but especially in Las Vegas, the line between strip clubs and high-end nightclubs is blurring, with many casino-centered clubs featuring scantily clad pole and cage dancers, adult entertainment and “European” (topless) swimming pools, and many self-contained strip clubs marketing as upscale gentlemen’s clubs with high end bars and restaurants. The Las Vegas strip hotels also feature adult entertainment in stage shows such as Absinthe, Zumanity, Thunder from Down Under, and Chippendales. There are few if any strip clubs in the rural areas. However, some of the legal brothels, particularly those closer to urban areas, occasionally have adult stage shows. The city of Reno is currently debating moving strip clubs out of downtown and enacting stricter regulations, however this debate is ongoing.

### ***Outcall Referral Agencies***

There are numerous outcall entertainment agencies that operate legally in Las Vegas and Reno as referral services, sending dancers to dance at a customer’s location. These referral services charge a fee to connect customers with dancers who are independent. The amount paid to the dancer and services provided are considered tips, negotiated entirely between the entertainer and customer. Many community leaders, law enforcement officers, and other professionals assume that after the legal dancing and stripping, the outcall performers may negotiate with the customer to sell illegal sex acts. Outcall dancers earn anywhere from \$50 to several thousands, and on rare occasions, even tens of thousands of dollars per performance, depending on the client, the services provided, and the amount of time spent.

- While there are over 100 results for escort services in the online yellow pages in Las Vegas, there were 21 active business licenses for outcall entertainment referral services in Clark County and Las Vegas in 2018.
- Dancers are mostly female, but also include male, transsexual, or transgender performers.
- Outcall referral agencies charge between \$150 and \$300 for the referral. Services contracted with individual performers are in addition and range from \$400 and up.

### ***Private Sex Clubs***

Sex clubs include private clubs and spas requiring an entrance fee and/or membership. These clubs market themselves to different audiences, including gay men, couples, and queer individuals.

- There are six to eight major clubs in Southern Nevada in addition to numerous privately held events. Some of the more visible clubs include Swingers Party Club, Risque Vegas Estate Swingers Club, Swingers Parties Las Vegas, The Studios, The Red Rooster, and The Green Door. All serve a general, heteronormative clientele, charging less, if anything, for women, and more for men. Reno has a few sex clubs, including Pokher Knights.
- Hawks Gym and Entourage Spa and Health club are private social clubs for men only in Las Vegas. Steve’s Bath House operate in Reno.

### ***Legal Brothels***

Nevada is the only state in the country to have legal prostitution. Legal brothels exist in 10 of Nevada's 17 counties. All of these brothels are in the rural areas of the state and constitute the majority of sexualized businesses in these small towns.

State law prohibits prostitution in counties with populations exceeding 700,000 which includes only Clark County, where Las Vegas resides (Nevada Revised Statutes 201.354). Currently, county regulations ban brothels in Douglas, Washoe, Lincoln, and Pershing Counties, as well as in Carson City. Eureka County is the only county that has no specific ordinance prohibiting or providing for legal brothels. All other counties in Nevada have one or more legal brothels.

There are 36 available brothel licenses across Nevada, of which approximately 20-28 are utilized (Red Light Vegas 2018). Counties with legal prostitution earn thousands to hundreds of thousands annually in brothel work card, application, licensing, and liquor license fees.

See Table 1 for details.

Table 1: Nevada County Brothel Laws and Income (2017)

COUNTIES	CURRENTLY OPERATING BROTHELS	WITHIN 1-HOUR DRIVE OF MAJOR METRO AREA	POPULATION PER SQUARE MILE, 2010*	COUNTY LAW PROHIBITS IN UNINCORPORATED AREAS	TOWNS WITH LICENSING ORDINANCES	TOTAL YEARLY INCOME FROM LICENSE FEES, ROOM AND LIQUOR TAXES	TOTAL YEARLY INCOME FROM WORK CARDS
Carson City	prohibited by county law	Yes	382.1	yes			
Clark	prohibited by state law	Yes	247.3	yes			
Douglas	prohibited by county law	Yes	66.2	yes			
Washoe	prohibited by county law	Yes	66.9	yes			
Lincoln	prohibited by county law	No	0.5	yes			
Pershing	prohibited by county law	No	1.1	yes			
Eureka	no written ordinance	No	0.5				
Churchill	none open	Yes	5.0			\$0	\$0
Elko	2 in Carlin	No	2.8	yes	Carlin	\$266	\$225
	4 in Elko	No			Elko	\$12,960	\$16,957 <sup>1</sup>
	2 in Wells	No			Wells	\$1200 <sup>2</sup>	\$255 <sup>3</sup>
Esmeralda	none open	No	0.2			\$0	\$0
Humboldt	none open	No	1.78	yes		\$0	\$0
Lander	1 in Battle Mountain	No	1.1			\$1200	\$225 <sup>4</sup>
Lyon	4 outside Carson City	Yes	26.0			\$543,757	\$5,000
Mineral	1 in Mina	No	1.3			\$2500	\$225
Nye	4 near Pahrump	Yes	2.4			\$135,407 <sup>5</sup>	\$56,779
Storey	1 in Sparks	Yes	15.3			\$75,000	\$6,480
White Pine	2 in Ely	No	1.1	yes	Ely	\$1,490	\$1,275
<p>1 Based on 62 work cards for 2017                  2 Income from license fees, room and liquor taxes estimated and do not reflect additionally merchandise fees determined on sales volume.                  3 The county reported eight work cards.                  4 Based on three work cards.                  5 Hebrock, Robin, "Nye County digs into brothel financial figures," Pahrump Valley Times, May 25, 2018. <a href="https://pvtimes.com/news/nye-county-digs-into-brothel-financial-figures/">https://pvtimes.com/news/nye-county-digs-into-brothel-financial-figures/</a> retrieved Oct 1, 2018.                  * Determined using data on 2017 Nevada County Demographics, from US Census Bureau State &amp; County QuickFacts, <a href="https://www.census.gov/quickfacts/fact/table/NV/PST045217">https://www.census.gov/quickfacts/fact/table/NV/PST045217</a>.</p>							
<p>Table updated from Brents, Barbara G., Crystal Jackson, and Kathryn Hausbeck. 2010. <i>The State of Sex: Tourism, Sex and Sin in the New American Heartland</i>. New York: Routledge, p. 240.</p>							

- Nevada brothels employ between 1 to 50 legal prostitutes (and even more in a few cases).
- Ages of the sex workers range from 18 to 50 and older. Although some cases of underage prostitution have been reported in the brothels, these have not been verified.
- Brothel workers are most all female. However, in 2009 state health codes changed to allow non-female workers. A few brothels have hired a male or two, and a few brothels have hired trans workers on occasion.
- The women are independent contractors negotiating contracts with management for length of time working, shifts, etc.
- Sex providers usually live in the brothel where they work for periods stretching from a weekend to over a month at a time. Two weeks is usually required until a worker establishes herself. Workers in some brothels can choose to work shifts and not live at the brothel, while others are required to live in until their contract ends. Some towns still have curfews for sex workers where they are not allowed in town certain hours (Blithe and Wolfe 2017; Brents, Jackson and Hausbeck 2010)
- Legal prostitutes pay for and undergo mandatory health checks prior to becoming licensed each time they enter a brothel to work. They also have mandatory weekly pap smears and monthly blood tests for sexually transmitted infections.
- Condoms are mandatory in the Nevada brothels (Brents, et al 2010; Blithe and Wolfe 2017).

Legal sex workers report less violence and a heightened sense of security working in the brothel industry than plying their trade illegally in other venues. This is because of both the legality of the occupation and the safety of working in the confined community space of a brothel.(Brents, Jackson and Hausbeck 2010; Brents and Hausbeck 2004; Blithe and Wolfe 2017).

Women working as legal prostitutes pay taxes, work card fees, “house” fees, and room and board expenses within the brothel. They typically earn 40-50% of what they bring in by servicing customers, while the remainder goes to the brothel. Workers also usually tip cleaning and food service staff.

- Customers are primarily male identified, although increasingly customers are women and couples.
- Owners have paid anywhere from \$135,000 to upwards of \$5 million to purchase brothels in recent years.

- Overall, the Nevada brothel industry profits are approximately \$35-50 million annually.
- Legal brothels serve 400,000 clients a year (Flint 2009).

### ***Additional Sexual Entertainment in Nevada***

In Las Vegas, there are approximately 10 adult stores selling a range of products from lingerie to videos and DVDs to sex toys and novelties. Numerous traditional and internet adult video production companies operate in Southern Nevada.

- There are 12 licensed adult motion picture theaters in Las Vegas.
- Three licensed Internet adult entertainment and adult sales businesses.
- A small commercial BDSM (or S&M, sadomasochism) industry. Most workers are independent and Las Vegas, unlike Los Angeles, has few dungeons.

### ***Online Sexual Entertainment – Webcamming***

Web camming has skyrocketed in popularity and has become a key component of the online sex industry. Customers go to sites like Chaturbate, Flirt4Free, My Free Cams or Streamate to the public chat room of their choice and chat with (by keyboard, text or two-way video) and watch a live model perform for a fee. Customers can request private time and can pay by the minute or act to direct performances. The models can work from home, a studio, or anywhere they have an internet connection and video camera.

Webcamming rivals online pornography in popularity largely because the customer can direct the performance and can interact with a live model. They can tailor interactions to fulfill any fantasy or fetish they desire, and that the performer is willing to do.

For performers, working as a cam model is easy and safe, and individuals can work independently. The performer can work as many or as few hours as they desire and never make physical contact with the client. Performers use social media to generate and maintain relations with clients (Stuart 2016; Comella 2016).

The interactions can be very lucrative for performers,

- Most performers are women and customers are male, but male and transgender models as well as couples and female clients are an important part of the industry.
- Internet hosting sites can take 40 to 65% of earnings.
- Profits for webcam hosting sites will reach between US\$2 and US\$3 billion in 2016 alone and some estimate they will reach \$10 billion by 2020 (Stuart 2016).
- Banking systems charge 7 to 15 percent for facilitating payments.
- In 2016 there were three webcamming studios in Las Vegas.
- Sin City Studio has 73 rooms with 60-100 models working each week. Models pay a fee to book a private room with a fast internet connection and equipment (Comella 2016).

## Nevada’s Sex Industry: Illegal Prostitution

### *Varieties of illegal prostitution*

Illegal prostitution in Nevada is extremely diverse and operates in a wide variety of sectors, from high end escorts to individuals on the streets. While many of sex workers are female, as in other cities, there are significant numbers who are male or transgender, providing services to individuals of various genders, sexual tastes, ages, races and social classes. Table 2 summarizes the various types of illegal prostitution in Nevada, recognizing that some individuals move between sectors.

Table 2. Characteristics of Types of Illegal Prostitution

BUSINESS LOCATION	SERVICE LOCATION	PRICES CHARGED	RISK OF VIOLENCE	PUBLIC VISIBILITY
ELITE ESCORTS	Independent; private premises/hotel	High	Low	None
HOUSE WORKER	Unofficially contracted by casino, bar, or nightclub for preferred customers	High	Low	None
INDEPENDENT ONLINE ADVERTISING	Independent; private premises/hotel	Variable	Low to moderate	Low to none
OUTCALL REFERRAL	Legal referral agency; contractors sell sex illegally at private premises/hotel	Moderate to high	Low to moderate	Low
ILLEGAL BROTHEL	Brothel or massage parlor	Moderate	Very low	Low
BAR OR CASINO SOLICITATION	Bar/casino contact; sex elsewhere	Moderate	Low to moderate	Moderate
STREET SOLICITATION	Street contact; sex in cars, alleys, parks, etc	Low	Very high	High

This general typology illustrates that there is a great diversity among prostitutes regarding level of visibility and danger. The majority of individuals work off street, using online or other forms of advertising. Based on statistics from other large cities, we can estimate that in Nevada’s largest cities, approximately 75% of individuals work off street

and earn mid-range incomes, 10% are elite higher income earners, and 15% are low income and work on street.

Even within these different categories, advertising venues, where they provide services, control over work conditions, violence experienced, and income varies. The gender of the workers and customers also varies greatly. Transgender individuals are disproportionately represented among sex workers and due to discrimination and stigma can be some of the most vulnerable and stigmatized of sex workers (Herbst et al 2008). But they can also be middle class and elite workers.

### ***Online advertising***

In recent years, the number of sex workers who advertise online has grown. Many sites have facilitated sexual commerce, intentionally or not, overtly or not. For example, Craigslist offered an “adult” section among links to other services and products while sites like Eros tote the slogan, “All things erotic.” There have been many “online dating” and Internet escort agencies advertised in BackPage, MyRedBook, NaughtyReview, CityVibe, Men4Rent, RentBoy, Eros, SugarDaddie, TheEroticReview, P411, Date-Check, RoomService2000, TheProviderReport, and Craigslist. Some, like RentBoy, catered to male sex workers while sites like SugarDaddie catered to female providers. Many sites, like BackPage, allowed providers and customers to search specific genders and orientations. For example, a couple may search for a male escort who specializes in providing illicit sexual services to male/female couples while a female provider may specify that she sells services to female clients only. Transgender sex workers may advertise their services to people of all genders and orientations as well.

Advertising online means that providers and customers develop ways of covertly negotiating prices and services. Sex worker, Amanda Brooks, for example, publicly states that what she sells is time while “...the sex is free.”

Online advertising has dramatically changed the prostitution industry. Low-cost internet advertising allows many individuals to stop using street solicitation and contact customers online. Independent workers can set up the provision of services in conditions of the worker’s choosing. Online space provides numerous safety nets for sex workers, such as the ability to prescreen for undesirable or dangerous customers, access to support networks, shared black-lists for dangerous clients, and safe negotiation space online. Clients’ names, email addresses, phone numbers, and usernames, are available through these sites, and a further digging can uncover their history of interacting with sex workers. It has also allowed law enforcement to monitor for ads that may be promoting services by individuals under age 18.

However, the internet also allowed sex traffickers to advertise. In response to reports of sex trafficking and a desire to shut down prostitution, the federal government seized and shut down Backpage in early April of 2018. In mid-April of 2018, the Stop Enabling Sex Trafficking Act/Fight Online Sex Trafficking Act (SESTA/FOSTA) law was passed by the US Congress. In addition to amending national sex trafficking laws, it amends Section 230 of the Communications Decency Act that shields platforms from liability for

content. It makes it federally illegal to promote or facilitate prostitution and allows law enforcement to sue websites that allowed prostitution advertising. The acts holds platforms criminally liable for illegal prostitution on their sites, regardless of whether they knew or not. In the short term, the bill is dramatically reshaping the environment in which all sex workers work.

Many websites that were used by sex workers to increase their own safety are shutting down, or closing forums and message boards including Craigslist personals, Reddit, and a VerifyHim, a screening site for online daters. Others have changed their policies on transactions, content, and language to exclude a variety of forms of adult content. Many sex workers have lost numerous safety nets, a number have returned to the streets. At the same time a number of alternative sites have begun to take their place that are less visible to law enforcement (Horn 2018; ACLU 2017; Shadel 2018; Thompson 2018).

The impact of the bill on Nevada has not been researched yet, but anecdotally, many independent sex workers are reporting that they have lost important safety mechanisms and are increasingly beholden to third party facilitators. Law enforcement lost the ability to screen ads for services provided by underage individuals.

## **Juveniles Trading for Sex in Nevada**

Statistics on the contours of youths in the sex trade are difficult to come by. However, a recent Department of Justice funded study relied on innovative methods to examine nearly a thousand individuals who sold sex aged 13-24 in six cities, including Las Vegas. Based on this study, these researchers have estimated that there were between 4,457 and 20,994 youth in the sex trade, nationwide, using data between 2009 and 2016. Below are some of the findings from that study (Swaner et al 2016).

Demographic information about the 949 individuals aged 13-24 who participated in the study nationwide show:

- 36% were cis male (identified as male at birth and continue to present/identify as male)
- 4% were trans women, 1% trans men/boys
- 53% heterosexual, 36% bisexual, 9% gay, 2% other
- 70% Black, 12% White, 8% Multiracial, 7% Hispanic/Latino, 3% Other
- 75% had first experience trading sex before age 18
- 77% lived with family, friends, other, 12% lived alone, 6% in shelter, 5% on the streets
- 30% were parents

In the national study, the majority of individuals did not rely on any kind of third party to assist:

- 15% had a pimp
- 19% used a market facilitator or mutually beneficial partner

- Customers came from – street (63%), internet (42%), friends (39%), referral (26%), pimp (9%)

These youth, however did not have a stable home environment, 73% had left home before 18, 13% before age 13. Only half of these individuals ever sought help from a service agency.

Below are data from the Las Vegas portion of the study (Wagner, Whitmer, and Spivak 2016):

Of the youth selling sex on the streets of Las Vegas:

- 37% were cis men/boys (identified as male at birth, continue to present/identify as male)
- 3% were trans
- 69% heterosexual, 27% bisexual, 4% gay
- 57% Black, 22% White, 11% Hispanic/Latino, 10% Other or Multi
- 71% had their first experience trading sex before age 18

In Las Vegas as well, the majority of individuals did not rely on any kind of third party to assist:

- 78% negotiated their own prices exclusively
- 13% worked with a pimp
- 37% used a market facilitator that was not considered a pimp
- 69% had only traded sex in Las Vegas, of those working elsewhere 70% did in CA, most in Los Angeles
- Most common ways to find customers: friends, referrals, the street, website/app

The main reason most of these individuals said they traded sex for money was financial. For 62%, exchanging sex for money was their only source of income (Wagner, Whitmer and Spivak 2016).

Nearly 80% of these youth had interactions with the police, but mostly unrelated to prostitution. Only 4% of the youth were arrested in the past year for prostitution. In Clark County, arrests for juvenile prostitution generally have declined significantly in recent years, dropping from 752 in 1999-2003 to 348 between 2010 and 2014 (Puzzanchera and Kang 2017). Detectives have use standard screenings for juvenile offenders to look for children displaced by abuse and coerced prostitution. However, the options for juveniles arrested as prostitutes remain limited. Juveniles remain channeled into a delinquency system instead of into a social service system. With recent budgetary cutbacks it remains difficult to provide vulnerable populations the help they need (Swaner et al 2016).

It is also important to point out the high numbers of lesbian, gay, bisexual, transgender, queer or other gender non-conforming youth who are part of the juvenile sex trade. Research on these groups in other cities finds that they often escape discrimination and abuse from families only to experience violence and trauma from multiple sources once they are on the streets, from families, clients, exploiters and peers as well as from law enforcement and social service organizations. This is an especially vulnerable group (Dank et. al. 2015).

***Nevada’s Prostitution Laws***

Nevada Revised Statutes states that prostitution consists of “engaging in sexual conduct with another person for a fee, monetary consideration, or any other thing of value” including “sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.” It is illegal to engage in prostitution outside of a licensed brothel. It is illegal to have an unlicensed brothel or to advertise for an unlicensed brothel. It is illegal to solicit prostitution, meaning to lay out an arrangement for prostitution, listing a price and activity, whether buying or selling. It is illegal to live off of the earnings of a prostitute and is a felony for anyone who “knowingly accepts, receives, levies or appropriates any money or other valuable thing, without consideration, from the proceeds of any prostitute.” It is illegal to induce anyone into prostitution, which is classified as pandering, if that person is an adult and no force or threat of force is used. It is illegal and considered trafficking when someone “induces, causes, recruits, harbors, transports, provides, obtains or maintains” a person under 18 to engage in prostitution, or an adult if they know or disregard that “threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution” (Nevada Revised Statutes, Chapter 201, NRS 201.295 to 201.440)

OFFENSE	CHARGE	INCARCERATION	FINES
Prostitution by seller	misdemeanor	6 months in jail	\$1000
Solicitation by buyer or seller	misdemeanor	6 months in jail	\$1000
Solicitation of a minor	category E felony	1 to 4 years in prison	\$5000
First offense			
Second offense	category D felony	1 to 4 years in prison	\$5000
Third offense	category C felony	1 to 5 years in prison	\$10,000
Living off earnings of a prostitute	category D felony	1 to 4 years in prison	\$5000

Pandering	category C felony	1 to 5 years in prison	\$10,000
Prostitution with HIV	category B felony	2 to 10 years in prison	\$10,000
Facilitating trafficking an adult	category B felony	1 to 6 years Mandatory sex offender registration	\$10,000
Facilitating trafficking a minor	category B felony	3 to 10 years Mandatory sex offender registration	\$10,000
Trafficking an adult	category B felony	3 to 10 years in prison Mandatory sex offender registration	\$10,000
Trafficking a minor 16-18	category A felony	5 to life in prison Mandatory sex offender registration	\$20,000
Trafficking a minor 14-16	category A felony	10 to life in prison Mandatory sex offender registration	\$20,000
Trafficking a minor under 14	category A felony	15 to life in prison Mandatory sex offender registration	\$20,000

Source: Nevada Legislature. 2018. "Penalties for Felonies Under Nevada Revised Statutes." <https://www.leg.state.nv.us/Division/Research/Publications/Factsheets/CrimeCharts/index.html>, and NRS 201.354, NRS 201.300, NRS 193.130

**Below are arrest statistics for prostitution and commercialized vice in Nevada.**

Table 4: FBI Arrest Statistics for Prostitution/Commercialized Vice 2014

	Count		Rate per 100,000 persons	
	All persons	Juveniles under age 18	All persons	Juveniles under age 18
United States	47,600	700	15	2
Nevada	3,827	87	135	29
Clark County	3,736	84	181	38
Washoe County	77	1	17	7
Nye County	4	1	9	25
Los Angeles County (for comparison)	4,375	63	43	6

*Source:* Puzzanchera, C., Adams, B., and Kang, W. (2014). "Easy Access to FBI Arrest Statistics 1994-2014" Online. Available: [https://www.ojdp.gov/ojstatbb/ezaucr/asp/ucr\\_display.asp](https://www.ojdp.gov/ojstatbb/ezaucr/asp/ucr_display.asp).

***Courts and Diversionary Programs***

In addition to laws surrounding prostitution, Clark County has a special court that processes cases with women who have a history of prostitution, addiction and/or trauma in the Women In Need Court (WIN), presided over by Chief Judge Leung. This is one of 59 Specialty Courts designed to be problem-solving courts by addressing the needs of particular populations by coordinating efforts between judges, prosecution, defense, law enforcement, treatment services and child protection services. WIN is meant to be a trauma-responsive diversionary court that supports women with a history of crime in leaving prostitution and providing trauma and mental health treatment as well as surveillance. The program is designed to be an 18-month-long program balancing accountability and assistance, which might involve addiction treatment, counseling, completing education and employment searches. Various services are combined in an effort to support and stabilize women and avoid a return to prostitution. There is no program for men convicted of prostitution. Women have 180 days of jail time suspended while they are in the program, which is cleared after graduation from the program. As of November 2017, the court has had 34 graduates, around a 10% graduation rate (The Supreme Court of Nevada; Valley 2013; Ley 2014; City of Las Vegas 2017).

The Las Vegas Municipal Court has partnered with the City Attorney's Office, the Metropolitan Police Department, the Clark County Health Department, and the Clark County Youth & Family Services to offer a First Offenders Prostitution Program (FOPP) designed for raise awareness of the social and health risks for men soliciting prostitution. Men convicted of solicitation might be ordered to attend the First Offender Prostitution Program, which costs \$425. Currently, the courts have offered a one-day Prostitution Prevention Class on the legal, social and health risks of prostitution, especially STI risk and victimization associated with prostitution. Women convicted of soliciting prostitution might be ordered to take the Female Prostitution Prevention Program (FPPP), which costs \$225. The courts also use an HIV/AIDS Awareness course which covers STI's generally, taught by the Southern Nevada Health District, costing \$50.

## **Sex Trafficking in Nevada**

In recent decades there has been a great deal of concern about the trafficking of individuals for sex. This issue is particularly urgent in Nevada, whose reputation as a sexual playground is seen to exacerbate the problem.

There are no reliable estimates of the number of trafficked individuals in the U.S. or across the globe. According to the U.S. Government Accountability Office, country-level data are generally neither reliable nor comparable due to weak data gathering methods, data gaps and discrepancies, (U.S. GAO 2006). Some countries define any undocumented migration as trafficking regardless of consent or conflate identified and presumed victims (Weitzer 2014; Zhang 2012; Jordan 2011). Yet inaccurate figures continue to circulate. One study of 42 recent books on sex trafficking found 78% cited one of three flawed sources of prevalence data without acknowledging their limitations or representing estimates to be actual numbers (Fedina 2015).

That said, the most reliable sources estimate that there are 4.8 million victims of forced sexual exploitation across the globe (International Labour Organization 2018). The National Human Trafficking Hotline reported 6,081 cases were nationally in 2017. In Nevada, 185 cases were reported in 2017. The Trafficking in Persons report issued by the U.S. State Department indicates that there was a total of 266 sex trafficking cases initiated and 439 sex traffickers were convicted in 2017 (US Department of State 2018). We don't know how many were convicted in Nevada.

### ***Sex Trafficking Laws***

The Trafficking Victims Protection Act (TVPA) first passed by the US Congress in 1999 was intended to facilitate prosecution of traffickers and protection for victims, particularly for foreign nationals, by providing special visas to those found to be victims of international trafficking. The U.S. State Department's definition of trafficking in this bill now includes any commercial sex act that is induced by force, fraud, or coercion, and it also includes any person under 18 found to perform commercial sex.

Since then, numerous states have passed additional laws. Nevada passed laws that allow easier investigation and prosecution of people engaged in both prostitution and

trafficking for sex. Law enforcement can confiscate assets gained from or related to any illegal prostitution or trafficking. The punishments are outlined above (NRS 201.300). Some prostitution related activities have been prosecuted as sex trafficking.

While the intention is to make it easier to prosecute those who force, trick or coerce individuals into selling sex, trafficking for sex and consensual prostitution are two very different things. Yet the law is treating them as the same. For example, according to the law, in court, prosecution of pandering or sex trafficking can bring in expert testimony about the subculture of prostitution that may, in some cases, blur issues of consent or coercion. According to the law, testimony is admissible on “the effect of physical, emotional or mental abuse on the beliefs, behavior and perception of the alleged victim” to demonstrate “the dynamics of, and the manipulation and psychological control measures used in the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300.” This language can also be used to help vacate prostitution convictions. For trafficking a minor, lack of knowledge of the child’s age is not a defense. For pandering consenting adults or sex trafficking, consent is not a defense (NRS 201.300).

As a result, critics argue that there are many unintended consequences of anti-trafficking efforts. There is a need for service providers to understand the effects of trauma. At the same time, the conflation of prostitution and sex trafficking has resulted in limited resources being focused on mitigating coercion at the expense of providing housing, health care or alternative job training to those not coerced, especially for homeless juveniles involved in trading for sex. Service agencies that receive funding under the TVPA are required to pledge that they will not facilitate any prostitution. Many groups argue that this hampers harm reduction efforts and increases the vulnerability of sex workers to violence, prevents health care workers from accessing sex workers, force programs to abandon needle exchange and other programs that increase the risk of disease transmission among highly vulnerable populations. The issue unfortunately has become highly politicized, resulting in little understanding of the depth or breadth of the causes and needs for a wide variety of individuals, especially those under age 18 (Lerum and Brents 2015; Weitzer 2014; Hoang & Parrenas 2014; Zhang 2009).

Survivors of sex trafficking often encounter a multitude of challenges in recovery, including destroyed credit and criminal records hindering or even preventing survivors from securing desired employment. In addressing these and other imposing obstacles, Nevada Legal Aid Center and pro bono volunteer attorneys, in cooperation with community organizations, are able to provide tailored and free legal services to survivors. In preparation for this important work, in late 2017, Legal Aid Center will provide volunteer attorneys with specialized training on working with the unique issues of survivors of trafficking. This training will equip local attorneys to address some of the consequences survivors face in order to facilitate recovery.

## **Policy Suggestions**

As long as current global, economic, and cultural trends continue, international, national, and regional sex enterprises will be a growing industry in years to come. The industry will become more technologically sophisticated, elements of it will become more mainstream, more bureaucratized and increasingly resemble non-adult industry businesses. At the same time, mainstreaming will increase a divide between the haves and have nots. Increasing inequality in Nevada and declining funds for social services means that the most marginalized will continue to suffer.

### ***Generate More Data***

To face the future effectively, we need to know the present much better than we currently do. Information on the sex industry globally has skyrocketed in recent years, but the speed of new data has made it difficult for service providers to keep up. The absence of systematic and reliable information about the commercial sex industry in Nevada as well threatens to erode public understanding, increase stigma and discrimination, misdirect policy and undermine community wellbeing. Generalizing the needs of the many from the needs of the few can breed injustice in an industry historically ripe with oppression and exploitation. We need to intensify objective data gathering, promote systematic inquiry and provide easy translation of evidence-based research to service providers. We need evidence-based research in Nevada on:

- Forces that affect supply/demand in sex industry.
- The characteristics of specific segments in the sex industry.
- The life situations, experiences, choices, and needs of the wide variety of populations who are sex workers, including cis men/boys and transgender individuals.
- Systematic and ongoing data on the economic impact of the legal sex industries on local communities, gathered in the same way as we collect data for other businesses.
- The effect that the legal environment and police practices have on existing social problems.
- Policy options and reforms that have been implemented across the globe, including learning from other legal systems including New Zealand, Australia, and the European Union.
- Surveys of Nevada tourists and other groups to gather data on sexual consumption, visits to strip clubs, sex clubs and legal brothels.

To achieve necessary reforms in the domain of sex industry and help sex workers to carry on in a safe environment, we need to do the following:

## ***Overall Considerations***

- Employ a human rights approach that empowers people of all genders.
- Seek innovative policy solutions that address persistent patterns of inequality, exploitation and unequal treatment.
- Understand the differences among various types of sex workers, legal and illegal, and avoid mistaken assumptions and stereotypes.
- Understand the complexities and differences between different segments of the sex industries and the labor practices therein.
- Offer broad-based sexuality education programs that can help teens and adults deal with hyper-sexualized trends in contemporary culture in a way that promotes empowerment, and mutual respect.
- Provide healthcare, condoms, and other support programs to sex workers so that those who remain in the business, legally or otherwise, are safe, supported and empowered. End all “condoms as evidence” policy.
- Establish a statewide clearinghouse of data, resources and assistance to sex workers, customers/clients, researchers, policy makers and the community at large.
- Work toward eliminating all forms of discrimination.

## ***For Vulnerable Populations***

- Favor approaches that provide a wholistic approach, including social service institutions as well as the criminal justice system.
- Develop and fund additional health programs, intervention strategies, and preventive care measures protecting all sex workers to prevent vulnerabilities from developing.
- Empower families economically and socially to be able to provide care and education for children.
- Provide for mental health and/or substance abuse treatment for sex workers.
- Balance protection from violence and trauma informed services with civil rights protections.
- Adopt a harm reduction approach where relevant
- Avoid terms like “exiting” and “staying out.” Focus on building on the strengths and resources of the person who wants to transition to another setting and not on treating their sex work experience as a negative in itself. These terms feed internalized stigma which is the root of violence and discrimination.

## ***General Workplace Considerations***

- Institute labor protection regulations and rights statutes for sex workers that are comparable to other interactive service industry workers.
- Work with the Department of Labor, the State Attorney General’s Office, local unions and other governmental and non-governmental organizations to ensure

that sex workers receive the same workplace protections, occupational health and safety laws, and employee benefits as other non-sex industry laborers.

- Pay/Benefits – Provide health insurance, worker’s compensation for injuries, retirement, childcare, career development support
- Eliminate all unpaid labor, no mandatory tips/fees
- Institute mechanisms for reporting and adjudicating sexual harassment and discrimination issues the same as for other businesses
- Continuous re-evaluation of independent contractor vs. employee status
- Profit sharing
- Prosecute vigorously where employment and labor laws are violated in the legal sex industry.
- Autonomy
  - (a) Content ownership for recorded materials
  - (b) Private bookings and advertisement
  - (c) No lockdown rules ensure flexible shifts
- Safety
  - (a) Enhance mechanisms for client screening, background and health
  - (b) Guarantee facility maintenance and cleanliness
- Include sex worker representation on all policy making, administrative and adjudicative bodies.
  - (a) Create a panel of current and former workers to advise policy & development where relevant
  - (b) Institute conflict mediation
  - (c) Have worker participation in developing, changing and implementing policies
  - (d) Union representation where possible

### ***Legal considerations for prostitution***

Laws criminalizing certain forms of sex work are thought to reduce the incidence of sex work. However while criminalizing sex work may reflect social norms, it can severely limit the ability of public health interventions, law enforcement and social service providers to reach sex workers to reduce transmission of sexually transmitted diseases and curb secondary effects of crime and exploitation. It has also proven to be ineffective in reducing the incidence of sex work and has driven the industry underground.

Recently a number of global NGOs have recommended an approach that involves decriminalizing prostitution. The overwhelming body of global evidence shows that workers are better protected from exploitation and trafficking in systems, where prostitution is decriminalized and/or regulated (Abel 2007).

- Key organizations including Amnesty International, the United Nations and the World Health Organization have recommended decriminalizing prostitution for the rights, health and safety of involved individuals.
- Health professionals in the British Medical Journal and the Lancet have also recommended decriminalizing prostitution for reasons of public health (Howard 2018; Lancet 2014).

- Examine policies in other countries such as New Zealand, Australia, and Germany with an eye to determining what might work in Nevada.
- Enlist the help and support of sex worker organizations, especially including the Sex Worker Outreach Project – Las Vegas and the Desiree Alliance in any efforts at local policy.

The most important condition for undertaking the research, community dialogues, and policymaking outlined above is adoption of a human rights-centered perspective. This means acknowledging the complexity of issues related to the sex industry and resisting any over-simplified and poorly informed efforts based on stereotypes or soap boxes, which make better political headlines than practical policy. To do so would make Nevada a national leader in addressing issues that reach far beyond our state lines and into every community in the nation.

## **Conclusion**

In both legal and illegal form, the sex industry is present in every state in the country. Yet, it is only in Nevada that the sex industry is legalized in the form of brothel prostitution. While prostitution is illegal in Las Vegas, the city is internationally recognized as a highly sexualized tourist destination with a flourishing market in commercial sexual entertainment and services.

If the Nevada sex industry affects the state's social health and its quality of life, it doesn't do so in a uniform way. The growth of the sex industry in the Silver State has a negative impact where it condones exploitation, oppression, crime, and continued stereotyping and stigmatization of involved parties. The abundance of sexually charged entertainment can have a positive impact when sex workers have a range of viable economic options, when they can control their working conditions, when they have effective means of dealing with coercion and exploitation, and when Nevada's tourism-based economy cultivates arenas of safe sexual expression and enjoyment.

The sex industry is a growing and highly visible component of our state economy and culture. A nuanced conversation about sex work will allow us more fruitful and humanistic understandings of this complicated and marginalized population. To change the negative attitudes that lead to harmful laws and policies, it is essential to increase public understanding about the lives, hopes, and accomplishments of sex workers and to support human-rights-based programming and partnerships with sex workers.

There is little reason to think that the broader trends toward more sexualized everyday culture will play out differently in Nevada than in other parts of the country and the world. Las Vegas will continue to ride these cultural trends and benefit economically from the current trends. This presents an opportunity for the Silver State to move to the forefront of the national debate about these cultural shifts and lead the nation and the world in developing policies, programs, and practices that confront head-on the dangers and pitfalls associated with a growing, and most likely inevitable, sex industry in ways that minimize risk and exploitation and maximize safety and empowerment.

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## Appendix