

Calif. board rejects measure specifying condom use in porn

February 19 2016, by John Rogers



Chanel Preston, Adult Performer's Advocacy Committee President, speaks before the Occupational Safety & Health Standards Board during a hearing Thursday, Feb. 18, 2016, in Oakland, Calif. Scores of porn actors, writers, directors and producers are imploring state officials not to make them use condoms in films, saying it will criminalize and perhaps even destroy their multibillion-dollar industry. (AP Photo/Ben Margot)

One after another, scores of people who make porn films for a living pleaded their case to California workplace safety officials: Don't force condoms or safety goggles or other devices designed to stop the spread of sexually transmitted diseases on them because those devices will simply stop people from watching porn films and soon they'll have no jobs at all.

"All of us are here for the same reason. We want to keep California workers safe," porn actress SiouxsieQ, who also reports on the industry for various publications, told the state Division of Occupational Safety and Health's Standards Board during a public hearing Thursday.

But adopting regulations specifically requiring the use of condoms and other safety measures that audiences don't like would only keep people from watching films and destroy a multibillion-dollar business that employs thousands, she and dozens of others told the board.

The panel, which had been poised to approve the measure, eventually voted it down when only three members gave their support. Four yes votes from the seven-member panel were required for passage. The vote was 3-2 in favor, with one member absent and one board position currently open.

The panel will now begin considering a new worker-safety measure for the porn industry, said Cal/OSHA spokeswoman Julia Bernstein.

Board members appeared influenced by the large number of industry representatives, ranging from actors to writers to directors, who argued forcefully but politely during five hours of testimony. If the proposed regulations didn't destroy their multibillion-dollar industry, they said, they would likely force it underground. Doing that, they added, could be even worse for performers by eliminating existing safeguards such as the industry's requirement that actors be tested every 14 days for sexually

transmitted diseases.



Occupational Safety & Health Standards Board Chairman David Thomas gestures during a hearing Thursday, Feb. 18, 2016, in Oakland, Calif. Condoms could be coming to porn studios across California if the state agency in charge of enforcing workplace safety adopts a new set of regulations aimed at protecting adult film actors. The state Division of Occupational Safety and Health is scheduled to vote on the regulations following a hearing Thursday in Oakland. (AP Photo/Ben Margot)

"I ask you not to approve this policy that will endanger me and my colleagues," said porn actress Maxine Holloway.

Mike Stabile, a spokesman for the industry trade group the Free Speech Coalition, said after the vote that pornographers hope they can work closely in the future in crafting safety requirements that the industry can accept. He didn't say what those might be.

The AIDS Healthcare Foundation has lobbied Cal/OSHA for years to

adopt [workplace safety](#) standards specifically for the porn industry that are similar to what it has for other businesses.

Although disappointed by Thursday's vote, foundation spokesman Ged Kenslea said his organization was impressed that porn representatives said they recognize a need for some sort of regulation. He added his group would be interested in working with them to achieve that goal.

Under the 21-page proposal Cal/OSHA rejected, so-called engineering controls "such as condoms" must be used by actors engaging in sex to reduce the risk of transmitting HIV and other diseases. Movie producers would also be required to pay for medical visits, treatments and other health-care costs for their performers.

The problem, several speakers said, is that a large segment of their audience loses interest in a film when they see actors with condoms.

Others said that if the rules were put into effect, Cal/OSHA inspectors could also eventually begin ordering actors to use safety goggles and dental dams, adding no one would want to see a film with that equipment.

Although the proposed provisions made no mention of goggles or dental dams, they would have required sex workers, like those in the medical industry, ensure that their eyes are protected from being infected by blood-borne pathogens.

Industry officials worried that without goggles that could have meant the end to any explicit oral sex scenes.

The AIDS Healthcare Foundation has argued for years that the condom requirement was long overdue and that while it might not prevent transmission of all [sexually transmitted diseases](#) it would be far more

effective than the industry's 14-day STD testing requirement.

One of those in favor of it, former actor Derrick Burts, has said he became infected with HIV while making porn films despite the testing protocol.

Condoms are required for films made in Los Angeles County, under an AIDS Healthcare Foundation-sponsored ordinance that voters adopted in 2012, and foundation officials maintain that under existing Cal/OSHA workplace safety laws it is clearly implied they are also required. The measure that was rejected would have specifically stated that requirement with the word condoms.

Meantime, the group has placed a similar condom measure on the statewide ballot for November.

"This will only energize us in preparing for that November ballot," Kenslea said of Thursday's outcome.

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