



December 17, 2019

Commissioner John Koenig
Nye County Commission
2100 E. Walt Williams Dr., Ste. 100
Pahrump, NV 89048

Mr. Chairman,

My name is Chuck Muth and I live in Las Vegas, Nevada. I am president of Citizen Outreach, a non-profit grassroots advocacy organization, and publisher of NevadaNewsandViews.com.

I'm also an adviser to the Nevada Brothel Association; however, I want to be clear that I am NOT speaking officially on behalf of the NBA or any of its members as it relates to this issue.

The issue has to do with the proposed update to the Nye County brothel ordinance that will be considered at the Commission meeting scheduled for tomorrow, December 17, 2019.

I first want to thank the Commission for changes in the proposed ordinance language that will go a long way toward diminishing the stigma attached to this longstanding, unique and legal business in Nevada.

Along that line, however, I would ask the Commission to also consider repealing the following portion of Section F of County Code 9.20.150 which reads:

“Every prostitute who is off the brothel premises in excess of twenty four (24) hours shall be subject to all the medical testing requirements set forth in this chapter and any other applicable State laws and regulations.”

The reasons for requesting repeal of this provision include...

1.) Of greatest concern to the Commission, naturally, is to protect the public health. And this is the reason most often stated for the existence of this provision; referred to in the industry as a “lockdown” rule.

However, as health officials have noted, it’s not the testing so much that protects the public as it is the mandatory use of condoms.

Indeed, even if a courtesan picks up a sexually transmitted infection (STI) while off-premises, the use of condoms still provides protection for clients and the public.

Of greater concern, from a medical and public health perspective, is the reality that it’s quite possible to pick up an STI without it being detected by the tests if the tests are conducted too close to the time of infection.

HealthLine.com notes that “If you test for an STD too early and the incubation period is not over yet, you may test negative for the disease even if you do have it.”

HealthLine.com lists the incubation periods as follows...

Chlamydia: 7–21 days
Gonorrhea: 1–14 days
Syphilis: 3 weeks–20 years

OneMedical.com agrees, advising on how long after exposure before you can get “a reliable test result” ...

“2 weeks: gonorrhea and chlamydia”
“1 week to 3 months: syphilis”

In addition, Action Canada for Sexual Health and Rights reports that...

- “Chlamydia can be tested for after a few days but results will be most accurate after 2 weeks.”
- “Gonorrhea results are most accurate after seven days. While you can get tested earlier, there is a chance of a false negative if not enough bacteria or virus has accumulated from the infection to be detected on a test.”
- “Syphilis has a window period between three and four weeks.”

So a woman who contracts an STI on Day One while away from the brothel, and is then tested on Day Two, could very well test negative in such a short window.

Again, the real protection of the public health is mandatory condom use.

2.) The 24-hour lockdown rule is, at best, arbitrary and defies common sense. As we all know, an STI can be picked up in the back seat of a car in 24 seconds, let alone 24 hours.

How is the public safe if a courtesan is off-property for 24 hours but not safe if she's off-property for 25 hours?

If "lockdowns" are necessary to keep the public safe, then such lockdowns should be round-the-clock, 24/7, with NO window of freedom whatsoever. I don't think anyone would support that.

3.) To the best of my knowledge after doing some research, there is no similar 24-hour lockdown rule in any other county code where brothels are licensed and legal.

In addition, I ran the campaign to defeat a ballot initiative in Lyon County last year that would have shut down all the brothels there. And what I learned from that experience was that not only was there no "lockdown" provision in ordinance, but there were no in-house lockdown policies in the four brothels in Lyon County either.

Nevertheless, there has never been a single reported incident of HIV/AIDS or any other STI traced back to one of the Lyon County brothels.

4.) Despite the fact that the testing is actually an unreliable method for protecting the public health, the women working in the brothels nevertheless incur the unnecessary additional cost of getting them.

Unless the county is willing to have taxpayers pay for the tests, this is essentially an "unfunded mandate" on the private sector.

5.) The 24-hour lockdown rule and testing costs also impose an undue and unnecessary burden on courtesans who, by law, are unable to enjoy the kind of two-day weekend – regardless of when those two days are taken off – that most other workers are routinely afforded and take for granted.

In addition, with the possible exception of certain fire departments, I'm unaware of any other industry where the workers are required by law to remain captive inside their place of business round the clock.

Lastly, a number of courtesans have families, including small children, and live outside of Nye County. The 24-hour lockdown rule poses a terrible burden on these women that is not imposed on women in any other legal profession.

6.) In her study of the Nevada legal brothel industry, UNLV Prof. Barbara Brents, author of *“State of Sex: Tourism, Sex and Sin in the New American Heartland,”* wrote that “stigma appeared to be the underlying source of most of their (courtesans) problems and negative emotions.”

The very existence of a government-mandated “lockdown” policy in ordinance perpetuates that stigma – just as use of the term “prostitute” instead of “courtesan” or “house of prostitution” instead of “brothel.”

In her own study of the industry released earlier this year, UNR Prof. Sarah Blithe, author of *“Sex and Stigma: Stories of Everyday Life in Nevada’s Legal Brothels,”* writes...

“Although lockdown policies are rationalized and reframed, at the core they prevent independent contractors from leaving a place of business, which is potentially a violation of human rights.”

She continues...

“Safety for legal prostitutes cannot be the driving factor behind lockdown laws – after all, brothel customers do not undergo formal health tests. Instead, the safety justification assumes that legal prostitutes will engage in sexual activity without protection outside the brothel.”

In this regard, Prof. Brents wrote...

“It is worth noting that not a single woman we spoke to wanted to gamble with their health or their livelihood by having unprotected sex outside of a personal relationship.”

Indeed, the very fact that these women have freely chosen to work in a legal environment makes it far less likely they would jeopardize their legal status through risky outside sexual activity.

But even if they do, mandatory condom use in the brothel protects the public.

Prof. Blithe goes on to note...

“Other occupations that require workers to come in contact with bodily fluids do not have similar policies – doctors, for example, are not locked into

hospitals to ensure that they stay clean, and lawyers are not locked into their offices for fear they might provide legal advice for someone without the consent of the firm.”

Indeed, as Prof. Susan Dewey, Assistant Professor of Gender & Women's Studies at the University of Wyoming, argues: “Prostitutes are targeted by state control more than any other population, save prison inmates.”

Women working in a legal, licensed business should not be treated like prisoners. They should be afforded all the rights and freedoms enjoyed by workers in every other legal occupation.

7.) Lastly, as for in-house brothel practices that might be characterized as “lockdown” policies, we suggest that if a willing employer and a willing independent contractor agree to such policies, that’s between them and it’s best to leave that to those two parties without government involvement.

Again, I commend the Nye County Commission for its thorough and detailed review of the county’s brothel ordinance and the many positive changes proposed to bring the county code into modern-day reality.

Eliminating the existing 24-hour lockdown rule would be consistent with other steps you have already taken.

Thank you for your time and consideration.

Sincerely yours,



Chuck Muth
President

cc: Commissioner Lorinda Wichman
Commissioner Donna Cox
Commissioner Leo Blundo
Commissioner Debra Strickland