

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 870

AN ACT

2 To amend chapter 226, RSMo, by adding thereto
3 one new section relating to sexually-oriented
4 billboards, with penalty provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
6 AS FOLLOWS:

7 Section A. Chapter 226, RSMo, is amended by adding thereto
8 one new section, to be known as section 226.531, to read as
9 follows:

10 226.531. 1. As used in this section the following terms,
11 mean:

12 (1) "Adult cabaret", a nightclub, bar, restaurant, or
13 similar establishment in which persons appear in a state of
14 nudity, as defined in section 573.500, RSMo, or semi-nudity, in
15 the performance of their duties;

16 (2) "Semi-nudity", a state of dress in which opaque
17 clothing fails to cover the genitals, anus, anal cleft or
18 cleavage, pubic area, vulva, nipple and areola of the female
19 breast below a horizontal line across the top of the areola at
20 its highest point. Semi-nudity shall include the entire lower

1 portion of the female breast, but shall not include any portion
2 of the cleavage of the human female breast exhibited by wearing
3 apparel provided the areola is not exposed in whole or part;

4 (3) "Sexually-oriented business", any business which offers
5 its patrons goods of which a substantial portion are sexually-
6 oriented materials. Any business where more than ten percent of
7 display space is used for sexually-oriented materials shall be
8 presumed to be a sexually-oriented business;

9 (4) "Sexually-oriented materials", any textual, pictorial,
10 or three dimensional material that depicts nudity, sexual
11 conduct, sexual excitement, or sadomasochistic abuse in a way
12 which is patently offensive to the average person applying
13 contemporary adult community standards with respect to what is
14 suitable for minors.

15 2. No billboard or other exterior advertising sign, for an
16 adult cabaret or sexually-oriented business shall be located
17 within one mile of any state highway except if such business is
18 located within one mile of a state highway then the business may
19 display a maximum of two exterior signs on the premises of the
20 business, consisting of one identification sign and one sign
21 solely giving notice that the premises are off limits to minors.
22 The identification sign shall be no more than forty square feet
23 in size and shall include no more than the following information:
24 name, street address, telephone number, and operating hours of
25 the business.

1 3. Signs existing at the time of the effective date of this
2 section, which did not conform to the requirements of this
3 section, may be allowed to continue as a nonconforming use, but
4 should be made to conform within three years from August 28,
5 2004.

6 4. Any owner of such a business who violates the provisions
7 of this section shall be guilty of a class C misdemeanor. Each
8 week a violation of this section continues to exist shall
9 constitute a separate offense.

10 5. This section is designed to protect the following public
11 policy interests of this state, including but not limited to: to
12 mitigate the adverse secondary effects of sexually oriented
13 businesses, to improve traffic safety, to limit harm to minors,
14 and to reduce prostitution, crime, juvenile delinquency,
15 deterioration in property values, and lethargy in neighborhood
16 improvement efforts.