

HCS HB 2047 -- SEXUALLY ORIENTED BUSINESSES

SPONSOR: Stevenson (Johnson, 47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 14 to 1.

This substitute changes the laws regarding sexually oriented businesses. In its main provisions, the substitute:

(1) Defines "sexually oriented business" as an adult cabaret or any business which generates 10% or more of its revenue from the sale of sexually oriented material. Currently, a sexually oriented business is presumed to be an adult cabaret or any business which derives more than 30% of its revenue from the sale of sexually oriented material (Section 64.2540, RSMo);

(2) Allows any county, city, town, or village to prohibit by ordinance the exhibition of films, videos, and digital video discs depicting specified sexual activities in viewing rooms at sexually oriented businesses and to prohibit certain activities involving nude or seminude persons in sexually oriented businesses. Currently, these provisions are state laws rather than optional local laws (Sections 67.2546 and 67.2552);

(3) Lowers the permissible age of employment in and attendance at a sexually oriented business from 21 to 18 years of age (Sections 67.2548 and 67.2552);

(4) Allows any county, city, town, or village to establish an ordinance requiring sexually oriented businesses to be licensed. Any applicant for a license must provide certain information including personal description information, current contact information, and proof of age. A license will not be issued to any person who has had a sexual offense or obscenity offense conviction during the past 10 years (Section 67.2554); and

(6) Allows any county, city, town, or village to have zoning power specifically to regulate the location of sexually oriented businesses (Section 67.2556).

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.

PROPOSERS: Supporters say that the bill will allow limited zoning powers regarding sexually oriented businesses even if there is not countywide zoning. This is very important in rural communities.

Testifying for the bill was Representative Stevenson.

OPPONENTS: Those who oppose the bill say that it is flawed and unconstitutional as written, and the regulation of sexually oriented businesses should be done at the local level.

Testifying against the bill were Missouri Association of Club Executives; and First Amendment Lawyers Association.

Julie Jinkens McNitt, Legislative Analyst