

FIRST REGULAR SESSION

HOUSE BILL NO. 120

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PEARCE.

Pre-filed December 13, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0770L.01I

AN ACT

To repeal section 226.531, RSMo, and to enact in lieu thereof one new section relating to the regulation of sexually oriented billboards, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 226.531, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.531, to read as follows:

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

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

(2) "Seminudity", a state of dress in which opaque clothing fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, nipple and areola of the female breast below a horizontal line across the top of the areola at its highest point. Seminudity shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by wearing apparel provided the areola is not exposed in whole or part;

(3) "Sexually oriented business", any business which offers its patrons goods of which a substantial **or significant** portion are sexually oriented materials[. Any business where more than ten percent of display space is used for sexually oriented materials shall be presumed to be a sexually oriented business];

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

19 2. No billboard or other exterior advertising sign for an adult cabaret or sexually oriented
20 business shall be located within one mile of any state highway **if such billboard or sign**
21 **displays any picture, photograph, image, or words describing, advertising, or discussing**
22 **any material, product, performance, or other aspect that causes the business to be classified**
23 **as an adult cabaret or sexually oriented business**, except if such business is located within one
24 mile of a state highway then the business may display a maximum of two exterior signs on the
25 premises of the business[, consisting] . **The exterior signs shall consist** of one identification
26 sign and one sign solely giving notice that the premises are off limits to minors. The
27 identification sign shall be no more than forty square feet in size and shall **not** include [no more
28 than the following information: name, street address, telephone number, and operating hours of
29 the business] **any picture, photograph, image, or words describing, advertising, or**
30 **discussing any material, product, performance, or other aspect that causes the business to**
31 **be classified as an adult cabaret or sexually oriented business. No adult cabaret or sexually**
32 **oriented business shall have more than two billboards or other exterior advertising signs**
33 **that are not located on its own premises.**

34 3. Signs existing on August 28, [2004] **2007**, which [did] **do** not conform to the
35 requirements of this section, may be allowed to continue as a nonconforming use, but should be
36 made to conform within [three] **two** years from August 28, [2004] **2007**.

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

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

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