

SECOND REGULAR SESSION

# HOUSE BILL NO. 2026

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES EMERY (Sponsor), RUESTMAN,  
BROWN (30) AND MOORE (Co-sponsors).

Read 1st time February 6, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4951L.01I

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### AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to sexually oriented businesses, with penalty provisions.

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

Section A. Chapter 573, RSMo, is amended by adding thereto one new section, to be  
2 known as section 573.512, to read as follows:

**573.512. 1. As used in this section, the following terms mean:**

2 **(1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment in which**  
3 **persons regularly appear in a state of nudity or seminudity in the performance of their**  
4 **duties;**

5 **(2) "Employee", a person who performs any service on the premises of a sexually**  
6 **oriented business on a full-time, part-time, or contract basis, whether or not the person is**  
7 **denominated an employee, independent contractor, agent, or otherwise, and whether or**  
8 **not said person is paid a salary, wage, or other compensation by the operator of said**  
9 **business;**

10 **(3) "Nudity", the showing of the human male or female genitals, pubic area, vulva,**  
11 **anus, anal cleft or anal cleavage with less than a fully opaque covering, the showing of the**  
12 **female breast with less than a fully opaque covering of any part of the nipple, or the**  
13 **showing of the covered male genitals in a discernibly turgid state;**

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.

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

20           (5) "Sexually oriented business", an adult cabaret or any business which offers its  
21 patrons goods of which a substantial or significant portion are sexually oriented material.  
22 No building, premises, structure, or other facility that contains any sexually oriented  
23 business shall contain any other kind of sexually oriented business;

24           (6) "Sexually oriented material", any pictorial or three-dimensional material, or  
25 film, motion picture, DVD, video cassette, or similar photographic reproduction, that  
26 depicts nudity or sexual conduct, sexual excitement, or sadomasochistic abuse, as defined  
27 in section 573.010;

28           (7) "Specified sexual activities", includes the following acts:

29           (a) The fondling or other erotic touching of human genitals, pubic region, buttocks,  
30 anus, or female breasts;

31           (b) Sex acts, actual or simulated, including intercourse, oral copulation,  
32 masturbation, or sodomy; or

33           (c) Excretory functions as part of or in connection with any of the activities set  
34 forth in this subdivision.

35           2. It shall be a class A misdemeanor for a person in a sexually oriented business to  
36 knowingly and intentionally appear in a state of nudity or depict, simulate, or perform  
37 specified sexual activities.

38           3. It shall be a class A misdemeanor for a person to appear knowingly or  
39 intentionally in a sexually oriented business in a seminude condition unless the person is  
40 an employee who, while seminude, shall be at least ten feet from any patron or customer  
41 and on a stage at least two feet from the floor and behind a railing no less than twenty-four  
42 inches in height.

43           4. It shall be a class A misdemeanor for an employee while seminude in a sexually  
44 oriented business to solicit any pay or gratuity from any patron or customer or for any  
45 patron or customer to pay or give any gratuity to any employee, while said employee is  
46 seminude in a sexually oriented business.

47           5. It shall be a class A misdemeanor for an employee of a sexually oriented business  
48 while seminude to touch a customer or patron or the clothing of a customer or patron.

49           **6. No sexually oriented business may remain open at any time between the hours**  
50 **of 10:00 p.m. and 10:00 a.m. on weekdays and Saturdays. Such businesses shall be closed**  
51 **on all official state or federal holidays and Sundays.**

52           **7. The provisions of this section are designed to protect the following public policy**  
53 **interest of this state, including but not limited to: to mitigate the adverse secondary effects**  
54 **of sexually oriented businesses, to limit harm to minors, and to reduce prostitution, crime,**  
55 **juvenile delinquency, deterioration in property values and lethargy in neighborhood**  
56 **improvement efforts.**

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