

FIRST REGULAR SESSION

# SENATE BILL NO. 27

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0440S.02I

## 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Section A. Section 226.531, RSMo, is repealed and one new section  
2 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:

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

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

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

17 (4) "Sexually oriented materials", any textual, pictorial, or three-  
18 dimensional material that depicts nudity, sexual conduct, sexual excitement, or  
19 sadomasochistic abuse in a way which is patently offensive to the average person

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 applying contemporary adult community standards with respect to what is  
21 suitable for minors.

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

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

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

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

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