

FIRST REGULAR SESSION

HOUSE BILL NO. 890

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HENDRICKSON.

Read 1st time February 27, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1680L.011

AN ACT

To amend chapter 71, RSMo, by adding thereto six new sections relating to the regulation of adult establishments, with penalty provisions.

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

Section A. Chapter 71, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 71.1000, 71.1003, 71.1006, 71.1009, 71.1012 and 71.1015 to read as follows:

71.1000. As used in sections 71.1000 to 71.1015, the following terms mean:

2 **(1) "Adult establishment", an establishment having a significant portion of its stock**
3 **and trade in, or, as one of its principal business purposes, the promotion of material which**
4 **portrays sexual conduct, publicly displays any sexual performance or specified anatomical**
5 **areas;**

6 **(2) "Inspector", an employee of a municipality's public health department**
7 **authorized and designated by the director of the department, an employee of a**
8 **municipality's department of inspections and permits authorized and designated by the**
9 **director of the department, an employee of a municipality's police department authorized**
10 **by the commanding officer of the police department or other persons designated by the**
11 **governing body of a municipality to inspect premises regulated pursuant to sections**
12 **71.1000 to 71.1015, to cooperate in taking the required actions authorized by sections**
13 **71.1000 to 71.1015 where violations are found on a premise and to request correction of**
14 **unsatisfactory conditions found on a premise;**

15 **(3) "Operator", a person, partnership or corporation operating, conducting or**
16 **maintaining an adult-oriented establishment;**

17 **(4) "Specified anatomical areas":**

18 **(a) Less than completely and opaquely covered:**

- 19 **a. Human genitals or pubic region;**
20 **b. Buttocks; or**
21 **c. Female breasts below a point immediately above the top of the areola;**
22 **(b) Human male genitals in a discernible turgid state, even if completely opaquely**
23 **covered.**

71.1003. 1. No operator or employee of an adult establishment shall permit any
2 **minor to loiter in any part of the establishment, including parking lots immediately**
3 **adjacent to the establishment used by patrons of an adult establishment.**

4 **2. Every adult establishment doing business in this state shall be well lighted at all**
5 **times and be physically arranged in such a manner that the entire interior public access**
6 **portion of the establishment shall be clearly visible from the common areas of the premises.**
7 **Visibility into public or private membership access booths, cubicles, rooms or stalls shall**
8 **not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction**
9 **whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within**
10 **adult establishments for whatever purpose, including for the purpose of providing for the**
11 **secluded viewing of sexual material, performances or specified anatomical areas. The**
12 **provisions of this section do not apply to enclosures which are private offices and which**
13 **are not held out as public or private membership access.**

14 **3. No adult establishment shall contain partitions between subdivisions of a room**
15 **or portions or parts of a building, structure or premise with an aperture which is designed**
16 **or constructed to facilitate sexual conduct between persons on either side of the partitions.**

17 **4. The operator of each adult establishment shall be responsible for and shall**
18 **provide that any room or other area used for the purpose of viewing sexual material,**
19 **performances or specified anatomical areas shall be well lighted and readily accessible at**
20 **all times and shall be continuously open to view in its entirety. The premises shall be**
21 **equipped with overhead lighting fixtures of sufficient intensity to illuminate every place**
22 **to which patrons are permitted access at an illumination of not less than one footcandle as**
23 **measured at the floor level. It shall be the duty of the operator and the operator's agents**
24 **to ensure that the illumination required by this subsection is maintained at all times that**
25 **a patron is present on the premises.**

71.1006. Every act or omission by an employee constituting a violation of sections
2 **71.1000 to 71.1015 shall be deemed the act or omission of the operator if the act or omission**
3 **occurs either with the authorization, knowledge or approval of the operator or as a result**
4 **of the operator's negligent failure to supervise the employee's conduct, and the operator**
5 **shall be punishable for the act or omission in the same manner as if the operator committed**
6 **the act or caused the omission.**

**71.1009. All adult establishments shall be open to inspection at all reasonable times
2 by inspectors.**

**71.1012. Any person who violates any provision of sections 71.1000 to 71.1012 is
2 guilty of a class A misdemeanor for the first offense and a class D felony for second and
3 subsequent offenses.**

**71.1015. An action pursuant to section 71.1012 or an action to enjoin or abate a
2 violation of sections 71.1000 to 71.1009 may be brought by the Missouri attorney general
3 or by the prosecuting attorney of the county concerned or by the prosecuting attorney of
4 the municipality in which the adult-oriented establishment is located.**