

HOUSE BILL No. 6151

May 30, 2002, Introduced by Rep. George and referred to the Committee on Transportation.

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
(MCL 252.301 to 252.325) by adding section 18b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 18B. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 ACT, BEGINNING JANUARY 1, 2003, A BILLBOARD SHALL NOT ADVERTISE
3 AN ADULT ENTERTAINMENT ESTABLISHMENT.

4 (2) IN ADDITION TO ANY OTHER PENALTIES PROVIDED UNDER THIS
5 ACT, A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
6 CIVIL FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN \$10,000.00 FOR
7 EACH DAY OF VIOLATION. A CIVIL FINE COLLECTED UNDER THIS SECTION
8 SHALL BE DISTRIBUTED TO PUBLIC LIBRARIES AS PROVIDED UNDER 1964
9 PA 59, MCL 397.31 TO 397.40.

10 (3) AS USED IN THIS SECTION:

1 (A) "ADULT" MEANS A PERSON 18 YEARS OF AGE OR OLDER.

2 (B) "ADULT BOOKSTORE" MEANS AN ESTABLISHMENT THAT MEETS BOTH
3 OF THE FOLLOWING:

4 (i) HAS AS A SUBSTANTIAL OR SIGNIFICANT PORTION OF ITS STOCK
5 AND TRADE IN BOOKS, FILMS, VIDEOCASSETTES, OR MAGAZINES AND OTHER
6 PERIODICALS THAT ARE DISTINGUISHED OR CHARACTERIZED BY THEIR
7 EMPHASIS ON MATTER DEPICTING, DESCRIBING, OR RELATING TO SPECIFIC
8 SEXUAL ACTIVITY.

9 (ii) HAS FACILITIES FOR THE PRESENTATION OF ADULT ENTERTAIN-
10 MENT FOR OBSERVATION BY PATRONS IN THE ESTABLISHMENT.

11 (C) "ADULT CABARET" MEANS AN ESTABLISHMENT WHICH FEATURES
12 TOPLESS DANCERS, GO-GO DANCERS, EXOTIC DANCERS, STRIPPERS, MALE
13 OR FEMALE IMPERSONATORS, OR SIMILAR ENTERTAINERS.

14 (D) "ADULT ENTERTAINMENT" MEANS ANY EXHIBITION OF ANY
15 ADULT-ORIENTED MOTION PICTURE, LIVE PERFORMANCE, DISPLAY, OR
16 DANCE OF ANY TYPE THAT HAS AS A SIGNIFICANT OR SUBSTANTIAL POR-
17 TION OF THAT EXHIBITION ANY ACTUAL OR SIMULATED PERFORMANCE OR
18 EXHIBITION OF A SPECIFIC SEXUAL ACTIVITY, REMOVAL OF ARTICLES OF
19 CLOTHING OR APPEARING UNCLOTHED, PANTOMIME, MODELING, OR ANY
20 OTHER PERSONAL SERVICE OFFERED CUSTOMERS.

21 (E) "ADULT ENTERTAINMENT ESTABLISHMENT" INCLUDES ANY OF THE
22 FOLLOWING:

23 (i) AN ADULT BOOKSTORE, ADULT MOTION PICTURE THEATRE, ADULT
24 MINI-MOTION PICTURE THEATER, OR ADULT CABARET.

25 (ii) A PREMISES TO WHICH THE PUBLIC PATRONS OR MEMBERS ARE
26 INVITED OR ADMITTED AND WHICH ARE SO PHYSICALLY ARRANGED AS TO
27 PROVIDE BOOTHS, CUBICLES, ROOMS, COMPARTMENTS, OR STALLS SEPARATE

1 FROM THE COMMON AREAS OF THE PREMISES FOR THE PURPOSE OF VIEWING
2 ADULT-ORIENTED MOTION PICTURES, OR IN WHICH AN ENTERTAINER PRO-
3 VIDES ADULT ENTERTAINMENT TO A MEMBER OF THE PUBLIC, A PATRON, OR
4 A MEMBER FOR PROFIT.

5 (iii) AN ADULT ENTERTAINMENT STUDIO OR ANY PREMISES THAT IS
6 PHYSICALLY ARRANGED AND USED AS AN ADULT ENTERTAINMENT STUDIO,
7 WHETHER ADVERTISED OR REPRESENTED AS AN ADULT ENTERTAINMENT
8 STUDIO, EXOTIC DANCE STUDIO, ENCOUNTER STUDIO, SENSITIVITY
9 STUDIO, MODEL STUDIO, ESCORT SERVICE, ESCORT, OR ANY OTHER TERM
10 OF LIKE IMPORT.

11 (F) "ADULT MINI-MOTION PICTURE THEATER" MEANS AN ENCLOSED
12 BUILDING WITH A CAPACITY OF LESS THAN 50 PERSONS REGULARLY USED
13 FOR PRESENTING MATERIAL DISTINGUISHED OR CHARACTERIZED BY AN
14 EMPHASIS ON MATTER DEPICTING, DESCRIBING, OR RELATING TO A SPE-
15 CIFIC SEXUAL ACTIVITY FOR OBSERVATION BY PATRONS IN THE
16 ESTABLISHMENT.

17 (G) "ADULT MOTION PICTURE THEATER" MEANS AN ENCLOSED BUILD-
18 ING WITH A CAPACITY OF 50 OR MORE PERSONS REGULARLY USED FOR
19 PRESENTING MATERIAL HAVING AS A DOMINANT THEME OR PRESENTING
20 MATERIAL DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON MATTER
21 DEPICTING, DESCRIBING, OR RELATING TO A SPECIFIC SEXUAL ACTIVITY
22 FOR OBSERVATION BY PATRONS IN THE ESTABLISHMENT.

23 (H) "BILLBOARD" MEANS A SIGN SEPARATE FROM A PREMISES
24 ERECTED FOR THE PURPOSE OF ADVERTISING A PRODUCT, EVENT, PERSON,
25 OR SUBJECT NOT RELATED TO THE PREMISES ON WHICH THE SIGN IS
26 LOCATED. OFF-PREMISES DIRECTIONAL SIGNS AS PERMITTED IN THIS ACT

1 SHALL NOT BE CONSIDERED BILLBOARDS FOR THE PURPOSE OF THIS
2 SECTION.

3 (I) "SPECIFIC SEXUAL ACTIVITY" MEANS 1 OR MORE OF THE FOL-
4 LOWING SEXUAL ACTIVITIES OR EXHIBITIONS OF ANATOMICAL AREAS:

5 (i) HUMAN GENITALS IN A STATE OF SEXUAL STIMULATION OR
6 AROUSAL.

7 (ii) AN ACT OR REPRESENTATION OF AN ACT OF HUMAN MASTURBA-
8 TION, SEXUAL INTERCOURSE, SODOMY, CUNNILINGUS, FELLATIO, OR
9 EXCRETORY FUNCTION.

10 (iii) FONDLING OR EROTIC TOUCHING OF HUMAN GENITALS, PUBIC
11 REGIONS, BUTTOCKS, OR FEMALE BREASTS.

12 (iv) LESS THAN COMPLETELY AND OPAQUELY COVERED HUMAN GENI-
13 TALS OR PUBIC REGIONS, BUTTOCKS, OR FEMALE BREASTS BELOW THE TOP
14 OF THE AREOLA.

15 (v) HUMAN MALE GENITALS IN A DISCERNIBLY TURGID STATE, EVEN
16 IF COMPLETELY AND OPAQUELY COVERED.