

**SUBSTITUTE FOR
SENATE BILL NO. 266**

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending section 18a (MCL 252.318a), as amended by 2006 PA 448.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18a. (1) Notwithstanding any other provision of this act,
2 beginning January 1, 2000, all billboards within this state are
3 subject to this act and shall not advertise the purchase or
4 consumption of tobacco products.

5 (2) **BEGINNING JANUARY 1, 2011, ANY BILLBOARD WITHIN THIS STATE**
6 **THAT ADVERTISES A SEXUALLY ORIENTED BUSINESS SHALL DISPLAY ONLY**
7 **WORDS OR NUMBERS AND MAY DISPLAY THE BUSINESS'S TRADEMARK IF THE**
8 **TRADEMARK HAS BEEN REGISTERED UNDER THE LANHAM ACT, 15 USC 1051 TO**

1 1141N, OR UNDER 1969 PA 242, MCL 429.31 TO 429.46. THE WORDS ON A
2 BILLBOARD SHALL NOT DESCRIBE OR RELATE TO A SPECIFIED SEXUAL
3 ACTIVITY OR SPECIFIED ANATOMICAL AREA. AS USED IN THIS SUBSECTION:

4 (A) "SEXUALLY ORIENTED BUSINESS" INCLUDES, BUT IS NOT LIMITED
5 TO, AN ADULT BOOKSTORE, ADULT VIDEO STORE, ADULT CABARET, ADULT
6 MOTION PICTURE THEATER, SEXUAL DEVICE SHOP, SEXUAL ENCOUNTER
7 CENTER, OR AN ESTABLISHMENT THAT REGULARLY FEATURES LIVE
8 PERFORMANCES CHARACTERIZED BY THE EXPOSURE OF A SPECIFIC ANATOMICAL
9 AREA OR BY A SPECIFIC SEXUAL ACTIVITY OR IN WHICH PERSONS APPEAR IN
10 A STATE OF NUDITY OR SEMINUDITY IN THE PERFORMANCE OF THEIR DUTIES.
11 HOWEVER, SEXUALLY ORIENTED BUSINESS DOES NOT INCLUDE A BUSINESS
12 SOLELY BECAUSE IT SHOWS, SELLS, OR RENTS MATERIALS THAT MAY DEPICT
13 SEX.

14 (B) "SPECIFIED ANATOMICAL AREA" MEANS LESS THAN COMPLETELY AND
15 OPAQUELY COVERED HUMAN GENITALS, PUBIC REGION, BUTTOCKS, OR FEMALE
16 BREASTS BELOW A POINT IMMEDIATELY ABOVE THE TOP OF THE AREOLA; OR
17 HUMAN MALE GENITALS IN A DISCERNIBLY TURGID STATE, EVEN IF COVERED.

18 (C) "SPECIFIED SEXUAL ACTIVITY" MEANS THE FONDLING OR OTHER
19 EROTIC TOUCHING OF COVERED OR UNCOVERED HUMAN GENITALS, PUBIC
20 REGION, BUTTOCKS, OR FEMALE BREAST.

21 (D) "SEMINUDITY" MEANS A STATE OF DRESS IN WHICH OPAQUE
22 CLOTHING FAILS TO COVER THE GENITALS, ANUS, ANAL CLEFT OR CLEAVAGE,
23 PUBIC AREA, VULVA, OR NIPPLE AND AREOLA OF THE FEMALE BREAST.

24 (3) ~~(2)~~—Notwithstanding any other provision of this act, a
25 person who violates this section is responsible for a civil fine of
26 not less than \$5,000.00 or more than \$10,000.00 for each day of
27 violation. A civil fine collected under this section shall be

- 1 distributed to public libraries as provided under 1964 PA 59, MCL
- 2 397.31 to 397.40.