

HOUSE BILL No. 4767

June 15, 2017, Introduced by Rep. Schor and referred to the Committee on Law and Justice.

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending section 18a (MCL 252.318a), as amended by 2010 PA 343.

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~~ **DO 1 OR MORE OF THE**
4 **FOLLOWING:**

5 **(A) ADVERTISE** the purchase or consumption of tobacco products.

6 **(B) ADVERTISE THE PURCHASE OR CONSUMPTION OF, OR FACILITATE**
7 **ACCESS TO, MARIHUANA, AS DEFINED IN SECTION 7106 OF THE PUBLIC**
8 **HEALTH CODE, 1978 PA 368, MCL 333.7106.**

9 **(C) ADVERTISE THE PURCHASE OR CONSUMPTION OF, OR FACILITATE**
10 **ACCESS TO, MARIHUANA-INFUSED PRODUCTS, AS DEFINED IN SECTION 3 OF**

1 **THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26423.**

2 (2) Beginning January 1, 2011, any billboard within this state
3 that advertises a sexually oriented business shall display only
4 words or numbers and may display the business's trademark if the
5 trademark has been registered under the Lanham act, 15 USC 1051 to
6 1141n, or under 1969 PA 242, MCL 429.31 to 429.46. The words on a
7 billboard shall not describe or relate to a specified sexual
8 activity or specified anatomical area. As used in this subsection:

9 (a) "Sexually oriented business" includes, but is not limited
10 to, an adult bookstore, adult video store, adult cabaret, adult
11 motion picture theater, sexual device shop, sexual encounter
12 center, or an establishment that regularly features live
13 performances characterized by the exposure of a specific anatomical
14 area or by a specific sexual activity or in which persons appear in
15 a state of nudity or seminudity in the performance of their duties.
16 However, sexually oriented business does not include a business
17 solely because it shows, sells, or rents materials that may depict
18 sex.

19 (b) "Specified anatomical area" means less than completely and
20 opaquely covered human genitals, pubic region, buttocks, or female
21 breasts below a point immediately above the top of the areola; or
22 human male genitals in a discernibly turgid state, even if covered.

23 (c) "Specified sexual activity" means the fondling or other
24 erotic touching of covered or uncovered human genitals, pubic
25 region, buttocks, or female breast.

26 (d) "Seminudity" means a state of dress in which opaque
27 clothing fails to cover the genitals, anus, anal cleft or cleavage,

1 pubic area, vulva, or nipple and areola of the female breast.

2 (3) Notwithstanding any other provision of this act, a person
3 who violates this section is responsible for a civil fine of not
4 less than \$5,000.00 or more than \$10,000.00 for each day of
5 violation. A civil fine collected under this section shall be
6 distributed to public libraries as provided under 1964 PA 59, MCL
7 397.31 to 397.40.