

HIGHWAY ADVERTISING ACT OF 1972 (EXCERPT)
Act 106 of 1972

252.318a Billboards; advertising purchase or consumption of tobacco products prohibited; advertising sexually oriented business prohibited; violation; civil fine.

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

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

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

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

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

(d) "Seminudity" means a state of dress in which opaque clothing fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, or nipple and areola of the female breast.

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

History: Add. 1998, Act 464, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2010, Act 343, Eff. Mar. 30, 2011.