

SEXUALLY ORIENTED BUSINESS LICENSE

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: F. Jay Seegmiller

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill enacts provisions relating to the licensing of a sexually oriented business or an individual working in a sexually oriented business.

Highlighted Provisions:

This bill:

▶ enacts provisions relating to the licensing of a sexually oriented business or an individual working in a sexually oriented business.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-8-41.5, Utah Code Annotated 1953

17-50-331, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-8-41.5** is enacted to read:

10-8-41.5. Regulation of sexually oriented business.



28 (1) As used in this section:

29 (a) "Adult service" means dancing, serving food or beverages, modeling, posing,
 30 wrestling, singing, reading, talking, listening, or other performances or activities conducted by
 31 a nude or partially denuded individual for compensation.

32 (b) "Compensation" means:

33 (i) a salary;

34 (ii) a fee;

35 (iii) a commission;

36 (iv) employment;

37 (v) a profit; or

38 (vi) other pecuniary gain.

39 ~~H→ [(c) "Escort" means any individual who is available to the public for the purpose of~~
 40 ~~accompanying another individual for compensation.] (c)(i) "Escort" means a person who, for~~
 40a ~~compensation, dates, socializes with, visits, consorts with or accompanies another, or offers to~~
 40b ~~date, consort with, socialize with, visit, or accompany another:~~

40c (A) to a social affair, entertainment, or a place of amusement; or

40d (B) within:

40e (I) a place of public or private resort;

40f (II) a business or commercial establishment; or

40g (III) a private quarter.

40h (ii) "Escort" does not mean a person who provides business or personal services,
 40i including:

40j (A) a licensed private nurse;

40k (B) an aide for the elderly or a person with a disability;

40l (C) a social secretary or similar service personnel:

40m (I) whose relationship with a patron is characterized by a contractual
 40n relationship having a duration of 12 hours or more; and

40o (II) who provides a service not principally characterized as dating or
 40p socializing; or

40q (D) a person who provides services such as singing telegrams, birthday greetings,
 40r or similar activities:

40s (I) characterized by an appearance in a public place;

40t (II) contracted for by a party other than the person for whom the service
 40u is being performed; and

40v (II) of a duration not to exceed one hour. ←H

41 (d) "Escort service" means any person who furnishes or arranges for an escort to
42 accompany another individual for compensation.

43 (e) "Nude or partially denuded individual" means an individual with any of the
44 following less than completely and opaquely covered:

45 (i) genitals;

46 (ii) the pubic region; or

47 (iii) a female breast below a point immediately above the top of the areola.

48 (f) (i) "Sexually oriented business" means a business at which any nude or partially
49 denuded individual, regardless of whether the nude or partially denuded individual is an
50 employee of the sexually oriented business or an independent contractor, performs any service
51 for compensation.

52 (ii) "Sexually oriented business" includes:

53 (A) an escort service; or

54 (B) an adult service.

55 (2) A person employed in a sexually oriented business may not work in a municipality:

56 (a) if the municipality requires that a person employed in a sexually oriented business
57 be licensed individually; and

58 (b) if the person is not licensed by the municipality.

59 (3) A business entity that conducts a sexually oriented business may not conduct
60 business in a municipality:

61 (a) if the municipality requires that a sexually oriented business be licensed; and

62 (b) if the business entity is not licensed by the municipality.

63 Section 2. Section **17-50-331** is enacted to read:

64 **17-50-331. Regulation of sexually oriented business.**

65 (1) As used in this section:

66 (a) "Adult service" means dancing, serving food or beverages, modeling, posing,
67 wrestling, singing, reading, talking, listening, or other performances or activities conducted by
68 a nude or partially denuded individual for compensation.

69 (b) "Compensation" means:

70 (i) a salary;

71 (ii) a fee;

72 (iii) a commission;

73 (iv) employment;

74 (v) a profit; or

75 (vi) other pecuniary gain.

76 ~~H→ (c) "Escort" means any individual who is available to the public for the purpose of~~
77 ~~accompanying another individual for compensation.] (c)(i) "Escort" means a person who, for~~

77a ~~compensation, dates, socializes with, visits, consorts with or accompanies another, or offers to~~
77b ~~date, consort with, socialize with, visit, or accompany another:~~

77c ~~(A) to a social affair, entertainment, or a place of amusement; or~~

77d ~~(B) within:~~

77e1 ~~(I) a place of public or private resort;~~

77e ~~(II) a business or commercial establishment; or~~

77f ~~(III) a private quarter.~~

77g ~~(ii) "Escort" does not mean a person who provides business or personal services,~~
77h ~~including:~~

77i ~~(A) a licensed private nurse;~~

77j ~~(B) an aide for the elderly or a person with a disability;~~

77k ~~(C) a social secretary or similar service personnel;~~

77l ~~(I) whose relationship with a patron is characterized by a contractual~~
77m ~~relationship having a duration of 12 hours or more; and~~

77n ~~(II) who provides a service not principally characterized as dating or~~
77o ~~socializing; or~~

77p (D) a person who provides services such as singing telegrams, birthday greetings,
77q or similar activities:
77r (I) characterized by an appearance in a public place;
77s (II) contracted for by a party other than the person for whom the service
77t is being performed; and
77u (II) of a duration not to exceed one hour. ←H

78 (d) "Escort service" means any person who furnishes or arranges for an escort to
79 accompany another individual for compensation.

80 (e) "Nude or partially denuded individual" means an individual with any of the
81 following less than completely and opaquely covered:

82 (i) genitals;

83 (ii) the pubic region; or

84 (iii) a female breast below a point immediately above the top of the areola.

85 (f) (i) "Sexually oriented business" means a business at which any nude or partially
86 denuded individual, regardless of whether the nude or partially denuded individual is an
87 employee of the sexually oriented business or an independent contractor, performs any service
88 for compensation.

89 (ii) "Sexually oriented business" includes:

90 (A) an escort service; or

91 (B) an adult service.

92 (2) A person employed in a sexually oriented business may not work in the
93 unincorporated area of a county:

94 (a) if the county requires that a person employed in a sexually oriented business be
95 licensed individually; and

96 (b) if the person is not licensed by the county.

97 (3) A business entity that conducts a sexually oriented business may not conduct
98 business in an unincorporated area of a county:

99 (a) if the county requires that a sexually oriented business be licensed; and

100 (b) if the business entity is not licensed by the county.

Legislative Review Note
as of 2-11-10 2:08 PM

Office of Legislative Research and General Counsel

H.B. 398 - Sexually Oriented Business License Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
