

**SEXUALLY ORIENTED BUSINESS LICENSE**

**AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: F. Jay Seegmiller**

Senate Sponsor: Karen Mayne

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**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

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*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.

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

**Office of Legislative Research and General Counsel**

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**H.B. 398 - Sexually Oriented Business License Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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