

1 **SEXUALLY ORIENTED BUSINESS LICENSE**

2 **AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: F. Jay Seegmiller**

6 Senate Sponsor: Karen Mayne

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **10-8-41.5**, Utah Code Annotated 1953

23 **17-50-331**, Utah Code Annotated 1953

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

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

27 **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 (c) (i) "Escort" means a person who, for compensation, dates, socializes with, visits,
40 consorts with, or accompanies another, or offers to date, consort with, socialize with, visit, or
41 accompany another:

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

43 (B) within:

44 (I) a place of public or private resort;

45 (II) a business or commercial establishment; or

46 (III) a private quarter.

47 (ii) "Escort" does not mean a person who provides business or personal services,
48 including:

49 (A) a licensed private nurse;

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

51 (C) a social secretary or similar service personnel:

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

54 (II) who provides a service not principally characterized as dating or socializing; or

55 (D) a person who provides services such as singing telegrams, birthday greetings, or
56 similar activities:

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

58 (II) contracted for by a party other than the person for whom the service is being
59 performed; and

60 (III) of a duration not to exceed one hour.

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

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

65 (i) genitals;

66 (ii) the pubic region; or

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

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

72 (ii) "Sexually oriented business" includes:

73 (A) an escort service; or

74 (B) an adult service.

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

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

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

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

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

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

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

84 **17-50-331. Regulation of sexually oriented business.**

85 (1) As used in this section:

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

89 (b) "Compensation" means:

90 (i) a salary;

91 (ii) a fee;

92 (iii) a commission;

93 (iv) employment;

94 (v) a profit; or

95 (vi) other pecuniary gain.

96 (c) (i) "Escort" means a person who, for compensation, dates, socializes with, visits,
97 consorts with, or accompanies another, or offers to date, consort with, socialize with, visit, or
98 accompany another:

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

100 (B) within:

101 (I) a place of public or private resort;

102 (II) a business or commercial establishment; or

103 (III) a private quarter.

104 (ii) "Escort" does not mean a person who provides business or personal services,
105 including:

106 (A) a licensed private nurse;

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

108 (C) a social secretary or similar service personnel;

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

111 (II) who provides a service not principally characterized as dating or socializing; or

112 (D) a person who provides services such as singing telegrams, birthday greetings, or
113 similar activities:

- 114 (I) characterized by an appearance in a public place;
- 115 (II) contracted for by a party other than the person for whom the service is being
- 116 performed; and
- 117 (III) of a duration not to exceed one hour.
- 118 (d) "Escort service" means any person who furnishes or arranges for an escort to
- 119 accompany another individual for compensation.
- 120 (e) "Nude or partially denuded individual" means an individual with any of the
- 121 following less than completely and opaquely covered:
- 122 (i) genitals;
- 123 (ii) the pubic region; or
- 124 (iii) a female breast below a point immediately above the top of the areola.
- 125 (f) (i) "Sexually oriented business" means a business at which any nude or partially
- 126 denuded individual, regardless of whether the nude or partially denuded individual is an
- 127 employee of the sexually oriented business or an independent contractor, performs any service
- 128 for compensation.
- 129 (ii) "Sexually oriented business" includes:
- 130 (A) an escort service; or
- 131 (B) an adult service.
- 132 (2) A person employed in a sexually oriented business may not work in the
- 133 unincorporated area of a county:
- 134 (a) if the county requires that a person employed in a sexually oriented business be
- 135 licensed individually; and
- 136 (b) if the person is not licensed by the county.
- 137 (3) A business entity that conducts a sexually oriented business may not conduct
- 138 business in an unincorporated area of a county:
- 139 (a) if the county requires that a sexually oriented business be licensed; and
- 140 (b) if the business entity is not licensed by the county.