

2012 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Paul Ray
Senate Sponsor:
LONG TITLE
General Description:
This bill requires a licensed escort service to renew the license annually and prohibits a
municipality or a county from issuing a license to an escort service that employs a
person younger than 21 years of age.
Highlighted Provisions:
This bill:
 requires a licensed escort service to renew its license annually;
 prohibits a municipality or a county from issuing a license to an escort service that
employs a person younger than 21 years of age; and
 makes technical corrections.
Money Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
AMENDS:
10-8-41.5, as enacted by Laws of Utah 2010, Chapter 398
17-50-331, as enacted by Laws of Utah 2010, Chapter 398

H.B. 222

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28	Section 1. Section 10-8-41.5 is amended to read:
29	10-8-41.5. Regulation of sexually oriented business.
30	(1) As used in this section:
31	(a) "Adult service" means dancing, serving food or beverages, modeling, posing,
32	wrestling, singing, reading, talking, listening, or other performances or activities conducted by
33	a nude or partially denuded individual for compensation.
34	(b) "Compensation" means:
35	(i) a salary;
36	(ii) a fee;
37	(iii) a commission;
38	(iv) employment;
39	(v) a profit; or
40	(vi) other pecuniary gain.
41	(c) (i) "Escort" means a person who, for compensation, dates, socializes with, visits,
42	consorts with, or accompanies another, or offers to date, consort with, socialize with, visit, or
43	accompany another:
44	(A) to a social affair, entertainment, or a place of amusement; or
45	(B) within:
46	(I) a place of public or private resort;
47	(II) a business or commercial establishment; or
48	(III) a private quarter.
49	(ii) "Escort" does not mean a person who provides business or personal services,
50	including:
51	(A) a licensed private nurse;
52	(B) an aide for the elderly or a person with a disability;
53	(C) a social secretary or similar service personnel:
54	(I) whose relationship with a patron is characterized by a contractual relationship
55	having a duration of 12 hours or more; and
56	(II) who provides a service not principally characterized as dating or socializing; or
57	(D) a person who provides services such as singing telegrams, birthday greetings, or
58	similar activities:

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59	(I) characterized by an appearance in a public place;
60	(II) contracted for by a party other than the person for whom the service is being
61	performed; and
62	(III) of a duration not to exceed one hour.
63	(d) "Escort service" means any person who furnishes or arranges for an escort to
64	accompany another individual for compensation.
65	(e) "Nude or partially denuded individual" means an individual with any of the
66	following less than completely and opaquely covered:
67	(i) genitals;
68	(ii) the pubic region; or
69	(iii) a female breast below a point immediately above the top of the areola.
70	(f) (i) "Sexually oriented business" means a business at which any nude or partially
71	denuded individual, regardless of whether the nude or partially denuded individual is an
72	employee of the sexually oriented business or an independent contractor, performs any service
73	for compensation.
74	(ii) "Sexually oriented business" includes:
75	(A) an escort service; or
76	(B) an adult service.
77	(2) A person employed in a sexually oriented business may not work in a municipality:
78	(a) if the municipality requires that a person employed in a sexually oriented business
79	be licensed individually; and
80	(b) if the person is not licensed by the municipality.
81	(3) (a) A business entity that conducts a sexually oriented business may not conduct
82	business in a municipality:
83	[(a)] (i) if the municipality requires that a sexually oriented business be licensed; and
84	[(b)] (ii) if the business entity is not licensed by the municipality.
85	(b) If a municipality requires that an escort service be licensed, the municipality:
86	(i) shall require that the escort service renew its license annually; and
87	(ii) may not license an escort service that employs a person younger than 21 years of
88	age.
89	Section 2. Section 17-50-331 is amended to read:

91(1) As used in this section:92(a) "Adult service" means dancing, serving food or beverages, modeling, posing,93wrestling, singing, reading, talking, listening, or other performances or activities conducted by94a nude or partially denuded individual for compensation.95(b) "Compensation" means:96(i) a salary;97(ii) a fee;98(iii) a commission;99(iv) employment;100(v) a profit; or101(vi) other pecuniary gain.102(c) (i) "Escort" means a person who, for compensation, dates, socializes with, visit, or103accompany another:104accompany another:105(A) to a social affair, entertainment, or a place of amusement; or106(B) within:107(I) a place of public or private resort;108(II) a business or commercial establishment; or109(III) a private quarter.110(c) a social scretary or similar service personnel:111(C) a social scretary or similar service personnel:113(B) an aide for the elderly or a person with a disability;114(C) a social scretary or similar service personnel:115(I) who provides a service not principally characterized by a contractual relationship116having a duration of 12 hours or more; and117(II) who provides a service not principally characterized by a contractual relationship118(D) a person who provides services such as singing telegrams, birthday greetings, or119(II) who	90	17-50-331. Regulation of sexually oriented business.
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132	denuded individual, regardless of whether the nude or partially denuded individual is an
133	employee of the sexually oriented business or an independent contractor, performs any service
134	for compensation.
135	(ii) "Sexually oriented business" includes:
136	(A) an escort service; or
137	(B) an adult service.
138	(2) A person employed in a sexually oriented business may not work in the
139	unincorporated area of a county:
140	(a) if the county requires that a person employed in a sexually oriented business be
141	licensed individually; and
142	(b) if the person is not licensed by the county.
143	(3) (a) A business entity that conducts a sexually oriented business may not conduct
144	business in an unincorporated area of a county:
145	[(a)] (i) if the county requires that a sexually oriented business be licensed; and
146	[(b)] (ii) if the business entity is not licensed by the county.
147	(b) If a county requires that an escort service be licensed, the county:
148	(i) shall require that the escort service renew its license annually; and
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Office of Legislative Research and General Counsel