

SEXUALLY ORIENTED BUSINESS LICENSE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill sets a criminal penalty for operating a sexually oriented business without a business license in certain circumstances.

Highlighted Provisions:

This bill:

- ▶ sets a criminal penalty for operating a sexually oriented business without a business license in certain circumstances; and
- ▶ makes technical and conforming changes.

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

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

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

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

(1) As used in this section:



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

31 (b) "Compensation" means:

32 (i) a salary;

33 (ii) a fee;

34 (iii) a commission;

35 (iv) employment;

36 (v) a profit; or

37 (vi) other pecuniary gain.

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

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

42 (B) within~~[-(H)]~~ a place of public or private resort~~[-(H)]~~, a business or commercial
43 establishment~~[-(H)]~~, or a private quarter.

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

46 (A) a licensed private nurse;

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

48 (C) a social secretary or similar service personnel~~[-(H)]~~ whose relationship with a
49 patron is characterized by a contractual relationship having a duration of 12 hours or more~~[-(H)]~~
50 and ~~[-(H)]~~ who provides a service not principally characterized as dating or socializing; or

51 (D) a person who provides services such as singing telegrams, birthday greetings, or
52 similar activities~~[-(H)]~~ that are characterized by an appearance in a public place~~[-(H)]~~,
53 contracted for by a party other than the person for whom the service is being performed~~[-(H)]~~, and
54 ~~[-(H)]~~ of a duration not to exceed one hour.

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

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

59 (i) genitals;
 60 (ii) the pubic region; or
 61 (iii) a female breast below a point immediately above the top of the areola.
 62 (f) (i) "Sexually oriented business" means a business at which any nude or partially
 63 denuded individual, regardless of whether the nude or partially denuded individual is an
 64 employee of the sexually oriented business or an independent contractor, performs any service
 65 for compensation.

66 (ii) "Sexually oriented business" includes:

- 67 (A) an escort service; or
- 68 (B) an adult service.

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

71 (a) [if] the municipality requires that a person employed in a sexually oriented business
 72 ~~[be licensed individually]~~ obtain an individual license; and

73 (b) [if] the person [is] has not [licensed by] obtained an individual license from the
 74 municipality.

75 (3) A business entity that conducts a sexually oriented business may not conduct
 76 business in a municipality if:

77 (a) [if] the municipality requires that a sexually oriented business ~~[be licensed]~~ obtain a
 78 license; and

79 (b) [if] the business entity [is] has not [licensed by] obtained a license from the
 80 municipality.

81 (4) ~~Ŝ→ (a) ←Ŝ Ĥ→ [H] A violation of this section ←Ĥ Ŝ→ by an individual who is at~~
 81a1 least 18 years old ←Ŝ is a class Ŝ→ [A] B ←Ŝ misdemeanor Ĥ→ [to operate a
 81a sexually oriented business without a
 82 business license in a municipality if the municipality requires that the sexually oriented
 83 business obtain a business license] ←Ĥ .

83a1 ~~Ŝ→~~ (b) A person charged under this section may not also be charged under
 83b1 Section 76-10-1302. ←Ŝ

83a ~~Ĥ→~~ (5) A prosecutor or city attorney may prosecute an alleged violation of this section. ←Ĥ