

HB0329S02 compared with HB0329

{deleted text} shows text that was in HB0329 but was deleted in HB0329S02.

inserted text shows text that was not in HB0329 but was inserted into HB0329S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Colin W. Jack proposes the following substitute bill:

ADULT EVENT PERMIT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Colin W. Jack

Senate Sponsor: { _____

{Evan J. Vickers

Cosponsors:

Cheryl K. Acton

Carl R. Albrecht

Melissa G. Ballard

Kera Birkeland

Bridger Bolinder

Brady Brammer

Walt Brooks

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Thomas W. Peterson

Candice B. Pierucci

Rex P. Shipp

R. Neil Walter

Christine F. Watkins

LONG TITLE

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General Description:

This bill requires a public entity to provide public notice for a permitted event with an adult theme.

Highlighted Provisions:

This bill:

- ▶ defines terms;~~{and}~~
- ▶ requires a public entity to provide public notice under certain conditions for a permitted event with an adult theme~~{.}~~; and
- ▶ provides liability presumptions and limitations.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

11-68-101, Utah Code Annotated 1953

11-68-102, Utah Code Annotated 1953

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

Section 1. Section **11-68-101** is enacted to read:

CHAPTER 68. PERMITTED EVENT WITH ADULT THEME NOTIFICATION REQUIREMENT

11-68-101. Definitions.

As used in this chapter:

(1) "Event permit" means a permit that a public entity issues to the organizer of an event in a public building or on public grounds.

(2) ~~{(a)}~~ "Event with an adult theme" means an event that:

~~{(i)}~~ a) contains content that may not be appropriate for children; and

~~{(ii)}~~ b) takes place in a public building or on public grounds.

~~{~~ (b) "Event with an adult theme" may include an event that contains:

~~—~~ (i) nudity;

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~~(ii) sexual activity or content; or~~

~~(iii) excessive profanity.~~

† (3) (a) "Public building" means a building or permanent structure that is:
(i) owned, leased, or occupied by a public entity or a subunit of a public entity;
(ii) open to public access in whole or in part; and
(iii) used for public education or public entity activities.
(b) "Public building" does not mean a building or permanent structure that is owned or leased by a public entity or a subunit of a public entity:

(i) that is closed to public access; or
(ii) when the building is used by a person, in whole or in part, for a private function.

(4) (a) "Public grounds" means the area outside of a public building where:

(i) members of the public may safely gather; and
(ii) a public entity may require an event permit for an event.

(b) "Public grounds" may include a sidewalk, street, or park.

(5) "Public entity" means the state, a political subdivision, a state college or university, a public school or school district, or other public entity that may issue an event permit for an event in a public building or on public grounds.

Section 2. Section **11-68-102** is enacted to read:

11-68-102. Permitted event with adult theme notification requirement.

(1) (a) If a public entity grants an event permit for an event that the public entity determines ~~is, in the public entity's discretion,~~ is an event with an adult theme, the public entity shall provide notice ~~of possible adult content;~~ that parental guidance is advised to members of the public who may view or otherwise be exposed to the event with an adult theme.

(b) ~~The~~ Except as provided in Subsection (1)(c) or (1)(d), the notification described in Subsection (1)(a) shall:

(i) be designed to provide a parent or guardian with sufficient notice so that the parent or guardian may choose to prevent the parent's or guardian's child from viewing or otherwise being exposed to the event with an adult theme; and

(ii) be posted near all main entrances to the event with an adult theme or otherwise be designed to provide adequate notice to members of the public who may view or otherwise be exposed to the event with an adult theme.

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(c) For a parade, the notification described in Subsection (1)(a) shall be posted by the public entity on the public entity's website.

(d) For a large outdoor event that is not a parade, the notification described in Subsection (1)(a) shall:

(i) be posted by the public entity on the public entity's website; or

(ii) be physically posted in four conspicuous locations at or near the large outdoor event.

(2) In making a determination as to whether an event is an event with an adult theme as described in Subsection (1), the public entity shall ~~obtain~~ require the requestor of the event permit to provide sufficient information regarding the event in order to be able to make a reasonably informed determination.

(3) (a) Nothing in this section affects the issuance of an event permit or requires a public entity to grant an event permit to an event with an adult theme.

(b) A public entity, or an entity acting at the request or direction of a public entity, is:

(i) presumed to have acted in good faith in making the determination described in Subsection (1)(a); and

(ii) immune from civil liability for damages for good faith compliance with this section.