

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2782

By: Walke

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1040.55, which relates to adult cabarets and sexually oriented businesses; prohibiting display of billboards or exterior advertising signage within certain distance of single-family zoned residential neighborhoods; modifying date that requires businesses to conform with signage requirement; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1040.55, is amended to read as follows:

Section 1040.55 A. As used in this section:

1. "Adult cabaret" means a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;

2. "Sexually oriented business" means any business which offers its patrons goods of which a substantial portion are sexually oriented materials. Any business where more than ten percent (10%)

1 of display space is used for sexually oriented materials shall be
2 presumed to be a sexually oriented business;

3 3. "Sexually oriented materials" means any textual, pictorial,
4 or three-dimensional material that depicts nudity, sexual conduct,
5 sexual excitement, or sadomasochistic abuse in a way that is
6 patently offensive to the average person applying contemporary adult
7 community standards with respect to what is suitable for minors; and

8 4. "State of nudity" means the showing of either:

- 9 a. the human male or female genitals or pubic area with
10 less than a fully opaque covering, or
11 b. the female breast with less than a fully opaque
12 covering or any part of the nipple.

13 B. Except as otherwise provided in this subsection, no
14 billboard or other exterior advertising sign for an adult cabaret or
15 sexually oriented business shall be located within one (1) mile of
16 any state highway or single-family zoned residential neighborhood.
17 If such a business is located within one (1) mile of a state highway
18 or single-family zoned residential neighborhood, the business may
19 display a maximum of two exterior signs on the premises of the
20 business, consisting of one identification sign and one sign solely
21 giving notice that minors are not permitted on the premises. The
22 identification sign shall be no more than forty (40) square feet in
23 size and shall include no more than the following information: name,
24

1 street address, telephone number, and operating hours of the
2 business.

3 C. Signs existing at the time of the adoption of this section,
4 which do not conform to the requirements of this section, may be
5 allowed to continue as a nonconforming use, but shall be made to
6 conform not later than November 1, ~~2009~~ 2023.

7 D. The Attorney General shall represent the state in all
8 actions and proceedings arising from this section. In addition, all
9 costs incurred by the Attorney General to defend or prosecute this
10 section, including payment of all court costs, civil judgments, and,
11 if necessary, any attorney fees, shall be paid from the General
12 Revenue Fund.

13 E. Any owner of a business who violates the provisions of this
14 section shall be guilty of a misdemeanor.

15 SECTION 2. This act shall become effective November 1, 2020.

16

17 57-2-9351 GRS 12/04/19

18

19

20

21

22

23

24