

1 State of Arkansas As Engrossed: S1/23/23 H1/30/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 43

4

5 By: Senators G. Stubblefield, J. Bryant, B. Johnson, K. Hammer, Rice, Flipppo, C. Penzo, Gilmore, Stone,
6 M. McKee, A. Clark, Hester, Dees, D. Sullivan, Caldwell, Hill

7 By: Representatives Bentley, Barker, C. Cooper, Crawford, Haak, D. Hodges, Ladyman, Long,
8 Lundstrum, McAlindon, R. Scott Richardson, Rose, Rye, Tosh

9

For An Act To Be Entitled

10

11 AN ACT TO CLASSIFY A DRAG PERFORMANCE AS AN ADULT-
12 ORIENTED BUSINESS; TO ADD ADDITIONAL LOCATION
13 RESTRICTIONS TO AN ADULT-ORIENTED BUSINESS; AND FOR
14 OTHER PURPOSES.

15

16

Subtitle

17

18 TO CLASSIFY A DRAG PERFORMANCE AS AN
19 ADULT-ORIENTED BUSINESS; AND TO ADD
20 ADDITIONAL LOCATION RESTRICTIONS TO AN
21 ADULT-ORIENTED BUSINESS.

22

23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25

26 SECTION 1. Arkansas Code § 14-1-302(6), concerning the definition of
27 "adult-oriented business", is amended to read as follows:

28 (6) "Adult-oriented business" means an adult arcade, an adult
29 bookstore or video store, an adult cabaret, an adult live entertainment
30 establishment, an adult motion picture theater, an adult theater, a massage
31 establishment that offers adult services, an escort agency, ~~or~~ a nude model
32 studio, or a drag performance;

33

34 SECTION 2. Arkansas Code § 14-1-302, concerning definitions related to
35 adult-oriented businesses, is amended to add additional subdivisions to read
36 as follows:



1 (26) "Drag performance" means a performance:

2 (A) In which one (1) or more performers:

3 (i) Exaggerates sexual aspects of the masculine or
4 feminine body for entertainment purposes; and

5 (ii) Sings, lip-synchs, dances, or otherwise
6 performs before an audience of at least two (2) persons for entertainment,
7 whether performed for payment or not; and

8 (B) That is intended to appeal to the prurient interest;

9 and

10 (27) "Minor" means an individual who is less than eighteen (18)
11 years of age.

12
13 SECTION 3. Arkansas Code § 14-1-303, concerning the location of adult-
14 oriented businesses, is amended to add *additional subsections* to read as
15 follows:

16 (d) An adult-oriented business shall not be located:

17 (1) On public property; or

18 (2) Where a minor can view what the adult-oriented business is
19 otherwise offering to the public that qualifies it as an adult-oriented
20 business.

21 (e) An adult-oriented business shall not permit a minor to view
22 material or entertainment that:

23 (1) Appeals to the prurient interest as applied to a minor;

24 (2) Depicts sexual behavior in a way that is patently offensive
25 under community standards as applied to a minor; and

26 (3) Lacks serious literary, artistic, political, or scientific
27 value for minors.

28
29 /s/G. Stubblefield
30
31
32
33
34
35
36