

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: S1/23/23

# A Bill

SENATE BILL 43

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

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

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:



(26) "Drag performance" means a performance:

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

(i) Exhibits a gender identity that is different from the performer's gender assigned at birth using clothing, makeup, or other accessories that are traditionally worn by members of and are meant to exaggerate the gender identity of the performer's opposite sex; and

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

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

and

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

SECTION 3. Arkansas Code § 14-1-303, concerning the location of adult-oriented businesses, is amended to add an additional subsection to read as follows:

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

(1) On public property; or

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

*/s/G. Stubblefield*