

SENATE BILL No. 519

By Senator Huelskamp

2-7

9 AN ACT relating to sexually-oriented signs; restricting location thereof
10 on state highways.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this section:

14 (1) "Adult cabaret" means a nightclub, bar, restaurant or similar com-
15 mercial establishment which regularly features:

16 (A) Persons who appear in a state of nudity or semi-nudity;

17 (B) live performances which are characterized by the exposure of
18 specified anatomical areas or by specified sexual activities; or

19 (C) films, motion pictures, video cassettes, slides or other photo-
20 graphic reproductions which are characterized by the depiction or de-
21 scription of specified sexual activities or specified anatomical areas;

22 (2) "nudity" or a "state of nudity" means the showing of the human
23 male or female genitals, pubic area, vulva, anus, anal cleft or cleavage
24 with less than a fully opaque covering, the showing of the female breast
25 with less than a fully opaque covering of any part of the nipple or the
26 showing of the covered male genitals in a discernibly turgid state;

27 (3) "semi-nudity" means a state of dress in which opaque clothing
28 fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva,
29 nipple and areola of the female breast below a horizontal line across the
30 top of the areola at its highest point. Semi-nudity shall include the entire
31 lower portion of the female breast, but shall not include any portion of
32 the cleavage of the human female breast exhibited by wearing apparel
33 provided the areola is not exposed in whole or part;

34 (4) "sexually-oriented business" means any business which offers its
35 patrons goods of which a substantial portion are sexually-oriented mate-
36 rials. Any business where more than 10% of display space is used for
37 sexually-oriented materials shall be presumed to be a sexually-oriented
38 business;

39 (5) "sexually-oriented materials" means any textual, pictorial or three
40 dimensional material that depicts nudity, sexual conduct, sexual excite-
41 ment or sadomasochistic abuse in a way which is patently offensive to the
42 average person applying contemporary adult community standards with
43 respect to what is suitable for minors;

1 (6) “sign” or “outdoor advertising” means any outdoor sign, display,
2 device, notice, bulletin, figure, painting, drawing, message, placard,
3 poster, billboard or other thing which is designed, intended or used to
4 advertise or inform, any part of the advertising or informative contents of
5 which is located within an adjacent area, and is visible from the state
6 highway.

7 (b) No sign or other outdoor advertising, for an adult cabaret or sex-
8 ually-oriented business shall be located within one mile of any state high-
9 way except if such business is located within one mile of a state highway
10 then the business may display a maximum of two exterior signs on the
11 premises of the business, consisting of one identification sign and one
12 sign solely giving notice that the premises are off limits to minors. The
13 identification sign shall be no more than 40 square feet in size and shall
14 include no more than the following information: Name, street address,
15 telephone number and operating hours of the business.

16 (c) Signs existing at the time of the effective date of this act, which
17 did not conform to the requirements of this section, and amendments
18 thereto, may be allowed to continue as a nonconforming use, but should
19 be made to conform within three years from July 1, 2006.

20 (d) Any owner of such a business who violates the provisions of this
21 section shall be guilty of a class C misdemeanor. Each week a violation
22 of this section continues to exist shall constitute a separate offense.

23 (e) This section is designed to protect the following public policy
24 interests of this state, including, but not limited to:

25 (1) To mitigate the adverse secondary effects of sexually-oriented
26 businesses; (2) to improve traffic safety; (3) to limit harm to minors; and
27 (4) to reduce prostitution, crime, juvenile delinquency, deterioration in
28 property values and lethargy in neighborhood improvement efforts.

29 (f) The attorney general shall represent the state in all actions and
30 proceedings arising from this section, and amendments thereto. All costs
31 incurred by the attorney general to defend or prosecute this section, in-
32 cluding payment of all court costs, civil judgments and, if necessary, any
33 attorneys fees, shall be paid from the state general fund.

34 Sec. 2. This act shall take effect and be in force from and after its
35 publication in the statute book.