



Senate Fiscal Agency  
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BILL



ANALYSIS

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Senate Bill 879 (as reported without amendment)  
Sponsor: Senator Tupac A. Hunter  
Committee: Transportation

(as enacted)

Date Completed: 10-26-09

### **RATIONALE**

In some Michigan communities, sexually oriented businesses reportedly have placed on their property signs that display explicit images or have sexually suggestive content. Because some of these businesses are near neighborhoods where children may be exposed to those messages, the signs are a concern for parents and others in the community. It has been suggested that there should be restrictions on the content of signs advertising sexually oriented businesses.

### **CONTENT**

The bill would create a new act to prohibit the owner or operator of a sexually oriented business, beginning January 1, 2011, from erecting, constructing, or maintaining on the premises of that business a sign that advertised or identified the business and was visible outdoors unless the sign displayed only words or numbers, or both.

The words could not describe or relate to a specified sexual activity or certain anatomical areas (human genitals, pubic area, buttocks, anus, anal cleft, or female breasts). A sign authorized under the bill could display the sexually oriented business's or a credit card company's registered trademark.

A sign that violated the bill would be a nuisance, and the Attorney General or the attorney for a local unit of government where the sign was located could bring an action in circuit court to abate the nuisance.

A person who violated the bill would be responsible for a civil fine of at least \$5,000

and not more than \$10,000 for each day of violation. A fine collected under the bill would have to be distributed to public libraries.

If there were a conflict between the bill and a local zoning ordinance or the Highway Advertising Act or a rule promulgated under that Act, the more restrictive provision would apply.

"Sexually oriented business" would include an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, sexual encounter center, or an establishment that regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity or in which people appear in a state of nudity or seminudity in the performance of their duties. The term would not include a business solely because it shows, sells, or rents materials that may depict sex.

The bill also would define "specified anatomical area", "specified sexual activity", and "seminudity".

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The bill would remove sexual images and content from public display in neighborhoods, preventing children from being exposed to inappropriate material. The display of signs that some consider

indecent has been a problem in some cities and suburbs where sexually oriented businesses have located. For example, one business in Detroit reportedly has a sexually suggestive sign on its property right next to a stable neighborhood where families are raising young children. The bill would limit the information that could be put on such signs, preserving the business's right to advertise while protecting neighborhood residents from being exposed to material they may find objectionable.

The bill would be consistent with Senate Bill 266 (S-3), which would impose the same restrictions on billboards for sexually oriented businesses.

### **Opposing Argument**

Senate Bill 879 would unfairly discriminate against certain types of businesses. Advertisements for adult establishments are no more lewd than some lingerie ads, which would not be restricted under the bill.

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

The bill would increase local unit revenue to libraries by an unknown amount. It is unknown how many fines, or their total amounts, would be levied under the bill. Any fine revenue would be distributed to libraries. Enforcement of the bill's provisions should have a negligible impact on State and local expenses.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.