



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB3620

Introduced 2/28/2007, by Rep. Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Adult Entertainment Message Regulation Act. Provides that no message or other outdoor communication advertising an adult cabaret or a sexually-oriented business may be located within the boundaries of a municipality or within one mile of a municipal boundary, Interstate highway, school, or place of worship, unless that business is located within one mile of a municipal boundary, Interstate highway, school, or place of worship, in which case that business may display one message giving notice that the premises are off limits to minors and one message of identification of no more than 40 square feet in size that contains only the business' name, street address, telephone number, and operating hours. Provides that non-conforming messages in use at the time of the effective date of the Act may continue in use for the term of the contract, up to one year after the Act's effective date. Provides that any adult cabaret or sexually-oriented business owner who violates the provisions of the Act is guilty of a Class C misdemeanor and that each day that a violation of the Act continues in existence constitutes a separate offense. Preempts home rule. Provides that the Act shall not apply within a municipality with a population over 500,000. Effective July 1, 2007.

LRB095 10574 RLC 30795 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT concerning advertising.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Adult  
5 Entertainment Message Regulation Act.

6 Section 5. Definitions. In this Act:

7 "Adult cabaret" means a nightclub, bar, restaurant, or  
8 similar establishment in which owners, employees, or both  
9 appear in a state of nudity or semi-nudity in the performance  
10 of their duties or patrons are permitted or encouraged to  
11 appear in a state of nudity or semi-nudity.

12 "Message" means any outdoor communication, the intent of  
13 which is to advertise any adult cabaret or sexually-oriented  
14 business, as the terms are defined in this Act.

15 "Semi-nudity" means a state of dress in which opaque  
16 clothing fails to cover the genitals, anus, anal cleft or  
17 cleavage, pubic area, vulva, nipple, and areola of the female  
18 breast below a horizontal line across the top of the areola at  
19 its highest point. Semi-nudity includes the entire lower  
20 portion of the female breast, but does not include any portion  
21 of the cleavage of the female breast exhibited by wearing  
22 apparel, provided that the areola is not exposed in whole or  
23 part.

1 "Sexually-oriented business" means any business that  
2 offers its patrons goods of which a substantial portion are  
3 sexually-oriented materials. Any business where more than 10%  
4 of display space is used for sexually-oriented materials is  
5 presumed to be a sexually-oriented business.

6 "Sexually-oriented materials" means any textual,  
7 pictorial, or 3-dimensional material that explicitly depicts  
8 subject matter that is intended to be sexually arousing,  
9 including, but not limited to, nudity, sexual conduct, sexual  
10 excitement, or sadomasochistic abuse.

11 Section 10. Message or other outdoor communication  
12 regulation. No message or other outdoor communication  
13 advertising an adult cabaret or a sexually-oriented business  
14 may be located within the boundaries of any municipality or  
15 within one mile of any municipal boundary, Interstate highway,  
16 public or private elementary or secondary school, or church,  
17 synagogue, or other established place of worship, except that  
18 if such business is located within one mile of any municipal  
19 boundary, Interstate highway, public or private elementary or  
20 secondary school, or church, synagogue, or other established  
21 place of worship, then the business may display a maximum of 2  
22 exterior messages on the premises of the business, consisting  
23 of one message of identification and one message solely giving  
24 notice that the premises are off limits to minors. The message  
25 of identification shall be no more than 40 square feet in size

1 and shall include no more than the following information: name,  
2 street address, telephone number, and operating hours of the  
3 business.

4 Section 15. Grace period. Messages or other outdoor  
5 communications existing at the time of the effective date of  
6 this Act that do not conform to the requirements of this Act  
7 may be allowed to continue in non-conforming use for the term  
8 of the contract, up to one year after the effective date of  
9 this Act.

10 Section 20. Penalty. Any owner of an adult cabaret or a  
11 sexually-oriented business who violates any provision of this  
12 Act is guilty of a Class C misdemeanor. Each day that a  
13 violation of this Act continues to exist constitutes a separate  
14 offense.

15 Section 25. Home rule; local ordinances; scope of Act.

16 (a) Except as provided in subsection (b) of this Section, a  
17 home rule unit may not regulate messages or other outdoor  
18 communications advertising adult cabarets or sexually-oriented  
19 businesses in a manner that is less restrictive than this Act.  
20 This subsection (a) is a limitation under subsection (i) of  
21 Section 6 of Article VII of the Illinois Constitution on the  
22 concurrent exercise by home rule units of powers and functions  
23 exercised by the State.

1           (b) A unit of local government may, by ordinance adopted  
2 after the effective date of this Act, allow messages or other  
3 outdoor communications within the jurisdiction of that unit of  
4 local government that would otherwise be in violation of this  
5 Act. Messages or other outdoor communications in compliance  
6 with such an ordinance are not in violation of this Act.

7           (c) This Act shall not apply within a municipality with a  
8 population over 500,000.

9           Section 99. Effective date. This Act takes effect July 1,  
10 2007.