



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED

FACT SHEET FOR S.B. 1030

drag performers; drag shows; regulation
(NOW: sexually explicit performances; regulation)

Purpose

Requires, rather than allows, the county board of supervisors (county BOS) to provide for the regulation and use of adult oriented business licenses and permits in conjunction with establishments that conduct sexually explicit performances. Subjects a sexually explicit performance to the prohibitions relating to an adult oriented business.

Background

The county BOS may adopt zoning ordinances and codes in order to conserve and promote the public health, safety, convenience and general welfare. Statute outlines zoning guidelines and requirements. The county BOS may provide for the regulation and use of business licenses, including adult oriented business manager permits and adult service provider permits in conjunction with the establishment or operation of adult oriented businesses and facilities ([A.R.S. § 11-811](#)).

Statute outlines prohibitions relating to an adult oriented business. An *adult oriented business* includes: 1) an adult arcade; 2) adult bookstore or video store; 3) adult cabaret; 4) adult motion picture theater or adult theater; 5) escort agency; or 6) nude model studio. An adult oriented business may not be located within 1/4 mile of a: 1) child care facility; 2) school; 3) public playground; 4) public recreational facility; 5) residence; or 6) place of worship ([A.R.S. § 13-1422](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires, rather than allows, the county BOS to provide for the regulation and use of adult oriented business licenses and permits in conjunction with establishments that conduct sexually explicit performances.
2. Includes a sexually explicit performance in the prohibitions relating to an adult oriented business.
3. Defines *sexually explicit performance* as a show or performance for entertainment at which a single performer or group of performers entertains an audience of two or more people in a manner that is sexually explicit.
4. Defines *sexually explicit* as:

- a) an intention to arouse or satisfy the sexual desires or appeal to the prurient interest;
- b) depictions, simulations or acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or breast;
- c) *sexual excitement*, defined as the condition of human male or female genitals when in a state of sexual stimulation or arousal; or
- d) *ultimate sexual acts*, defined as actual or simulated sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy.

5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Removes the requirement that the county BOS must provide for drag show permits and drag performer permits.
2. Specifies that the county BOS must provide for the regulation and use of adult oriented business licenses and permits in conjunction with establishments that conduct sexually explicit drag shows, rather than drag shows.
3. Includes a *sexually explicit drag show* in the definition of an adult oriented business.
4. Removes the prohibition on a drag show being conducted between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday and between the hours of 1:00 a.m. and 12:00 p.m. on Sunday.
5. Defines *sexually explicit drag show* as a show or performance for entertainment at which a single drag performer or group of drag performers entertains an audience of two or more people in a manner that is sexually explicit.
6. Defines *sexually explicit* as:
 - a) an intention to arouse or satisfy the sexual desires or appeal to the prurient interest;
 - b) depictions, simulations or acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or breast;
 - c) *sexual excitement*, defined as the condition of human male or female genitals when in a state of sexual stimulation or arousal; or
 - d) *ultimate sexual acts*, defined as actual or simulated sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy.

7. Removes the definition of *drag show*.
8. Makes technical and conforming changes.

Amendment Adopted by Committee of the Whole

1. Subjects the requirement relating to the regulation of adult oriented businesses to sexually explicit performances, rather than sexually explicit drag shows and drag performers.

2. Redefines *sexually explicit drag show* as a *sexually explicit performance* and modifies the definition by removing drag performers.
3. Removes the definition of *drag performer*.
4. Makes technical and conforming changes.

Senate Action

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Prepared by Senate Research

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AN/slp