

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

A Bill

SENATE BILL 43

5 By: Senator G. Stubblefield
6 By: Representative Bentley
7

For An Act To Be Entitled

9 AN ACT TO CLASSIFY A DRAG PERFORMANCE AS AN ADULT-
10 ORIENTED BUSINESS; TO ADD ADDITIONAL LOCATION
11 RESTRICTIONS TO AN ADULT-ORIENTED BUSINESS; AND FOR
12 OTHER PURPOSES.
13
14

Subtitle

15 TO CLASSIFY A DRAG PERFORMANCE AS AN
16 ADULT-ORIENTED BUSINESS; AND TO ADD
17 ADDITIONAL LOCATION RESTRICTIONS TO AN
18 ADULT-ORIENTED BUSINESS.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 14-1-302(6), concerning the definition of
25 "adult-oriented business", is amended to read as follows:

26 (6) "Adult-oriented business" means an adult arcade, an adult
27 bookstore or video store, an adult cabaret, an adult live entertainment
28 establishment, an adult motion picture theater, an adult theater, a massage
29 establishment that offers adult services, an escort agency, ~~or~~ a nude model
30 studio, or a drag performance;
31

32 SECTION 2. Arkansas Code § 14-1-302, concerning definitions related to
33 adult-oriented businesses, is amended to add additional subdivisions to read
34 as follows:

35 (26) "Drag performance" means a performance:

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



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

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

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

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

12
13 SECTION 3. Arkansas Code § 14-1-303, concerning the location of adult-
14 oriented businesses, is amended to add an additional subsection to read as
15 follows:

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

17 (1) On public property; or

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