

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.

24 "Sexually-oriented business" means any business that
25 offers its patrons goods of which a substantial portion are
26 sexually-oriented materials. Any business where more than 10%
27 of display space is used for sexually-oriented materials is
28 presumed to be a sexually-oriented business.

29 "Sexually-oriented materials" means any textual,
30 pictorial, or 3-dimensional material that explicitly depicts
31 subject matter that is intended to be sexually arousing,
32 including, but not limited to, nudity, sexual conduct, sexual

1 excitement, or sadomasochistic abuse.

2 Section 10. Message or other outdoor communication
3 regulation. No message or other outdoor communication
4 advertising an adult cabaret or a sexually-oriented business
5 may be located within the boundaries of any municipality or
6 within one mile of any municipal boundary, Interstate highway,
7 public or private elementary or secondary school, or church,
8 synagogue, or other established place of worship, except that
9 if such business is located within one mile of any municipal
10 boundary, Interstate highway, public or private elementary or
11 secondary school, or church, synagogue, or other established
12 place of worship, then the business may display a maximum of 2
13 exterior messages on the premises of the business, consisting
14 of one message of identification and one message solely giving
15 notice that the premises are off limits to minors. The message
16 of identification shall be no more than 40 square feet in size
17 and shall include no more than the following information: name,
18 street address, telephone number, and operating hours of the
19 business.

20 Section 15. Grace period. Messages or other outdoor
21 communications existing at the time of the effective date of
22 this Act that do not conform to the requirements of this Act
23 may be allowed to continue in non-conforming use for the term
24 of the contract, up to one year after the effective date of
25 this Act.

26 Section 20. Penalty. Any owner of an adult cabaret or a
27 sexually-oriented business who violates any provision of this
28 Act is guilty of a Class C misdemeanor. Each day that a
29 violation of this Act continues to exist constitutes a separate
30 offense.

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

32 (a) Except as provided in subsection (b) of this Section, a

1 home rule unit may not regulate messages or other outdoor
2 communications advertising adult cabarets or sexually-oriented
3 businesses in a manner that is less restrictive than this Act.
4 This subsection (a) is a limitation under subsection (i) of
5 Section 6 of Article VII of the Illinois Constitution on the
6 concurrent exercise by home rule units of powers and functions
7 exercised by the State.

8 (b) A unit of local government may, by ordinance adopted
9 after the effective date of this Act, allow messages or other
10 outdoor communications within the jurisdiction of that unit of
11 local government that would otherwise be in violation of this
12 Act. Messages or other outdoor communications in compliance
13 with such an ordinance are not in violation of this Act.

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

16 Section 99. Effective date. This Act takes effect July 1,
17 2005.