

By: Senator(s) Canon, White (29th), Turner

To: Public Health and Welfare

SENATE BILL NO. 2429

1 AN ACT TO AMEND SECTION 19-5-103, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE CERTAIN COUNTIES ADDITIONAL AUTHORITY TO PROMULGATE  
3 ORDINANCES REGULATING HEALTH, SAFETY AND WELFARE IN THAT COUNTY;  
4 AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 19-5-103, Mississippi Code of 1972, is  
7 amended as follows:

8 19-5-103. (1) In accordance with the provisions of Section  
9 19-3-41, providing that additional powers may be conferred upon  
10 the boards of supervisors, the board of supervisors of the  
11 following counties are hereby empowered to promulgate, adopt and  
12 enforce ordinances which are necessary and reasonable for the  
13 protection of public health and the maintenance of order in  
14 relation to the advertisement, the offering of services and the  
15 dispensation for compensation of personal services in  
16 establishments known as massage parlors and to promulgate, adopt  
17 and enforce ordinances which are necessary and reasonable for the  
18 protection of public health and the maintenance of order in  
19 relation to public displays of nudity:

20 (a) Any county bordering on the Gulf of Mexico and  
21 having two (2) judicial districts;

22 (b) Any county adjacent to a county of this or an  
23 adjoining state wherein is located a city having a population in  
24 excess of two hundred thousand (200,000), according to the latest  
25 federal census; or

26 (c) Any county in which is located an Air Force base  
27 and in which Highways 69 and 82 intersect.



28           (2) For the purposes of this section the term "massage  
29 parlor" shall mean any premises where a person manipulates, rubs,  
30 caresses, touches, massages, kneads, palpates or otherwise  
31 physically contacts the body or part or area of the body of  
32 another person. The term "massage parlor" shall not include  
33 gymnasias or other premises wherein persons engage in bona fide  
34 athletic or conditioning activities, duly licensed barbershop,  
35 beauty parlor, chiropractic clinic or other premises of a person  
36 practicing a vocation or profession regulated and licensed by the  
37 state.

38           For the purposes of this section the term "nudity" means  
39 uncovered, or less than opaquely covered, postpubertal human  
40 genitals, pubic areas, the postpubertal human female breast below  
41 a point immediately above the top of the areola, or the covered  
42 human male genitals in a discernibly turgid state. For purposes  
43 of this definition, a female breast is considered uncovered if the  
44 nipple only or the nipple and areola only are uncovered.

45           For the purposes of this section the term "public display"  
46 means the exposing, exhibiting, revealing, or in any fashion  
47 displaying the nude human body or any representation thereof in  
48 any location in such a manner that it may be readily seen by the  
49 public by normal unaided vision and the term also means any play,  
50 motion picture, dance, show or other presentation, whether  
51 pictured, animated or live, performed before an audience and which  
52 in whole or in part depicts or reveals nudity or sexual conduct.

53           (3) Ordinances adopted pursuant to this section shall  
54 comport with the elements of due process and shall include but not  
55 be limited to specificity, adequate notice, right to hearing,  
56 right to counsel, right to appeal adverse findings to a judicial  
57 authority and penalties rationally related to prohibited acts.

58           (4) Boards of supervisors proposing such ordinances shall  
59 publish and post notice of such intentions not less than twenty  
60 (20) days prior to the holding of a public hearing whereat the



61 purposes and substance of such ordinances shall be fully  
62 discussed.

63           **SECTION 2.** This act shall take effect and be in force from  
64 and after July 1, 2002.

