

By: Representative Chism

To: County Affairs

HOUSE BILL NO. 1020

1 AN ACT TO AMEND SECTION 19-5-103, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND TO THE BOARDS OF SUPERVISORS OF ALL COUNTIES THE  
3 AUTHORITY GRANTED TO ONLY CERTAIN COUNTY BOARDS OF SUPERVISORS TO  
4 ADOPT AND ENFORCE ORDINANCES REGULATING THE ESTABLISHMENT AND  
5 OPERATION OF ADULT ENTERTAINMENT ESTABLISHMENTS; AND FOR RELATED  
6 PURPOSES.

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

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

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

22 (2) For the purposes of this section the term "adult  
23 entertainment establishment" shall mean any premises where a  
24 person manipulates, rubs, caresses, touches, massages, kneads,  
25 palpates or otherwise physically contacts the body or part or area  
26 of the body of another person. The term "adult entertainment  
27 establishment" shall not include gymnasias or other premises  
28 wherein persons engage in bona fide athletic or conditioning  
29 activities, duly licensed barbershop, beauty parlor, chiropractic

30 clinic or other premises of a person practicing a vocation or  
31 profession regulated and licensed by the state.

32 For the purposes of this section the term "nudity" means  
33 uncovered, or less than opaquely covered, postpubertal human  
34 genitals, pubic areas, the postpubertal human female breast below  
35 a point immediately above the top of the areola, or the covered  
36 human male genitals in a discernibly turgid state. For purposes  
37 of this definition, a female breast is considered uncovered if the  
38 nipple only or the nipple and areola only are uncovered.

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

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

52 (4) Boards of supervisors proposing such ordinances shall  
53 publish and post notice of such intentions not less than twenty  
54 (20) days prior to the holding of a public hearing whereat the  
55 purposes and substance of such ordinances shall be fully  
56 discussed.

57 **SECTION 2.** This act shall take effect and be in force from  
58 and after July 1, 2005.