



State of Tennessee
PUBLIC CHAPTER NO. 1062

SENATE BILL NO. 1329

By Kelsey

Substituted for: House Bill No. 101

By Hardaway, McManus, Todd, Larry Miller, Lois DeBerry, White

AN ACT to amend Tennessee Code Annotated, Title 7, relative to adult-oriented establishments and adult cabarets.

WHEREAS, the legislature enacted the "Adult-Oriented Establishment Registration Act of 1998," codified as Title 7, Chapter 51, Part 11, as set forth in its Preamble and Legislative History, as a reasonable time, place and manner regulation to attempt to address some recognized deleterious secondary effects on the community commonly associated with adult-oriented establishments, including, but not limited to, an increase in crime, the spread of sexually-transmitted diseases, the downgrading of property values, and other public health, safety, and welfare issues; and

WHEREAS, it is the intent of this legislature to regulate adult-oriented establishments, adult cabarets, employees, escorts and entertainers in a constitutionally permissible manner to attempt to address these deleterious secondary effects; and

WHEREAS, most provisions of the Adult-Oriented Establishment Registration Act of 1998 have been upheld by state and federal courts as constitutionally permissible regulations of adult-oriented establishments, operators, employees, entertainers, and escorts that are reasonable attempts to address these deleterious secondary effects, including judicial findings in *American Show Bar Series, Inc. v. Sullivan County*, 30 S.W.3d 324 (Tenn. App. 2000), *perm. app. denied*; *Odle, d/b/a Sports Club, Inc. v. Decatur County*, No. 02-1278 (W.D. Tenn., Oct. 14, 2003) (United States District Court Chief Judge Todd), *aff'd in pertinent part, rev'd in part*, 421 F.3d 386 (6th Cir. 2005); and (companion cases) *Paul Friedman, et al v. Giles County Adult-Oriented Establishment Board, et al*, No. 1-00-0065 (M.D. Tenn., September 29, 2005) (United States District Judge Higgins) and *Angela Kaye Belot, et al v. Giles County Adult-Oriented Establishment Board, et al*, No. 1-01-0139 (M.D. Tenn., September 29, 2005) (United States District Judge Higgins) (limited injunctive relief ordered); and

WHEREAS, it is the intent of this general assembly to apply to adult-oriented establishments and adult cabarets and employees, escorts and entertainers of such establishments and cabarets on a statewide basis, regulations concerning hours of operation, prohibited acts, and permitting requirements which currently apply on a local basis to adult-oriented establishments under the Adult-Oriented Establishment Registration Act; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-51-1401, is amended by adding the following as a new, appropriately designated subdivision:

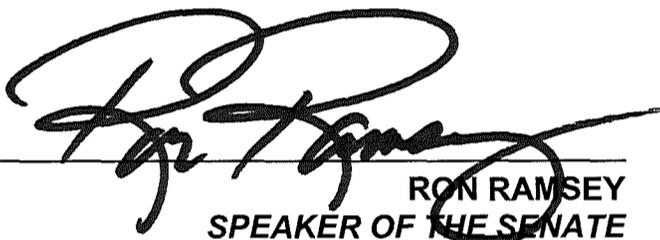
() "Family recreation center" means any facility, which is oriented principally towards meeting the athletic or recreational needs of families and whose targeted customer is a minor child, including, but not limited to, the provision of one or more of the following: ice skating; roller skating; skateboarding; paintball; mini-golf; bowling; go-carts; climbing facilities; athletic fields or courts; or other similar athletic or recreation activities;

SECTION 2. Tennessee Code Annotated, Section 7-51-1407, is amended by inserting the language "or adult cabaret" between the language "establishment", and the language "shall not" in subdivision (a)(1), and by inserting the language ", family recreation center," after the language "a public park," where such language is located in subdivisions (a)(1) and (2).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1329

PASSED: May 1, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of May 2012



BILL HASLAM, GOVERNOR