

# *State of Tennessee*

## **PUBLIC CHAPTER NO. 2**

### **SENATE BILL NO. 3**

**By Johnson, Crowe, Bowling, Haile, Hensley, Yager, Bailey, Jackson, Stevens, Niceley, Reeves, Taylor, Pody, Rose, Watson, Roberts**

Substituted for: House Bill No. 9

By Todd, Richey, McCalmon, Cepicky, Moon, Barrett, Bulso, Raper, Howell, Hawk, Vital, Moody, Davis, Sherrell, Gant, Fritts, Lynn, Sparks, Butler, Slater, Keisling, Leatherwood, Reedy, Haston, Warner, Campbell, Zachary, Capley, Williams, Ragan, Grills, Cochran, Powers, Eldridge, Baum

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 51, Part 14, relative to adult-oriented performances.

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 language as new subdivisions:

( ) "Adult cabaret entertainment":

(A) Means adult-oriented performances that are harmful to minors, as that term is defined in § 39-17-901, and that feature topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers; and

(B) Includes a single performance or multiple performances by an entertainer;

( ) "Entertainer" means a person who provides:

(A) Entertainment within an adult-oriented establishment, regardless of whether a fee is charged or accepted for entertainment and regardless of whether entertainment is provided as an employee, escort as defined in § 7-51-1102, or an independent contractor; or

(B) A performance of actual or simulated specified sexual activities, including removal of articles of clothing or appearing unclothed, regardless of whether a fee is charged or accepted for the performance and regardless of whether the performance is provided as an employee or an independent contractor;

SECTION 2. Tennessee Code Annotated, Section 7-51-1407, is amended by adding the following language as a new subsection:

(c)(1) It is an offense for a person to perform adult cabaret entertainment:

(A) On public property; or

(B) In a location where the adult cabaret entertainment could be viewed by a person who is not an adult.

(2) Notwithstanding § 7-51-1406, this subsection (c) expressly:

(A) Preempts an ordinance, regulation, restriction, or license that was lawfully adopted or issued by a political subdivision prior to the effective date of this act that is in conflict with this subsection (c); and

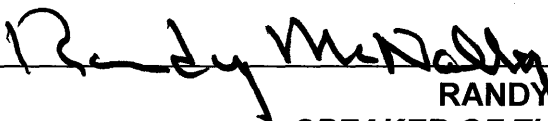
(B) Prevents or preempts a political subdivision from enacting and enforcing in the future other ordinances, regulations, restrictions, or licenses that are in conflict with this subsection (c).

(3) A first offense for a violation of subdivision (c)(1) is a Class A misdemeanor, and a second or subsequent such offense is a Class E felony.

SECTION 3. This act takes effect April 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

SENATE BILL NO. 3

PASSED: March 2, 2023

  
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RANDY McNALLY  
SPEAKER OF THE SENATE

  
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CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 2<sup>nd</sup> day of March 2023

  
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BILL LEE, GOVERNOR