
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 643 Session of
2023

INTRODUCED BY MASTRIANO, STEFANO, DUSH AND BROOKS,
APRIL 20, 2023

REFERRED TO JUDICIARY, APRIL 20, 2023

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in adult-oriented
3 establishments, further providing for definitions and for
4 requirements for adult-oriented establishments.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The definition of "adult-oriented establishment"
8 in section 5502 of Title 68 of the Pennsylvania Consolidated
9 Statutes is amended and the section is amended by adding
10 definitions to read:

11 § 5502. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Adult-oriented establishment." The term includes, without
17 limitation, the following establishments when operated for
18 profit, whether direct or indirect:

19 (1) Adult bookstores.

1 (2) Adult motion picture theaters.

2 (3) Adult mini-motion picture theaters.

3 (3.1) Any public premise hosting an adult-oriented
4 performance.

5 (4) Any premises to which the public, patrons or members
6 are invited or admitted and which are so physically arranged
7 as to provide booths, cubicles, rooms, studios, compartments
8 or stalls separate from the common areas of the premises for
9 the purpose of viewing adult-oriented motion pictures or
10 where an entertainer provides adult entertainment to a member
11 of the public, a patron or a member.

12 (5) An adult entertainment studio or any premises that
13 are physically arranged and used as such, whether advertised
14 or represented as an adult entertainment studio, rap studio,
15 exotic dance studio, encounter studio, sensitivity studio,
16 modeling studio or any other term of like import.

17 The term "booths, cubicles, rooms, studios, compartments or
18 stalls" for purposes of defining "adult-oriented establishments"
19 does not mean enclosures which are private offices used by the
20 owner, manager or persons employed on the premises for attending
21 to the tasks of their employment, and which are not held out to
22 the public for the purpose of viewing motion pictures or other
23 entertainment for a fee, and which are not open to any persons
24 other than employees.

25 "Adult-oriented performance." A performance that is intended
26 to appeal to prurient interests and that features one of the
27 following:

28 (1) A person who appears in a state of nudity or is
29 seminude.

30 (2) The purposeful exposure, whether complete or

1 partial, of any of the following:

2 (i) Genitalia or areola of the breasts.

3 (ii) Prosthetic genitalia or breasts.

4 (3) A specific or simulated sexual activity.

5 * * *

6 "Public funds." The term includes any funds or assets
7 belonging to, held by or passed through a governmental body.

8 * * *

9 Section 2. Section 5503 of Title 68 is amended by adding a
10 subsection to read:

11 § 5503. Requirements for adult-oriented establishments.

12 * * *

13 (b.1) Adult-oriented performances.--Adult-oriented
14 performances shall not:

15 (1) Be funded by public funds.

16 (2) Take place on public property.

17 (3) Admit any minor or permit any minor to loiter in any
18 part of the venue hosting an adult-oriented performance,
19 including parking lots immediately adjacent to the venue used
20 by the patrons of the venue.

21 * * *

22 Section 3. This act shall take effect immediately.