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Brinkman, Wagner, C. Evans, Schmidt, Collier, Aslanides, Young, Price,
Allen, Strahorn, Calvert, Carano, Cates, Cirelli, Clancy, DeBose, DeGeeter,
Distel, D. Evans, Gilb, Key, Latta, Niehaus, Otterman, T. Patton, Raga,
Raussen, Schneider, Slaby, Taylor, Webster, Wolpert**

A B I L L

To amend sections 303.02, 503.29, 519.02, 2505.08, 1
2506.01, 2506.02, 2506.03, 2506.04, and 2907.01, 2
to amend, for the purpose of adopting a new 3
section number as indicated in parentheses, 4
section 503.29 (503.53), to enact new sections 5
503.51 and 503.52 and sections 2506.05, 2506.06, 6
2506.07, 2506.08, 2907.38, 3768.01, 3768.02, 7
3768.03, 3768.04, 3768.05, 3768.06, and 3768.99, 8
and to repeal sections 503.51, 503.52, 503.53, 9
503.54, 503.55, 503.56, 503.57, 503.58, 503.59, 10
503.65, and 503.99 of the Revised Code to 11
generally regulate adult entertainment 12
establishments; to permit townships to regulate 13
the location and operation of those 14
establishments; to create an expedited appeal from 15
orders, adjudications, or decisions denying an 16
application for, or suspending or revoking, a 17
license or permit to locate or operate such an 18
establishment; to create an expedited appeal in 19
any case in which a court determines there is a 20

threat of restraint of protected expression; and 21
to create the offense of permitting unlawful 22
operation of viewing booths depicting sexual 23
conduct. 24

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

Section 1. That sections 303.02, 503.29, 519.02, 2505.08, 25
2506.01, 2506.02, 2506.03, 2506.04, and 2907.01 be amended, 26
section 503.29 (503.53) be amended for the purpose of adopting a 27
new section number as indicated in parentheses, and new sections 28
503.51 and 503.52 and sections 2506.05, 2506.06, 2506.07, 2506.08, 29
2907.38, 3768.01, 3768.02, 3768.03, 3768.04, 3768.05, 3768.06, and 30
3768.99 of the Revised Code be enacted to read as follows: 31

Sec. 303.02. (A) For the purpose of promoting the public 32
health, safety, and morals, the board of county commissioners may 33
in accordance with a comprehensive plan regulate by resolution the 34
location, height, bulk, number of stories, and size of buildings 35
and other structures, including tents, cabins, and trailer 36
coaches, percentages of lot areas which may be occupied, set back 37
building lines, sizes of yards, courts, and other open spaces, the 38
density of population, the uses of buildings and other structures 39
including tents, cabins, and trailer coaches and the uses of land 40
for trade, industry, residence, recreation, or other purposes in 41
the unincorporated territory of such county, and for such purposes 42
may divide all or any part of the unincorporated territory of the 43
county into districts or zones of such number, shape, and area as 44
the board determines. All such regulations shall be uniform, for 45
each class or kind of building or other structure or use, 46
throughout any district or zone, but the regulations in one 47
district or zone may differ from those in other districts or 48
zones. 49

(B) A board of county commissioners that pursuant to this chapter regulates adult entertainment establishments, as defined in section 3768.01 of the Revised Code, may modify its administrative zoning procedures with regard to adult entertainment establishments as the board determines necessary to ensure that the procedures comply with all applicable constitutional requirements.

Sec. 503.51. As used in this section and sections 503.52 and 503.53 of the Revised Code, "adult arcade," "adult bookstore," "adult novelty store," "adult video store," "adult cabaret," "adult entertainment establishment," "adult motion picture theater," "adult theater," "distinguished or characterized by their emphasis upon," "nude or seminude model studio," "nudity," "nude," "state of nudity," "regularly features," "regularly shown," "seminude," "state of seminudity," "sexual encounter establishment," "specified anatomical areas," and "specified sexual activity" have the same meanings as in section 3768.01 of the Revised Code.

Sec. 503.52. (A) A board of township trustees, by resolution, may regulate the operation of adult entertainment establishments. Those regulations may include, but are not limited to, antinudity restrictions, limitations on hours of operation, interior configuration requirements, and requirements that adult entertainment establishments and their employees obtain licenses or permits to operate as or to be employed by an adult entertainment establishment. Those regulations shall not be in conflict with any provision in Chapter 4303. of the Revised Code, or with any rule adopted by the division of liquor control pursuant to that chapter, that regulates establishments that hold a liquor permit.

(B) A board of township trustees that has adopted a 80
resolution under division (A) of this section may provide for 81
criminal and civil sanctions for adult entertainment 82
establishments that violate regulations established by the 83
township under the resolution. All proceeds from criminal and 84
civil sanctions shall be applied initially to the payment of costs 85
incurred in the prosecution and enforcement of the resolution 86
adopted under division (A) of this section, including, but not 87
limited to, court costs, reasonable attorney's fees, and other 88
litigation expenses incurred by the county or township. 89

(C)(1) When it appears that a resolution adopted under 90
division (A) of this section or section 503.53 of the Revised Code 91
is being or is about to be violated, the legal counsel of the 92
township in which the violation is taking place may commence a 93
civil action to enjoin the violation. 94

(2) The legal counsel of a township may commence a civil 95
action under Chapter 3767. of the Revised Code to abate as a 96
nuisance any place in the unincorporated area of the township at 97
which a resolution adopted under division (A) of this section or 98
section 503.53 of the Revised Code is being or has been violated. 99
All proceeds from the sale of personal property or contents seized 100
pursuant to the action shall be applied initially to the payment 101
of costs incurred in the prosecution of the action and the costs 102
associated with the abatement and sale ordered under division (A) 103
of section 3767.06 of the Revised Code, including, but not limited 104
to, court costs, reasonable attorney's fees, and other litigation 105
expenses incurred by the county or township. Any proceeds 106
remaining after that initial application shall be deposited into 107
the township treasury and credited to the general fund. 108

Sec. 503.29 503.53. (A) Resolutions of the type described in 109
division ~~(B)~~(A) of section ~~503.65~~ 503.52 of the Revised Code may 110

be proposed by initiative petition by the electors of a township 111
and adopted by election by these electors, under the same 112
circumstances, in the same manner, and subject to the same 113
penalties as provided in sections 731.28 to 731.40 and ~~section~~ 114
731.99 of the Revised Code for ordinances and other measures of 115
municipal corporations, insofar as those sections are applicable 116
to townships, except as follows: 117

~~(A)~~(1) The board of township trustees shall perform the 118
duties imposed on the legislative authority of the municipal 119
corporation under those sections. 120

~~(B)~~(2) Initiative petitions shall be filed with the township 121
clerk, who shall perform the duties imposed under those sections 122
upon the city auditor or village clerk. 123

~~(C)~~(3) Initiative petitions shall contain the signatures of 124
electors of the township equal in number to at least ten per cent 125
of the total vote cast in the township for the office of governor 126
at the most recent general election for that office. 127

~~(D)~~(4) Each signer of an initiative petition shall be an 128
elector of the township in which the election on the proposed 129
resolution is to be held. 130

(B) A resolution proposed under division (A) of this section 131
may provide for the following: 132

(1) Modification of the administrative procedures, including 133
administrative zoning procedures, of the township as those 134
procedures apply to adult entertainment establishments to ensure 135
that constitutional requirements are met; 136

(2) Criminal and civil sanctions for adult entertainment 137
establishments that violate regulations established by the 138
resolution. 139

Sec. 519.02. (A) For the purpose of promoting the public 140
health, safety, and morals, the board of township trustees may in 141
accordance with a comprehensive plan regulate by resolution the 142
location, height, bulk, number of stories, and size of buildings 143
and other structures, including tents, cabins, and trailer 144
coaches, percentages of lot areas which may be occupied, set back 145
building lines, sizes of yards, courts, and other open spaces, the 146
density of population, the uses of buildings and other structures 147
including tents, cabins, and trailer coaches, and the uses of land 148
for trade, industry, residence, recreation, or other purposes in 149
the unincorporated territory of such township, and for such 150
purposes may divide all or any part of the unincorporated 151
territory of the township into districts or zones of such number, 152
shape, and area as the board determines. All such regulations 153
shall be uniform for each class or kind of building or other 154
structure or use throughout any district or zone, but the 155
regulations in one district or zone may differ from those in other 156
districts or zones. 157

(B) A board of township trustees that pursuant to this 158
chapter regulates adult entertainment establishments, as defined 159
in section 3768.01 of the Revised Code, may modify its 160
administrative zoning procedures with regard to adult 161
entertainment establishments as the board determines necessary to 162
ensure that the procedures comply with all applicable 163
constitutional requirements. 164

Sec. 2505.08. In the case of an administrative-related appeal 165
other than an expedited appeal brought under sections 2506.05 to 166
2506.08 of the Revised Code, within forty days after the filing of 167
a notice of appeal or the obtaining of a leave to appeal, as 168
described in section 2505.04 of the Revised Code, the 169
administrative officer, agency, board, department, tribunal, 170

commission, or other instrumentality whose final order is being 171
appealed shall prepare and file in the court to which the appeal 172
is taken, a complete transcript of all the original papers, 173
testimony, and evidence offered, heard, and taken into 174
consideration in issuing the final order. The costs of the 175
transcript shall be taxed as part of the costs of the appeal. 176

Sec. 2506.01. ~~Every~~ (A) Except as otherwise provided in 177
sections 2506.05 to 2506.08 of the Revised Code, and except as 178
modified by this section and sections 2506.02 to 2506.04 of the 179
Revised Code, every final order, adjudication, or decision of any 180
officer, tribunal, authority, board, bureau, commission, 181
department, or other division of any political subdivision of the 182
state may be reviewed by the court of common pleas of the county 183
in which the principal office of the political subdivision is 184
located as provided in Chapter 2505. of the Revised Code, ~~except~~ 185
~~as modified by this chapter.~~ 186

(B) The appeal provided in this ~~chapter~~ section is in 187
addition to any other remedy of appeal provided by law. 188

~~A~~ (C) As used in this chapter, "final order, adjudication, or 189
decision" means an order, adjudication, or decision that 190
determines rights, duties, privileges, benefits, or legal 191
relationships of a person, but does not include any order, 192
adjudication, or decision from which an appeal is granted by rule, 193
ordinance, or statute to a higher administrative authority if a 194
right to a hearing on such appeal is provided, or any order, 195
adjudication, or decision that is issued preliminary to or as a 196
result of a criminal proceeding. 197

Sec. 2506.02. Within forty days after filing ~~the~~ a notice of 198
appeal in relation to a final order, adjudication, or decision 199
covered by division (A) of section 2506.01 of the Revised Code, 200

the officer or body from which the appeal is taken, upon the 201
filing of a praecipe by the appellant, shall prepare and file in 202
the court to which the appeal is taken, a complete transcript of 203
all the original papers, testimony, and evidence offered, heard, 204
and taken into consideration in issuing the final order, 205
adjudication, or decision ~~appealed from~~. The costs of ~~such the~~ 206
transcript shall be taxed as a part of the costs of the appeal. 207

Sec. 2506.03. (A) The hearing of ~~such an~~ appeal taken in 208
relation to a final order, adjudication, or decision covered by 209
division (A) of section 2506.01 of the Revised Code shall proceed 210
as in the trial of a civil action, but the court shall be confined 211
to the transcript ~~as filed pursuant to~~ under section 2506.02 of 212
the Revised Code unless it appears, on the face of that transcript 213
or by affidavit filed by the appellant, that one of the following 214
applies: 215

(1) The transcript does not contain a report of all evidence 216
admitted or ~~proffered~~ proffered by the appellant~~+~~. 217

(2) The appellant was not permitted to appear and be heard in 218
person, or by ~~his~~ the appellant's attorney, in opposition to the 219
final order, adjudication, or decision ~~appealed from~~, and to do 220
any of the following: 221

(a) Present ~~his~~ the appellant's position, arguments, and 222
contentions; 223

(b) Offer and examine witnesses and present evidence in 224
support; 225

(c) Cross-examine witnesses purporting to refute ~~his~~ the 226
appellant's position, arguments, and contentions; 227

(d) Offer evidence to refute evidence and testimony offered 228
in opposition to ~~his~~ the appellant's position, arguments, and 229
contentions; 230

(e) Proffer any such evidence into the record, if the admission of it is denied by the officer or body appealed from.	231 232
(3) The testimony adduced was not given under oath + .	233
(4) The appellant was unable to present evidence by reason of a lack of the power of subpoena by the officer or body appealed from, or the refusal, after request, of such <u>that</u> officer or body to afford the appellant opportunity to use the power of subpoena when possessed by the officer or body + .	234 235 236 237 238
(5) The officer or body failed to file with the transcript, conclusions of fact supporting the final order, adjudication, or decision appealed from .	239 240 241
(B) If any circumstance described in divisions (A)(1) to (5) of this section applies, the court shall hear the appeal upon the transcript and such additional evidence as may be introduced by any party. At the hearing, any party may call, as if on cross-examination, any witness who previously gave testimony in opposition to such <u>that</u> party.	242 243 244 245 246 247
Sec. 2506.04. The <u>If an appeal is taken in relation to a final order, adjudication, or decision covered by division (A) of section 2506.01 of the Revised Code, the</u> court may find that the order, adjudication, or decision is unconstitutional, illegal, arbitrary <u>arbitrary</u> , capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record. Consistent with its findings, the court may affirm, reverse, vacate, or modify the order, adjudication, or decision, or remand the cause to the officer or body appealed from with instructions to enter an order, adjudication, or decision consistent with the findings or opinion of the court. The judgment of the court may be appealed by any party on questions of law as provided in the Rules of Appellate Procedure and, to the extent	248 249 250 251 252 253 254 255 256 257 258 259 260

not in conflict with those rules, Chapter 2505. of the Revised Code. 261
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Sec. 2506.05. (A)(1) Except as modified by this section and sections 2506.06 to 2506.08 of the Revised Code, every final order, adjudication, or decision of any officer, tribunal, authority, board, bureau, commission, department, or other division of any political subdivision of the state denying an application for, or suspending or revoking, a license or permit to locate or operate an adult entertainment establishment, as defined in section 3768.01 of the Revised Code or as similarly defined by a political subdivision, may be reviewed by the court of common pleas of the county in which the principal office of the political subdivision is located as provided in Chapter 2505. of the Revised Code. 263
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(2) In addition to appeals brought pursuant to division (A)(1) of this section, a court of common pleas may hear appeals under this section and sections 2506.06 to 2506.08 of the Revised Code in cases in which the court determines that there is a threat of restraint of expression protected or presumptively protected under the First Amendment to the United States Constitution or under Section 11 of Article I, Ohio Constitution. 275
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(B) An appellant seeking to have an appeal heard under this section shall designate it as an expedited appeal by inserting the words "Expedited Appeal Requested" in conspicuous typeface in the caption of the notice of appeal. 282
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(C) In an appeal under this section, if the political subdivision does not object to the expedited appeal within three days of the filing of the notice of appeal or if, over the objection of the political subdivision, the court determines that there is a threat of restraint of expression protected or 286
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presumptively protected under the First Amendment of the United States Constitution or under Section 11 of Article I of the Ohio Constitution, the court shall conduct a hearing within fifteen days after the date of the filing of the notice of appeal. The court shall render a decision within twenty days after the conclusion of the hearing. If the court denies the request for an expedited appeal, the appeal shall be heard in accordance with sections 2506.01 to 2506.04 of the Revised Code.

(D) The appeal provided in this section is in addition to any other remedy of appeal provided by law.

Sec. 2506.06. Within five days after filing a notice of appeal under section 2506.05 of the Revised Code, the officer or body from which the appeal is taken, upon the filing of a praecipe by the appellant, shall prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision appealed from. The costs of the transcript shall be taxed as a part of the costs of the appeal.

Sec. 2506.07. (A) The hearing of an appeal taken under section 2506.05 of the Revised Code shall proceed as in the trial of a civil action, but the court shall be confined to the transcript as filed under section 2506.06 of the Revised Code unless it appears, on the face of that transcript or by affidavit filed by the appellant, that one of the following applies:

(1) The transcript does not contain a report of all evidence admitted or proffered by the appellant.

(2) The appellant was not permitted to appear and be heard in person, or by the appellant's attorney, in opposition to the final order, adjudication, or decision appealed from, and to do any of

<u>the following:</u>	321
<u>(a) Present the appellant's position, arguments, and contentions;</u>	322
<u>(b) Offer and examine witnesses and present evidence in support;</u>	323
<u>(c) Cross-examine witnesses purporting to refute the appellant's position, arguments, and contentions;</u>	324
<u>(d) Offer evidence to refute evidence and testimony offered in opposition to the appellant's position, arguments, and contentions;</u>	325
<u>(e) Proffer any such evidence into the record, if the admission of it is denied by the officer or body appealed from.</u>	326
<u>(3) The testimony adduced was not given under oath.</u>	327
<u>(4) The appellant was unable to present evidence by reason of a lack of the power of subpoena by the officer or body appealed from, or the refusal, after request, of that officer or body to afford the appellant opportunity to use the power of subpoena when possessed by the officer or body.</u>	328
<u>(5) The officer or body failed to file with the transcript conclusions of fact supporting the final order, adjudication, or decision appealed from.</u>	329
<u>(B) If any circumstance described in divisions (A)(1) to (5) of this section applies, the court shall hear the appeal upon the transcript and additional evidence as may be introduced by any party. At the hearing, any party may call, as if on cross-examination, any witness who previously gave testimony in opposition to that party.</u>	330
<u>Sec. 2506.08. If an appeal is taken under section 2506.05 of the Revised Code, the court may find that the order, adjudication,</u>	331
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or decision is unconstitutional, illegal, arbitrary, capricious, 350
unreasonable, or unsupported by the preponderance of substantial, 351
reliable, and probative evidence on the whole record. Consistent 352
with its findings, the court may affirm, reverse, vacate, or 353
modify the order, adjudication, or decision, or remand the cause 354
to the officer or body appealed from with instructions to enter an 355
order, adjudication, or decision consistent with the findings or 356
opinion of the court. If the order, adjudication, or decision is 357
remanded to the officer or body appealed from with those 358
instructions, the officer or body shall enter the consistent 359
order, adjudication, or decision within five days after that 360
remand. The judgment of the court may be appealed by any party on 361
questions of law as provided in the Rules of Appellate Procedure 362
and, to the extent not in conflict with those rules, Chapter 2505. 363
of the Revised Code. 364

Sec. 2907.01. As used in sections 2907.01 to ~~2907.37~~ 2907.38 365
of the Revised Code: 366

(A) "Sexual conduct" means vaginal intercourse between a male 367
and female; anal intercourse, fellatio, and cunnilingus between 368
persons regardless of sex; and, without privilege to do so, the 369
insertion, however slight, of any part of the body or any 370
instrument, apparatus, or other object into the vaginal or anal 371
cavity of another. Penetration, however slight, is sufficient to 372
complete vaginal or anal intercourse. 373

(B) "Sexual contact" means any touching of an erogenous zone 374
of another, including without limitation the thigh, genitals, 375
buttock, pubic region, or, if the person is a female, a breast, 376
for the purpose of sexually arousing or gratifying either person. 377

(C) "Sexual activity" means sexual conduct or sexual contact, 378
or both. 379

(D) "Prostitute" means a male or female who promiscuously
engages in sexual activity for hire, regardless of whether the
hire is paid to the prostitute or to another.

(E) "Harmful to juveniles" means that quality of any material
or performance describing or representing nudity, sexual conduct,
sexual excitement, or sado-masochistic abuse in any form to which
all of the following apply:

(1) The material or performance, when considered as a whole,
appeals to the prurient interest in sex of juveniles.

(2) The material or performance is patently offensive to
prevailing standards in the adult community as a whole with
respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole,
lacks serious literary, artistic, political, and scientific value
for juveniles.

(F) When considered as a whole, and judged with reference to
ordinary adults or, if it is designed for sexual deviates or other
specially susceptible group, judged with reference to that group,
any material or performance is "obscene" if any of the following
apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or
depicting sexual activity, masturbation, sexual excitement, or
nudity in a way that tends to represent human beings as mere
objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or
depicting bestiality or extreme or bizarre violence, cruelty, or
brutality;

(4) Its dominant tendency is to appeal to scatological
interest by displaying or depicting human bodily functions of

elimination in a way that inspires disgust or revulsion in persons 410
with ordinary sensibilities, without serving any genuine 411
scientific, educational, sociological, moral, or artistic purpose; 412

(5) It contains a series of displays or descriptions of 413
sexual activity, masturbation, sexual excitement, nudity, 414
bestiality, extreme or bizarre violence, cruelty, or brutality, or 415
human bodily functions of elimination, the cumulative effect of 416
which is a dominant tendency to appeal to prurient or scatological 417
interest, when the appeal to such an interest is primarily for its 418
own sake or for commercial exploitation, rather than primarily for 419
a genuine scientific, educational, sociological, moral, or 420
artistic purpose. 421

(G) "Sexual excitement" means the condition of human male or 422
female genitals when in a state of sexual stimulation or arousal. 423

(H) "Nudity" means the showing, representation, or depiction 424
of human male or female genitals, pubic area, or buttocks with 425
less than a full, opaque covering, or of a female breast with less 426
than a full, opaque covering of any portion thereof below the top 427
of the nipple, or of covered male genitals in a discernibly turgid 428
state. 429

(I) "Juvenile" means an unmarried person under the age of 430
eighteen. 431

(J) "Material" means any book, magazine, newspaper, pamphlet, 432
poster, print, picture, figure, image, description, motion picture 433
film, phonographic record, or tape, or other tangible thing 434
capable of arousing interest through sight, sound, or touch and 435
includes an image or text appearing on a computer monitor, 436
television screen, liquid crystal display, or similar display 437
device or an image or text recorded on a computer hard disk, 438
computer floppy disk, compact disk, magnetic tape, or similar data 439
storage device. 440

(K) "Performance" means any motion picture, preview, trailer, 441
play, show, skit, dance, or other exhibition performed before an 442
audience. 443

(L) "Spouse" means a person married to an offender at the 444
time of an alleged offense, except that such person shall not be 445
considered the spouse when any of the following apply: 446

(1) When the parties have entered into a written separation 447
agreement authorized by section 3103.06 of the Revised Code; 448

(2) During the pendency of an action between the parties for 449
annulment, divorce, dissolution of marriage, or legal separation; 450

(3) In the case of an action for legal separation, after the 451
effective date of the judgment for legal separation. 452

(M) "Minor" means a person under the age of eighteen. 453

(N) "Mental health client or patient" has the same meaning as 454
in section 2305.51 of the Revised Code. 455

(O) "Mental health professional" has the same meaning as in 456
section 2305.115 of the Revised Code. 457

(P) "Sado-masochistic abuse" means flagellation or torture by 458
or upon a person or the condition of being fettered, bound, or 459
otherwise physically restrained. 460

Sec. 2907.38. (A) As used in this section: 461

(1) "Commercial establishment" means an entity that is open 462
to the public and to which either of the following applies: 463

(a) It has a substantial or significant portion of its stock 464
in trade of the sale, rental, or viewing of visual materials or 465
performances depicting sexual conduct. 466

(b) It has as a principal business purpose the sale, rental, 467
or viewing of visual materials or performances depicting sexual 468

conduct. 469

(2) "Visual materials or performances" means films, videos, 470
CD-ROM discs, streaming video, or other motion pictures. 471

(B) No person who has custody, control, or supervision of a 472
commercial establishment, with knowledge of the character of the 473
visual material or performance involved, shall knowingly permit 474
the use of, or offer the use of, viewing booths, stalls, or 475
partitioned portions of a room located in the commercial 476
establishment for the purpose of viewing visual materials or 477
performances depicting sexual conduct unless both of the following 478
apply: 479

(1) The inside of each booth, stall, or partitioned room is 480
visible from, and at least one side of each booth, stall, or 481
partitioned room is open to, a continuous and contiguous main 482
aisle or hallway that is open to the public areas of the 483
commercial establishment and is not obscured by any curtain, door, 484
or other covering or enclosure. 485

(2) No booth, stall, or partitioned room is designed, 486
constructed, pandered, or allowed to be used for the purpose of 487
encouraging or facilitating nudity or sexual activity on the part 488
of or between patrons or members of the public, and no booth, 489
stall, or partitioned room has any aperture, hole, or opening for 490
the purpose of encouraging or facilitating nudity or sexual 491
activity. 492

(C) It is an affirmative defense to a charge under this 493
section that either of the following applies to the involved 494
visual materials or performances: 495

(1) The visual materials or performances depicting sexual 496
conduct are disseminated or presented for a bona fide medical, 497
scientific, educational, religious, governmental, judicial, or 498
other proper purpose and by or to a physician, psychologist, 499

sociologist, scientist, teacher, person pursuing bona fide studies 500
or research, librarian, member of the clergy, prosecutor, judge, 501
or other person having a proper interest in the visual materials 502
or performances. 503

(2) The visual materials or performances depicting sexual 504
conduct, taken as a whole, would be found by a reasonable person 505
to have serious literary, artistic, political, or scientific value 506
or are presented or disseminated in good faith for a serious 507
literary, artistic, political, or scientific purpose and are not 508
pandered for their prurient appeal. 509

(D) Whoever violates this section is guilty of permitting 510
unlawful operation of viewing booths depicting sexual conduct, a 511
misdemeanor of the first degree. 512

Sec. 3768.01. As used in this chapter: 513

(A) "Adult arcade" means any place to which the public is 514
permitted or invited in which coin-operated, slug-operated, or 515
electronically, electrically, or mechanically controlled still or 516
motion picture machines, projectors, or other image-producing 517
devices are regularly maintained to show images to five or fewer 518
persons per machine at any one time, and in which the images so 519
displayed are distinguished or characterized by their emphasis 520
upon matter exhibiting or describing specified sexual activities 521
or specified anatomical areas. 522

(B)(1) "Adult bookstore," "adult novelty store," or "adult 523
video store" means a commercial establishment that, for any form 524
of consideration, has as a significant or substantial portion of 525
its stock-in-trade in, derives a significant or substantial 526
portion of its revenues from, devotes a significant or substantial 527
portion of its interior business or advertising to, or maintains a 528
substantial section of its sales or display space for the sale or 529

rental of any of the following:

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(a) Books, magazines, periodicals, or other printed matter,
or photographs, films, motion pictures, video cassettes, compact
discs, slides, or other visual representations, that are
characterized by their emphasis upon the exhibition or description
of specified sexual activities or specified anatomical areas;

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(b) Instruments, devices, or paraphernalia that are designed
for use or marketed primarily for stimulation of human genital
organs or for sadomasochistic use or abuse of self or others.

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(2) An establishment may have other principal business
purposes that do not involve the offering for sale, rental, or
viewing of materials exhibiting or describing specified sexual
activities or specified anatomical areas and still be categorized
as an adult bookstore, adult novelty store, or adult video store.
The existence of other principal business purposes does not exempt
an establishment from being categorized as an adult bookstore,
adult novelty store, or adult video store so long as one of its
principal business purposes is offering for sale or rental, for
some form of consideration, such materials that exhibit or
describe specified sexual activities or specified anatomical
areas.

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(C) "Adult cabaret" means a nightclub, bar, juice bar,
restaurant, bottle club, or similar commercial establishment,
whether or not alcoholic beverages are served, that regularly
features any of the following:

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(1) Persons who appear in a state of nudity or seminudity;

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(2) Live performances that are characterized by the exposure
of specified anatomical areas or specified sexual activities;

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(3) Films, motion pictures, video cassettes, slides, or other
photographic reproductions that are distinguished or characterized

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by their emphasis upon the exhibition or description of specified
sexual activities or specified anatomical areas.

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(D) "Adult entertainment" means the sale, rental, or
exhibition, for any form of consideration, of books, films, video
cassettes, magazines, periodicals, or live performances that are
characterized by an emphasis on the exposure or display of
specified anatomical areas or specified sexual activity.

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(E) "Adult entertainment establishment" means an adult
arcade, adult bookstore, adult novelty store, adult video store,
adult cabaret, adult motion picture theater, adult theater, nude
or seminude model studio, or sexual encounter establishment. An
establishment in which a medical practitioner, psychologist,
psychiatrist, or similar professional person licensed by the state
engages in medically approved and recognized therapy, including,
but not limited to, massage therapy, as regulated pursuant to
section 4731.15 of the Revised Code, is not an "adult
entertainment establishment."

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(F) "Adult motion picture theater" means a commercial
establishment where films, motion pictures, video cassettes,
slides, or similar photographic reproductions that are
distinguished or characterized by their emphasis upon the
exhibition or description of specified sexual activities or
specified anatomical areas are regularly shown for any form of
consideration.

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(G) "Adult theater" means a theater, concert hall,
auditorium, or similar commercial establishment that, for any form
of consideration, regularly features persons who appear in a state
of nudity or seminudity or live performances that are
characterized by their emphasis upon the exposure of specified
anatomical areas or specified sexual activities.

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(H) "Distinguished or characterized by their emphasis upon"

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means the dominant or principal character and theme of the object 591
described by this phrase. For instance, when the phrase refers to 592
films "that are distinguished or characterized by their emphasis 593
upon the exhibition or description of specified sexual activities 594
or specified anatomical areas," the films so described are those 595
whose dominant or principal character and theme are the exhibition 596
or description of specified sexual activities or specified 597
anatomical areas. 598

(I)(1) "Nude or seminude model studio" means any place where 599
a person, who regularly appears in a state of nudity or 600
seminudity, is provided for money or any other form of 601
consideration to be observed, sketched, drawn, painted, 602
sculptured, photographed, or similarly depicted by other persons. 603

(2) A modeling class or studio is not a nude or seminude 604
model studio and is not subject to this chapter if it is operated 605
in any of the following ways: 606

(a) By a college or university supported entirely or partly 607
by taxation; 608

(b) By a private college or university that maintains and 609
operates educational programs, the credits for which are 610
transferable to a college or university supported entirely or 611
partly by taxation; 612

(c) In a structure to which all of the following apply: 613

(i) It has no sign visible from the exterior of the structure 614
and no other advertising indicating that a person appearing in a 615
state of nudity or seminudity is available for viewing. 616

(ii) In order to participate in a class in the structure, a 617
student must enroll at least three days in advance of the class. 618

(iii) Not more than one nude or seminude model is on the 619
premises at any one time. 620

(J) "Nudity," "nude," or "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

(K) "Regularly features" or "regularly shown" means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

(L) "Seminude" or "state of seminudity" means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

(M)(1) "Sexual encounter establishment" means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

(a) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

(b) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

(2) An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter establishment."

(N) "Specified anatomical areas" means the cleft of the

buttocks, anus, male or female genitals, or the female breast. 651

(O) "Specified sexual activity" means any of the following: 652

(1) Sex acts, normal or perverted, or actual or simulated, 653
including intercourse, oral copulation, masturbation, or sodomy; 654

(2) Excretory functions as a part of or in connection with 655
any of the activities described in division (O)(1) of this 656
section. 657

Sec. 3768.02. (A) No person knowingly shall allow an 658
individual, including, but not limited to, a patron, customer, or 659
employee, who is under eighteen years of age on the premises of an 660
adult entertainment establishment. 661

(B) No individual who is under eighteen years of age 662
knowingly shall show or give false information concerning the 663
individual's name or age, or other false identification, for the 664
purpose of gaining entrance to an adult entertainment 665
establishment. 666

(C) A person shall not be found guilty of a violation of 667
division (A) of this section if the person raises as an 668
affirmative defense and if the jury or, in a nonjury trial, the 669
court finds the person has established by a preponderance of the 670
evidence, all of the following: 671

(1) The individual gaining entrance to the adult 672
entertainment establishment exhibited to an operator, employee, 673
agent, or independent contractor of the adult entertainment 674
establishment a driver's or commercial driver's license or an 675
identification card issued under sections 4507.50 and 4507.52 of 676
the Revised Code showing that the individual was then at least 677
eighteen years of age. 678

(2) The operator, employee, agent, or independent contractor 679
made a bona fide effort to ascertain the true age of the 680

individual gaining entrance to the adult entertainment 681
establishment by checking the identification presented, at the 682
time of entrance, to ascertain that the description on the 683
identification compared with the appearance of the individual and 684
that the identification had not been altered in any way. 685

(3) The operator, employee, agent, or independent contractor 686
had reason to believe that the individual gaining entrance to the 687
adult entertainment establishment was at least eighteen years of 688
age. 689

(D) In any criminal action in which the affirmative defense 690
described in division (C) of this section is raised, the registrar 691
of motor vehicles or the deputy registrar who issued a driver's or 692
commercial driver's license or an identification card under 693
sections 4507.50 and 4507.52 of the Revised Code shall be 694
permitted to submit certified copies of the records, in the 695
registrar's or deputy registrar's possession, of the issuance of 696
the license or identification card in question, in lieu of the 697
testimony of the personnel of the bureau of motor vehicles in the 698
action. 699

Sec. 3768.03. No adult entertainment establishment shall be 701
open for business at any time before ten a.m. or after eleven 702
p.m., except that an adult entertainment establishment that holds 703
a liquor permit pursuant to Chapter 4303. of the Revised Code may 704
remain open pursuant to the terms of the permit but may not 705
conduct adult entertainment during the hours granted by the permit 706
that are before ten a.m. or after eleven p.m. except for 707
performances by persons who appear in a state of seminudity and 708
not in a state of nudity. 709

Sec. 3768.04. The following requirements shall apply to an 710
adult entertainment establishment that regularly features persons 711

who appear in a state of nudity or seminudity or that regularly 712
features live performances characterized by their emphasis upon 713
the display or simulation of specified sexual activities: 714

(A) No person, while nude, knowingly shall do any of the 715
following: 716

(1) Appear in the view of any patron, customer, or client 717
unless the person remains at least six feet from the patron, 718
customer, or client and on a stage at least two feet above the 719
floor; 720

(2) Receive any pay or gratuity directly from any patron, 721
customer, or client; 722

(3) Touch any patron, customer, or client, or the clothing of 723
any patron, customer, or client. 724

(B) No person, while on the premises of this type of adult 725
entertainment establishment, knowingly shall do any of the 726
following: 727

(1) Give any pay or gratuity directly to another person who 728
is nude; 729

(2) Touch any person while that person is nude, or touch the 730
clothing or costume of any person while that person is nude or 731
seminude. 732

(C) No owner, manager, agent or designee of an owner or 733
manager, or employee of an adult entertainment establishment shall 734
knowingly permit any person, regardless of whether the person was 735
hired or engaged as an employee or independent contractor, to 736
violate division (A) or (B) of this section. 737

(D) Nothing in this section prohibits a patron, customer, or 738
client from indirectly giving any pay or gratuity to another 739
person who is nude or seminude, such as placing the pay or 740

gratuity in a tip jar.

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Sec. 3768.05. (A) If an alleged violation of this chapter has occurred or is occurring, the attorney general, the prosecuting attorney of the county, the city director of law, village solicitor, or other similar chief legal officer of the municipal corporation, or the township law director may commence a civil action in the court of common pleas of the county in which the violation has occurred or is occurring for injunctive relief against the person who has violated or is violating this chapter. The court of common pleas has jurisdiction to grant, and shall grant, temporary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating this chapter.

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(B) Premises used or occupied for repeated violations of this chapter constitute a nuisance subject to abatement pursuant to sections 3767.01 to 3767.99 of the Revised Code.

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(C) This chapter does not affect legal or equitable causes of action or remedies, under common law or statute to abate nuisances or prevent the state or any municipal corporation, township, or person from exercising equitable rights under common law or statute to abate nuisances.

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Sec. 3768.06. Nothing in this chapter preempts or prevents political subdivisions in this state from adopting or enforcing additional lawful and reasonable restrictions, licensing requirements, zoning or other regulations, or other civil or administrative provisions pertaining to the location, configuration, code compliance, or other aspects of the business operations of adult entertainment establishments except that those regulations shall not be in conflict with any provision in Chapter 4303. of the Revised Code, or with any rule adopted by the

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division of liquor control pursuant to that chapter, that 771
regulates establishments that hold a liquor permit. 772

Sec. 3768.99. (A) Whoever violates division (A) of section 773
3768.02, section 3768.03, or section 3768.04 of the Revised Code 774
is guilty of a misdemeanor of the first degree. Each day a person 775
violates any of these divisions constitutes a separate offense. 776

(B) Whoever violates division (B) of section 3768.02 of the 777
Revised Code is guilty of a misdemeanor of the fourth degree. 778

Section 2. That existing sections 303.02, 503.29, 519.02, 779
2505.08, 2506.01, 2506.02, 2506.03, 2506.04, and 2907.01 and 780
sections 503.51, 503.52, 503.53, 503.54, 503.55, 503.56, 503.57, 781
503.58, 503.59, 503.65, and 503.99 of the Revised Code are hereby 782
repealed. 783

Section 3. In enacting sections 3768.01, 3768.02, 3768.03, 784
3768.04, 3768.05, 3768.06, and 3768.99 of the Revised Code, the 785
General Assembly makes the following statement of intent and 786
findings: 787

(A)(1) Adult entertainment establishments require special 788
supervision from the public safety agencies of this state in order 789
to protect and preserve the health, safety, morals, and welfare of 790
the patrons and employees of the businesses as well as the 791
citizens of this state. 792

(2) The General Assembly finds that adult entertainment 793
establishments are frequently used for unlawful sexual activities, 794
including prostitution and sexual liaisons of a casual nature. 795

(3) The concern over sexually transmitted diseases is a 796
legitimate health concern of this state that demands reasonable 797
regulation of adult entertainment establishments in order to 798
protect the health and well-being of the citizens. 799

(4) Minimal regulations are a legitimate and reasonable means 800
of accountability to ensure that operators of adult entertainment 801
establishments comply with reasonable regulations and to ensure 802
that operators do not knowingly allow their establishments to be 803
used as places of illegal sexual activity or solicitation. 804

(5) There is convincing documented evidence that adult 805
entertainment establishments, because of their very nature, have a 806
deleterious effect on both the existing businesses around them and 807
the surrounding residential areas adjacent to them and cause 808
increased crime, particularly in the overnight hours, and the 809
downgrading of property values. 810

(6) The General Assembly desires to minimize and control 811
these adverse effects and by minimizing and controlling these 812
adverse effects to protect the health, safety, and welfare of the 813
citizenry; protect the citizens from increased crime; preserve the 814
quality of life; preserve the property values and character of 815
surrounding neighborhoods; and deter the spread of urban blight. 816

(7) The General Assembly has determined that local zoning and 817
other locational criteria alone do not adequately protect the 818
health, safety, and general welfare of the people of this state. 819

(8) It is not the intent of the General Assembly in enacting 820
this chapter to suppress any speech activities protected by the 821
First Amendment but to enact a content-neutral statute that 822
addresses the secondary effects of adult entertainment 823
establishments. 824

(9) It is not the intent of the General Assembly to condone 825
or legitimize the distribution of obscene material, and the 826
General Assembly recognizes that state and federal law prohibits 827
the distribution of obscene materials and expects and encourages 828
state law enforcement officials to enforce state obscenity 829
statutes against any such illegal activities in this state. 830

(B) It is the intent of the General Assembly in enacting Chapter 3768. of the Revised Code to regulate adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of this state and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult entertainment establishments within this state. The provisions of Chapter 3768. of the Revised Code have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of the General Assembly in enacting Chapter 3768. of the Revised Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the General Assembly in enacting Chapter 3768. of the Revised Code to condone or legitimize the distribution or exhibition of obscene material.

(C) Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and on findings incorporated in the cases of *City of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *City of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. City of Chattanooga* (6th Cir. 1997) 107 F.3d 403; *East Brooks Books, Inc. v. City of Memphis*, (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. City of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. City of Newport*

(E.D. Ky. 1993), 830 F. Supp. 378; <i>Richland Bookmart v. Nichols</i>	863
(6th Cir. 1998), 137 F.3d 435; <i>Deja Vu v. Metro Government</i> (6th	864
Cir. 1999), 1999 U.S. App. LEXIS 535; <i>Threesome Entertainment v.</i>	865
<i>Strittmather</i> (N.D. Ohio 1998), 4 F.Supp.2d 710; <i>J.L. Spoons, Inc.</i>	866
<i>v. City of Brunswick</i> (N.D. Ohio 1999), 49 F. Supp.2d 1032;	867
<i>Triplett Grille, Inc. v. City of Akron</i> (6th Cir. 1994) 40 F.3d	868
129; <i>Nightclubs, Inc. v. City of Paducah</i> (6th Cir. 2000), 202 F.3d	869
884; <i>O'Connor v. City and County of Denver</i> (10th Cir. 1990), 894	870
F.2d 1210; <i>Deja Vu of Nashville, Inc., et al. v. Metropolitan</i>	871
<i>Government of Nashville and Davidson County</i> (6th Cir. 2001), 2001	872
U.S. App. LEXIS 26007; <i>State of Ohio ex rel. Rothal v. Smith</i> (Ohio	873
C.P. 2002), Summit C.P. No. CV 01094594; <i>Z.J. Gifts D-2, L.L.C. v.</i>	874
<i>City of Aurora</i> (10th Cir. 1998), 136 F.3d 683; <i>Connection Distrib.</i>	875
<i>Co. v. Reno</i> (6th Cir. 1998), 154 F.3d 281; <i>Sundance Assocs. v.</i>	876
<i>Reno</i> (10th Cir. 1998), 139 F.3d 804; <i>American Library Association</i>	877
<i>v. Reno</i> (D.C. Cir. 1994), 33 F.3d 78; <i>American Target Advertising,</i>	878
<i>Inc. v. Giani</i> (10th Cir. 2000), 199 F.3d 1241; and other cases and	879
on reports of secondary effects occurring in and around adult	880
entertainment establishments in Phoenix, Arizona (1984);	881
Minneapolis, Minnesota (1980); Houston, Texas (1983);	882
Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden	883
Grove, California (1991); Los Angeles, California (1977);	884
Whittier, California (1978); Austin, Texas (1986); Seattle,	885
Washington (1989); Oklahoma City, Oklahoma (1986); Cleveland, Ohio	886
(1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993);	887
Bellevue, Washington (1998); Newport News, Virginia (1996);	888
Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma City,	889
Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New	890
York (1994); Ellicottville, New York (1998); Des Moines, Iowa	891
(1984); Islip, New York (1980); Adams County, Colorado (1987);	892
Manatee County, Florida (1987); New Hanover County, North Carolina	893
(1989); Las Vegas, Nevada (1978); Cattaraugus County, New York	894
(1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso,	895

Texas (1986); New York Times Square study (1994); Report to ACLJ 896
on the Secondary Impacts of Sex Oriented Businesses (1996); the 897
findings from the Report of the Attorney General's Working Group 898
On The Regulation Of Sexually Oriented Businesses (June 6, 1989, 899
State of Minnesota); and on testimony to Congress in 136 Cong. 900
Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 901
Cong. Rec. E. 3750; and also on findings from the paper entitled 902
"Stripclubs According to Strippers: Exposing Workplace Sexual 903
Violence," by Kelly Holsopple, Program Director, Freedom and 904
Justice Center for Prostitution Resources, Minneapolis, Minnesota; 905
and from "Sexually Oriented Businesses: An Insider's View," by 906
David Sherman, presented to the Michigan House Committee on Ethics 907
and Constitutional Law, Jan. 12, 2000; and from various other 908
police reports, testimony, newspaper reports, and other 909
documentary evidence, the General Assembly finds: 910

(1) Adult entertainment establishments lend themselves to 911
ancillary unlawful and unhealthy activities that are presently 912
uncontrolled by the operators of the establishments. Further, 913
there is presently no statewide mechanism to make the owners of 914
these establishments responsible for the activities that occur on 915
their premises. 916

(2) Certain employees of adult entertainment establishments, 917
as defined in section 3768.01 of the Revised Code as adult 918
theaters and cabarets, engage in a higher incidence of certain 919
types of illicit sexual behavior than employees of other 920
establishments. 921

(3) Sexual acts, including masturbation and oral and anal 922
sex, occur at adult entertainment establishments, especially those 923
that provide private or semiprivate booths or cubicles for viewing 924
films, videos, or live sex shows. The "couch dances" or "lap 925
dances" that frequently occur in adult entertainment 926
establishments featuring live nude or seminude dancers constitute 927

or may constitute the offense of "engaging in prostitution" under 928
section 2907.25 of the Revised Code. 929

(4) Offering and providing such space encourages such 930
activities, which creates unhealthy conditions. 931

(5) Persons frequent certain adult theaters, adult arcades, 932
and other adult entertainment establishments for the purpose of 933
engaging in sexual activity within the premises of those adult 934
entertainment establishments. 935

(6) Numerous communicable diseases may be spread by 936
activities occurring in sexually oriented businesses, including, 937
but not limited to, syphilis, gonorrhoea, human immunodeficiency 938
virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, 939
campylobacter and shigella infections, chlamydial, myoplasmal and 940
ureoplasmal infections, trichomoniasis, and chancroid. 941

(7) Since 1981 and to the present, there has been an 942
increasing cumulative number of reported cases of AIDS caused by 943
the human immunodeficiency virus (HIV) in the United States: 600 944
in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 945
through December 31, 1992. 946

(8) A total of 10,255 AIDS cases had been reported in Ohio as 947
of January 1999. Ohio has required HIV case reporting since 1990, 948
and the reported information shows 7,969 people living with (HIV) 949
(4,213) and (AIDS) (3,756) in the state. 950

(9) Since 1981 and to the present, there have been an 951
increasing cumulative number of persons testing positive for the 952
HIV antibody test in Ohio. 953

(10) The number of cases of early (less than one year) 954
syphilis in the United States reported annually has risen. 33,613 955
cases were reported in 1982, and 45,200 cases were reported 956
through November 1990. 957

(11) The number of cases of gonorrhoea in the United States 958
reported annually remains at a high level, with over one-half 959
million cases being reported in 1990. 960

(12) The Surgeon General of the United States in his report 961
of October 22, 1986, has advised the American public that AIDS and 962
HIV infection may be transmitted through sexual contact, 963
intravenous drug abuse, and exposure to infected blood and blood 964
components, and from an infected mother to her newborn. 965

(13) According to the best scientific evidence, AIDS and HIV 966
infection, as well as syphilis and gonorrhoea, are principally 967
transmitted by sexual acts. 968

(14) Sanitary conditions in some adult entertainment 969
establishments are unhealthy, in part, because the activities 970
conducted there are unhealthy, and, in part, because of the 971
unregulated nature of the activities and the failure of the owners 972
and the operators of the facilities to self-regulate those 973
activities and maintain those facilities. 974

(15) The findings noted in divisions (C)(1) to (14) of this 975
section raise substantial governmental concerns. 976

(16) Adult entertainment establishments have operational 977
characteristics that should be reasonably regulated in order to 978
protect those substantial governmental concerns. 979

(17) The enactment of Chapter 3768. of the Revised Code will 980
promote the general welfare, health, morals, and safety of the 981
citizens of this state. 982