A BILL FOR AN ACT

RELATING TO ADULT ENTERTAINMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Chapter 489X, Hawaii Revised Statutes, is
2	amended as follows:
3	1. By amending its title to read:
4	"[+]CHAPTER 489X[+]
5	ADULT PRODUCTS AND ENTERTAINMENT"
6	2. By designating section 489X-1 as part I, entitled:
7	"PART I. PRODUCTS"
8	SECTION 2. Chapter 489X, Hawaii Revised Statutes, is
9	amended by adding a new part to be appropriately designated and
10	to read as follows:
11	"PART II. ENTERTAINMENT
12	§489X-A Definitions. Whenever used in this part, unless
13	the context otherwise requires:
14	"Adult entertainment business" means a nightclub, bar,
15	restaurant, or similar commercial enterprise that:
16	(1) Provides live nude entertainment or live nude
17	performances for an audience of two or more
18	individuals; and
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1 (2) Authorizes on-premises consumption of alcoholic
2 beverages, regardless of whether the consumption of
3 alcoholic beverages is under a license or permit
4 issued under chapter 281.

5 "Nude" means:

- 6 (1) Entirely unclothed; or
- 7 (2) Clothed in a manner that leaves uncovered or visible
 8 through less than fully opaque clothing any portion of
 9 the breasts below the top of the areola of the
 10 breasts, if the person is female, or any portion of
 11 the genitals or buttocks.

12 §489X-B Fee based on admission to adult entertainment

- 13 business. (a) Each adult entertainment business shall pay a
 14 fee in an amount equal to \$3 for each entry by each customer
 15 admitted to the business.
- (b) An adult entertainment business shall record daily, in
 the manner prescribed by the comptroller, the number of entries
 into the business by customers. The business shall maintain the
 records for the period required by the comptroller and make the
 records available for inspection and audit on request by the
 comptroller.

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- 1 (c) This section shall not require an adult entertainment
- 2 business to impose a fee on a customer of the business. An
- 3 adult entertainment business may determine the manner in which
- 4 the business derives the money required to pay the fee imposed
- 5 under this section.
- 6 §489X-C Remission of fee; submission of reports; penalty.
- 7 (a) Within ten days following the close of each quarter, an
- 8 adult entertainment business shall:
- 9 (1) Remit the fee imposed by section 489X-B to the
- 10 comptroller in the manner prescribed by the
- 11 comptroller; and
- 12 (2) File a report with the comptroller in the manner and
- 13 containing the information required by the
- 14 comptroller.
- 15 (b) Any adult entertainment business that fails to remit
- 16 the fee and file the report required by this section shall be
- 17 fined \$1,000 for each day the business is not in compliance with
- 18 this section.
- 19 §489X-D Allocation of fee to domestic violence and sexual
- 20 assault special fund. The comptroller shall deposit the funds
- 21 received from the fee imposed under section 489X-B into the



- 1 domestic violence and sexual assault special fund established
- 2 under section 321-1.3."
- 3 SECTION 3. Statutory material to be repealed is bracketed
- 4 and stricken. New statutory material is underscored.
- 5 SECTION 4. This Act shall take effect on July 1, 2008;
- 6 provided that this Act shall be repealed on January 1, 2011, and
- 7 chapter 489X, Hawaii Revised Statutes, shall be reenacted in the

8 form in which it read on June 30, 2008.

9

INTRODUCED BY:

JAN 1 7 2008

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Report Title:

Adult Entertainment Business; Fee

Description:

Requires adult entertainment businesses to pay fee of \$3 for each customer who enters the business. Fee to be deposited in domestic violence and sexual assault special fund. Effective 7/1/08. Repealed effective 1/1/11.