

# DIVISION OF ALCOHOL AND TOBACCO CONTROL

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## **INDUSTRY CIRCULAR**

### ***Intoxicating Liquor and Sexually Oriented Businesses***

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State regulation 11 CSR 70.2.130(13) forbids retail licensees from permitting various acts of lewdness in or upon the licensed premises. Separately, the Regulation of Sexually Oriented Business Act, Sections 573.525 to 573.540, RSMo, imposes additional restrictions. [Section 573.531.9, RSMo](#), states that “No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.” Under [Section 573.537, RSMo](#), violating or refusing to comply with the Act is a misdemeanor offense, and any sexually oriented business that is repeatedly operated or maintained in violation of this provision shall be deemed a public nuisance.

The term “sexually oriented business” is fully defined in [Section 573.010, RSMo](#), but includes adult bookstores, adult video stores, adult cabarets, adult motion picture theatres, semi-nude model studios, and sexual encounter centers. The term “adult cabaret” is also fully defined therein as “a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude.”

The Act prevents sexually oriented businesses from obtaining a retail liquor license. The validity of this Act was upheld by the Missouri Supreme Court. Licensees violating this Act could be disciplined under state regulation 11 CSR 70-2.130(12) for failing to prevent or suppress improper or unlawful conduct.

We appreciate the commitment from our licensees to follow all applicable state laws and regulations. If you have questions about whether your establishment is a sexually oriented business, please review the definitions in Section 573.010, RSMo, or contact your legal counsel. If you have questions specific to the content of this circular, please contact your ATC district office. For a full directory, please visit the [Contact Us](#) page on our website.

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