
HOUSE BILL No. 1172

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-1-55; IC 24-4-15.

Synopsis: Intent to sell sexually explicit products. Requires a person that intends to sell sexually explicit materials, products, or services to register and file a statement with the secretary of state. Provides that a person that sells sexually explicit materials, products, or services without registering and filing the statement commits a Class B misdemeanor.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1172



A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-1-55 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]:

4 **Chapter 55. Intention to Sell Sexually Explicit Materials,**
5 **Products, or Services**

6 **Sec. 1. A person, a firm, a corporation, an association, a**
7 **partnership, a limited liability corporation, or other entity that**
8 **intends to sell sexually explicit materials, products, or services (as**
9 **defined in IC 24-4-15-2(a)) shall register with the secretary of state**
10 **of the intent to sell sexually explicit materials, products, or services**
11 **and provide a statement detailing the types of materials, products,**
12 **or services that are intended to be sold.**

13 SECTION 2. IC 24-4-15 IS ADDED TO THE INDIANA CODE AS
14 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2007]:

16 **Chapter 15. Sexually Explicit Materials and Services**

17 **Sec. 1. As used in this chapter, "person" means an individual, a**



1 firm, a corporation, an association, a partnership, a limited
 2 liability corporation, or another entity.

3 Sec. 2. (a) For purposes of this chapter, materials, products, or
 4 services are "sexually explicit materials, products, or services" if:
 5 (1) the average person, applying contemporary community
 6 standards, would find that:
 7 (A) the dominant theme of the materials, products, or
 8 services, taken as a whole, appeals to the prurient interest
 9 in sex; or
 10 (B) the materials, products, or services depict or describe,
 11 in a patently offensive way, sexual conduct; or
 12 (2) the materials, products, or services are designed for use in
 13 or marketed primarily for:
 14 (A) the stimulation of human genital organs; or
 15 (B) masochism or sadism.

16 (b) The term does not include birth control or contraceptive
 17 devices.

18 Sec. 3. A person or an employee or agent of a person may not
 19 sell sexually explicit materials, products, or services unless a
 20 registration and statement are properly filed as described in
 21 IC 23-1-55-1.

22 Sec. 4. A person or an employee or agent of a person who
 23 recklessly violates this chapter commits a Class B misdemeanor.

24 SECTION 3. [EFFECTIVE JULY 1, 2007] IC 24-4-15-4, as added
 25 by this act, applies to offenses committed after June 30, 2007.

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