

1977 Bill 222

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 222

THE ADULT PUBLICATIONS ACT

MR. LITTLE

First Reading

Second Reading

Third Reading

Bill 222
Mr. Little

BILL 222

1977

THE ADULT PUBLICATIONS ACT

(Assented to _____, 1977)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. In this Act,

- (a) "adult publication" means a publication classified as such by the Board;
- (b) "adult publication store" means a store which has received a licence from a municipality pursuant to the Municipal Government Act to sell adult publications;
- (c) "Board" means the Publication Classification Board established herein;
- (d) "publication" means any written matter, picture, model, phonograph record, tape, film or other thing whatsoever, but shall not include a film that has been approved by a Board of Censors pursuant to *The Amusements Act*.

- 2.** (1) There is hereby established the Publication Classification Board which shall consist of members appointed by the Lieutenant Governor in Council in such number as he shall deem appropriate.
- (2) The Board members may be paid salary and expenses from funds appropriated to that purpose by the Legislature.
- (3) The Board may make bylaws governing its own internal proceedings.

- 3.** (1) The Board shall classify every publication to be offered for sale in the Province as being
- (a) a general publication, being a publication upon which there are no restrictions as to the mode of sale, or
 - (b) an adult publication, being a publication which may only be sold on the conditions specified in this Act.

Explanatory Notes

1. Definitions.

2. Publication Classification Board established.

3. Board classifies publications.

- (2) The Board shall classify as an adult publication any publication that it deems to be unsuitable to be viewed or heard by minors on the basis of undue exploitation of sex, crime, horror or violence.
4. (1) The Board may classify publications by specific orders relating to one publication or by general orders relating to several publications or a class of publications.
 - (2) A general order may cover future issues of a publication that is published periodically.
5. No publication may be offered for sale in the Province unless it has been classified by the Board.
6. (1) For the purposes of this section
 - (a) a solicitation of a sale by mail or by telephone shall be deemed to be an offering for sale, and
 - (b) a delivery of a publication by mail shall be deemed to be a sale, and
 - (c) a gift, exchange or barter shall be deemed to be a sale.
- (2) Every person who sells or offers for sale an adult publication
 - (a) to a minor, or
 - (b) other than through an adult publication store is guilty of an offence.
- (3) Any person who acts as an agent for a minor or for a seller in a transaction whereby an adult publication is sold to a minor is guilty of an offence.
- (4) Any person being the owner, occupier or employee of an adult publication store who permits any person who is a minor or is apparently a minor, unless the person is in fact not a minor to enter an adult publication store is guilty of an offence.
- (5) Any person who causes or permits any adult publication to be displayed to or heard by the public other than from within an adult publication store, or displayed to or heard by a minor in a public place, is guilty of an offence.
- (6) Any person who commits an offence pursuant to subsections (2), (3), (4) or (5) is liable on summary conviction to a fine of not more than \$1,000 for the first offence and a fine of not more than \$2,000 or not more than six months imprisonment for a second or subsequent offence.
- (7) Any minor who for any purpose enters an adult publication store or who produces any forgery with

4. Orders issued by the Board.

5. No publication sold without classification.

6. Offences.

the intent to gain entry to an adult publication store is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

7. This Act comes into force on the day upon which it is assented to.

7. Coming into force.