

1978 BILL 206

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 206

THE ADULT PUBLICATIONS ACT

MR. LITTLE

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 206
Mr. Little

BILL 206

1978

THE ADULT PUBLICATIONS ACT

(Assented to _____, 1978)

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 book, magazine, newspaper or picture that has been printed or otherwise reproduced or any phonograph record, tape or film, 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 providing that money has been 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 other than in an adult publication store as being

Explanatory Notes

1. Definitions.

2. Publication Classification Board established.

3. Board classifies publications.

- (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 in an adult publication store.
- (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 two or more publications or a series or class of publications.

(2) A general order may cover future issues of a publication that is published periodically.

(3) The Board may order a publication that has been classified as an adult publication to be marked in such a way as to indicate that it has been so classified.

(4) The Board shall have the powers of a commissioner under *The Public Inquiries Act* for the purposes of carrying out its functions.

5. (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,
- (b) the sending of a publication by mail shall be deemed to be a sale,
- (c) a gift, exchange or barter shall be deemed to be a sale, and
- (d) a publication that has not been classified by the Board pursuant to sections 3 and 4 shall be deemed to be an adult publication.

(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 knowingly or negligently 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 knowingly or negligently permits any adult publication to be displayed to or heard by the public other than an adult publication store, or displayed to

4. Orders issued by the Board.

5. Offences.

or heard by a minor in a place to which the public customarily has access, 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 \$1000 for the first offence and a fine of not more than \$5000 or not more than six months' imprisonment for a second or subsequent offence.

(7) Any person who owns and operates an adult publication store and fails to take reasonable precautions to ensure that no minor enters therein, is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.

(8) Any minor who for any purpose enters an adult publication store or who produces any forgery or practices any deceit with 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.

6. This Act come into force on the day upon which it is assented to.