

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 590**

BY SENATORS AZINGER AND ROSE

[Reported March 2, 2026, from the Committee on the  
Judiciary]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §61-8A-2a, relating to exhibition of obscene material; and making it a criminal  
3 offense for a person to engage in an adult cabaret performance on public property or  
4 where it may be viewed by a minor; providing for preemption of local law; defining terms;  
5 and establishing penalties.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 8A. PREPARATION, DISTRIBUTION, OR EXHIBITION OF OBSCENE  
MATERIAL TO MINORS.**

**§61-8A-2a. Prohibiting presence of minors at adult-oriented performances; penalties.**

1 (a) It is a criminal offense for a person to engage in an adult cabaret performance:

2 (1) On public property; or

3 (2) In a location where the adult cabaret performance could be viewed by a person who  
4 is a minor.

5 (b) Notwithstanding any other provision of code to the contrary, this section expressly  
6 preempts an ordinance, regulation, restriction, or license that was lawfully adopted or issued by  
7 a political subdivision prior to or after the effective date of this code section.

8 (c) As used in this section, "adult cabaret performance" means a performance in a location  
9 other than an adult cabaret that features topless dancers, go-go dancers, exotic dancers,  
10 strippers, male or female impersonators who provide entertainment that appeals to the prurient  
11 interest, or similar entertainers, regardless of whether performed for consideration.

12 (d) A person who knowingly and intentionally violates subsection (a) of this section is guilty  
13 of a misdemeanor and, upon conviction thereof, shall be fined not more than \$2,500, or confined  
14 in jail not less than 30 days nor more than six months, or both fined and confined.

15 (e) A person who is convicted of a second offense under subsection (a) of this section,  
16 shall be guilty of a felony and, upon conviction, shall be fined not more than \$25,000 or imprisoned

CS for SB 590

- 17 in a state correctional facility for not less than one nor more than five years, or both fined and  
18 imprisoned.