

728.5 Public indecent exposure in certain establishments.

1. An owner, manager, or person who exercises direct control over a place of business required to obtain a sales tax permit shall be guilty of a serious misdemeanor under any of the following circumstances:

a. If such person allows or permits the actual or simulated public performance of any sex act upon or in such place of business.

b. If such person allows or permits the exposure of the genitals or buttocks or female breast of any person who acts as a waiter or waitress.

c. If such person allows or permits the exposure of the genitals or female breast nipple of any person who acts as an entertainer, whether or not the owner of the place of business in which the activity is performed employs or pays any compensation to such person to perform such activity.

d. If such person allows or permits any person to remain in or upon the place of business who exposes to public view the person's genitals, pubic hair, or anus.

e. If such person advertises that any activity prohibited by this section is allowed or permitted in such place of business.

f. If such person allows or permits a minor to engage in or otherwise perform in a live act intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

2. However, if such person allows or permits a minor to participate in any act included in subsection 1, paragraphs "a" through "d", the person shall be guilty of an aggravated misdemeanor.

3. Except for subsection 1, paragraph "f", the provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

[C79, 81, §728.5]

92 Acts, ch 1029, §1; 97 Acts, ch 125, §3; 2010 Acts, ch 1078, §2

Referred to in §728.8