

Senate File 348 - Introduced

SENATE FILE 348

BY SALMON

A BILL FOR

1 An Act relating to minors present at drag shows, and providing
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 728.5A Minors present at drag
2 shows.

3 1. For purposes of this section, "drag show" means a
4 performance in which all of the following apply:

5 a. The main aspect of the performance is a performer
6 who exhibits a gender identity that is different than the
7 performer's gender assigned at birth through the use of
8 clothing, makeup, accessories, or other gender signifiers.

9 b. The performer sings, lip-syncs, dances, reads, or
10 otherwise performs before an audience for entertainment,
11 whether or not performed for payment.

12 2. No minor shall be present at or view a drag show at a
13 place of business.

14 3. A person over eighteen years of age who knowingly brings
15 a minor to a drag show at a place of business shall be guilty
16 of a simple misdemeanor.

17 4. A place of business that allows a minor to be present at
18 or view a drag show hosted by the place of business shall be
19 fined ten thousand dollars per minor for each violation of this
20 section.

21 5. An owner, manager, or person who exercises direct control
22 over a place of business who knowingly allows a minor to be
23 present at or view a drag show hosted by the place of business
24 shall be guilty of a serious misdemeanor.

25 6. No state agency or public entity that receives state
26 funds shall use such funds to host a drag show. A state agency
27 or public entity committing a violation of this section shall
28 be fined ten thousand dollars per minor for each violation.

29 7. A parent or legal guardian of a minor may institute a
30 civil action for damages in the amount of not less than ten
31 thousand dollars and up to fifty thousand dollars for each
32 violation of this section. A court shall award the prevailing
33 party court costs and reasonable attorney fees.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to minors present at drag shows.

3 The bill provides that no minor shall be present at or view
4 a drag show, defined in the bill, at a place of business. A
5 person over 18 years of age who knowingly brings a minor to a
6 drag show at a place of business shall be guilty of a simple
7 misdemeanor, punishable by confinement for no more than 30
8 days and a fine of at least \$105 but not more than \$855. A
9 place of business that allows a minor to be present at or view
10 a drag show hosted by the place of business shall be fined
11 \$10,000 per minor for each violation of the bill. An owner,
12 manager, or person who exercises direct control over a place of
13 business who knowingly allows a minor to be present at or view
14 a drag show hosted by the place of business shall be guilty of a
15 serious misdemeanor, punishable by confinement for no more than
16 one year and a fine of at least \$430 but not more than \$2,560.

17 The bill provides that no state agency or public entity that
18 receives state funds shall use such funds to host a drag show.
19 A state agency or public entity committing a violation shall be
20 fined \$10,000 per minor for each violation.

21 The bill provides that a parent or legal guardian of a minor
22 may institute a civil action for damages in the amount of not
23 less than \$10,000 and up to \$50,000 for each violation of the
24 bill, and shall be awarded court costs and reasonable attorney
25 fees if the parent or legal guardian is the prevailing party.

26 For purposes of Code chapter 728 (obscenity), "place of
27 business" is defined as the premises of a business required to
28 obtain a sales or use tax permit pursuant to Code chapter 423,
29 the premises of a nonprofit or not-for-profit organization, and
30 the premises of an establishment which is open to the public
31 at large or where entrance is limited by a cover charge or
32 membership requirement; and "minor" is defined as any person
33 under the age of 18.