

**House File 891 - Introduced**

HOUSE FILE 891  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 158)

**A BILL FOR**

1 An Act relating to obscenity, including the exposure of a minor  
2 to an obscene performance and admittance of a minor to a  
3 premises with obscene performances, establishing a private  
4 civil cause of action, and providing penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 721.2, Code 2025, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 9. Violates the provisions of section  
4 728.7A.

5 Sec. 2. Section 728.1, Code 2025, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 5A. "Obscene performance" means a visual  
8 performance by a person, whether compensated or uncompensated,  
9 that exposes the person's genitals, pubic area, buttocks, or  
10 female breast, including prosthetics and artificial sexual organs  
11 or substitutes therefor, or involves the person engaging in a sex  
12 act, masturbation, excretory function, or sadomasochistic abuse,  
13 which the average person, viewing the performance as a whole and  
14 applying contemporary community standards with respect to what  
15 is suitable to be viewed by minors, would find appeals to the  
16 prurient interest and is patently offensive, and the performance  
17 taken as a whole lacks serious artistic, literary, political, or  
18 scientific value.

19 Sec. 3. NEW SECTION. **728.1A Enforcement.**

20 The office of attorney general, as authorized by section 13.2,  
21 subsection 1, paragraph "b", or the county attorney of the county  
22 in which a violation of this chapter occurs shall enforce the  
23 provisions of this chapter.

24 Sec. 4. NEW SECTION. **728.2A Exposing minor to obscene**  
25 **performance.**

26 Any person who knowingly exposes a minor to an obscene  
27 performance is guilty of a public offense and shall upon  
28 conviction be guilty of an aggravated misdemeanor.

29 Sec. 5. NEW SECTION. **728.3A Admitting minors to premises**  
30 **with obscene performances.**

31 1. A person who knowingly sells, gives, delivers, or provides  
32 a minor who is not a child a pass or admits the minor to premises  
33 where an obscene performance is performed is guilty of a public  
34 offense and upon conviction is guilty of a serious misdemeanor.

35 2. A person who knowingly sells, gives, delivers, or provides

1 a child a pass or admits the minor to premises where an obscene  
2 performance is performed is guilty of a public offense and upon  
3 conviction is guilty of an aggravated misdemeanor.

4 Sec. 6. Section 728.6, Code 2025, is amended to read as  
5 follows:

6 **728.6 Civil suit to determine obscenity.**

7 1. Whenever the county attorney of any county has reasonable  
8 cause to believe that any person is engaged or plans to  
9 engage in the dissemination or exhibition of obscene material  
10 to minors within the county attorney's county, ~~to minors~~ the  
11 county attorney may institute a civil proceeding in the district  
12 court of the county to enjoin the dissemination or exhibition  
13 of obscene material to minors. Such application for injunction  
14 is optional and not mandatory and shall not be construed as  
15 a prerequisite to criminal prosecution for a violation of this  
16 chapter.

17 2. a. The parent or guardian of a minor, or a minor upon  
18 attaining eighteen years of age, to whom obscene material has  
19 been knowingly disseminated or exhibited, in violation of section  
20 728.2 or 728.3, or who was exposed to an obscene performance, in  
21 violation of section 728.2A or 728.3A, may bring a civil action  
22 against any person that has knowingly disseminated or exhibited  
23 obscene material to the minor or who engaged in or caused or  
24 allowed a person to knowingly engage in an obscene performance  
25 in the presence of the minor for any of the following remedies:

26 (1) A declaratory judgment.

27 (2) Injunctive relief.

28 (3) Actual, incidental, and consequential damages.

29 (4) Punitive damages, if appropriate.

30 (5) Other equitable relief that the court deems appropriate.

31 b. The minimum award of damages in an action brought pursuant  
32 to this subsection shall be ten thousand dollars.

33 c. An action brought under this subsection may be commenced  
34 by a parent or guardian within two years of a violation. An  
35 action for a violation brought by a person who was a minor at

1 the time of a violation shall be found within ten years after the  
2 person upon whom the offense is committed attains eighteen years  
3 of age.

4 Sec. 7. NEW SECTION. **728.7A Public institutions and funds**  
5 **— obscene material — obscene performance.**

6 1. No public institution, public facility, public equipment,  
7 or other physical asset that is owned, leased, or controlled by  
8 this state or a political subdivision of this state shall be  
9 used for a show, exhibition, or performance that includes obscene  
10 material or obscene performances.

11 2. No public institution or facility shall lease, sell, or  
12 permit the subleasing of its facilities or property for the  
13 purpose of shows, exhibitions, or performances that include  
14 obscene material or obscene performances.

15 3. No public funds made available by the state or a political  
16 subdivision of this state that are distributed by an institution,  
17 board, commission, department, agency, official, or an employee  
18 of the state or political subdivision shall be used for the  
19 purpose of shows, exhibitions, or performances that include  
20 obscene material or obscene performances.

21 4. This section shall not apply to obscene materials that are  
22 sent or received as part of a law enforcement investigation or  
23 are authorized by law to be sent or received.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill relates to obscenity, including the exposure of a  
28 minor to an obscene performance and admittance of a minor to  
29 a premises with obscene performances, and establishes a private  
30 civil cause of action.

31 The bill defines "obscene performance" as a visual performance  
32 by a person, whether compensated or uncompensated, that exposes  
33 the person's genitals, pubic area, buttocks, or female breast,  
34 including prosthetics and artificial sexual organs or substitutes  
35 therefor, or involves the person engaging in a sex act,

1 masturbation, excretory function, or sadomasochistic abuse, which  
2 the average person, viewing the performance as a whole and  
3 applying contemporary community standards with respect to what  
4 is suitable to be viewed by minors, would find appeals to the  
5 prurient interest and is patently offensive, and the performance  
6 taken as a whole lacks serious artistic, literary, political, or  
7 scientific value.

8 The bill provides that the office of attorney general or the  
9 county attorney of the county in which a violation occurs shall  
10 enforce the provisions of Code chapter 728 (obscenity).

11 The bill provides that any person who knowingly exposes a  
12 minor to an obscene performance is guilty of a public offense and  
13 shall upon conviction be guilty of an aggravated misdemeanor. An  
14 aggravated misdemeanor is punishable by confinement for no more  
15 than two years and a fine of at least \$855 but not more than  
16 \$8,540.

17 The bill provides that a person who knowingly sells, gives,  
18 delivers, or provides a minor who is not a child a pass or admits  
19 the minor to premises where an obscene performance is performed  
20 is guilty of a serious misdemeanor. A serious misdemeanor is  
21 punishable by confinement for no more than one year and a fine of  
22 at least \$430 but not more than \$2,560. A person who knowingly  
23 sells, gives, delivers, or provides a child a pass or admits the  
24 minor to premises where an obscene performance is performed is  
25 guilty of an aggravated misdemeanor. A minor is a person under  
26 18 years of age, and a child is a person under 14 years of age.

27 The bill establishes a private civil cause of action for a  
28 parent or guardian of a minor, or a minor upon reaching 18 years  
29 of age, to whom obscene material has been knowingly disseminated  
30 or exhibited, or who was exposed to an obscene performance.  
31 A cause of action may be brought against any person that has  
32 knowingly disseminated or exhibited obscene material to the minor  
33 or who engaged in or caused or allowed a person to knowingly  
34 engage in an obscene performance in the presence of the minor  
35 for any of the following remedies: a declaratory judgment;

1 injunctive relief; actual, incidental, and consequential damages;  
2 punitive damages, if appropriate; and any other equitable relief  
3 that the court deems appropriate. The minimum award of damages  
4 shall be \$10,000. An action may be commenced by a parent or  
5 guardian within two years of a violation. An action for a  
6 violation brought by a person who was a minor at the time of the  
7 violation shall be found within 10 years after the person upon  
8 whom the offense is committed attains 18 years of age.

9 The bill provides that no public institution, public facility,  
10 public equipment, or other physical asset that is owned, leased,  
11 or controlled by this state or a political subdivision of this  
12 state shall be used for a show, exhibition, or performance  
13 that includes obscene material or obscene performances. No  
14 public institution or facility shall lease, sell, or permit the  
15 subleasing of its facilities or property for the purpose of  
16 shows, exhibitions, or performances that include obscene material  
17 or obscene performances. No public funds made available by  
18 the state or a political subdivision of this state that are  
19 distributed by an institution, board, commission, department,  
20 agency, official, or an employee of the state or political  
21 subdivision shall be used for the purpose of shows, exhibitions,  
22 or performances that include obscene material or obscene  
23 performances. The bill does not apply to obscene materials that  
24 are sent or received as part of a law enforcement investigation  
25 or are authorized by law to be sent or received.

26 The bill provides that any public officer or employee, or  
27 any person acting under color of such office or employment, who  
28 knowingly allows a public institution or funds to be used for  
29 the purpose of shows, exhibitions, or performances that include  
30 obscene material or obscene performances commits a serious  
31 misdemeanor.