

House Study Bill 158 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY CHAIRPERSON
WHEELER)

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:

unofficial

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

9 b. The performer sings, lip-synchs, dances, reads, or
10 otherwise performs before an audience for entertainment, whether
11 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 a
15 minor to a drag show at a place of business shall be guilty of a
16 class "D" felony.

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 class "D" felony.

25 6. No state agency or public entity that receives state funds
26 shall use such funds to host a drag show. A state agency or
27 public entity committing a violation of this section shall be
28 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

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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 class "D"
7 felony, punishable by confinement for no more than five years and
8 a fine of at least \$1,025 but not more than \$10,245. A place of
9 business that allows a minor to be present at or view a drag show
10 hosted by the place of business shall be fined \$10,000 per minor
11 for each violation of the bill. An owner, manager, or person who
12 exercises direct control over a place of business who knowingly
13 allows a minor to be present at or view a drag show hosted by the
14 place of business shall be guilty of a class "D" felony.

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

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

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