

1 HOUSE BILL NO. 359

2 INTRODUCED BY B. MITCHELL, S. GUNDERSON, M. MALONE, S. KERNS, J. SCHILLINGER, C.

3 KNUDSEN, S. GIST, K. ZOLNIKOV, S. ESSMANN, P. FIELDER, S. VINTON, L. REKSTEN, L. SHELDON-

4 GALLOWAY, M. REGIER, T. MOORE, M. BERTOGLIO, L. BREWSTER, J. CARLSON, J. HINKLE, B. LER, A.

5 REGIER, K. SEEKINS-CROWE, S. GALLOWAY, F. NAVE, R. MARSHALL, E. BUTTREY, L. JONES, D.

6 LOGE, B. KEENAN, C. HINKLE, J. READ, R. FITZGERALD, J. GILLETTE, G. OBLANDER, J. BERGSTROM,

7 T. BROCKMAN, G. PARRY, M. YAKAWICH, J. FULLER, M. CUFFE, S. HINEBAUCH, T. MCGILLVRAY, M.

8 NOLAND, D. LENZ, D. BARTEL, C. FRIEDEL, B. GILLESPIE, D. SALOMON, C. GLIMM, K. BOGNER, M.

9 LANG, P. GREEN, G. KMETZ, T. FALK, C. SPRUNGER, B. BARKER, J. ETCHART, R. MINER, J. TREBAS, J.

10 KASSMIER, B. PHALEN, L. DEMING, L. HELLEGAARD, T. SMITH, S. VANCE, F. MANDEVILLE, T.

11 VERMEIRE, Z. WIRTH, N. DURAM, R. KNUDSEN, N. HASTINGS

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13 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MINORS FROM ATTENDING DRAG SHOWS;

14 PROHIBITING MINORS FROM ENTERING SEXUALLY ORIENTED BUSINESSES; PROHIBITING DRAG

15 PERFORMANCES IN LIBRARIES OR SCHOOLS THAT RECEIVE STATE FUNDING; PROHIBITING DRAG

16 PERFORMANCES ON PUBLIC PROPERTY WHERE CHILDREN ARE PRESENT; PROHIBITING DRAG

17 PERFORMANCES IN A LOCATION OWNED BY AN ENTITY THAT RECEIVES STATE FUNDING;

18 PROVIDING DEFINITIONS; AND PROVIDING PENALTIES."

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20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21

22 NEW SECTION. Section 1. Definitions. As used in [sections 1 ~~through and~~ 2], the following

23 definitions apply:

24 (1) "Drag performance" means a performance ~~in which a performer exhibits a gender identity that~~

25 ~~is different than the performer's gender assigned at birth using clothing, makeup, or other physical markers and~~

26 ~~sings, lip syncs, dances, or otherwise performs for entertainment to appeal to a prurient interest that features~~

27 ~~topless dancers, exotic dancers, strippers, or male or female impersonators who provide entertainment that~~

28 ~~appeals to a prurient interest, regardless of whether or not performed for consideration.~~

- 1 (2) "Nude" means:
- 2 (a) entirely unclothed; or
- 3 (b) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing
- 4 any portion of the breast below the top of the areola of the breasts if the person is female or any portion of the
- 5 genitals or buttocks.

6 (3) "Sexually oriented business" means a nightclub, bar, restaurant, or similar commercial
 7 enterprise that:

- 8 (a) provides for an audience of two or more individuals:
 - 9 (i) live nude entertainment or live nude performances; or
 - 10 (ii) a drag performance; and
- 11 (b) authorizes on-premises consumption of alcoholic beverages.

13 **NEW SECTION. Section 2. Restrictions on sexually oriented businesses -- penalty.** (1) A

14 sexually oriented business may not allow a person under 18 years of age to enter the premises of the business
 15 during a live nude performance or drag performance.

16 (2) The owner, operator, manager, or employee of a sexually oriented business who is convicted
 17 of violating this section shall be fined not less than \$1,000 or more than \$5,000 for the first offense, not less
 18 than \$2,500 or more than \$5,000 for the second offense, and for third and subsequent offenses be fined
 19 \$10,000 and, if applicable, the county or municipality shall revoke the business license held by the offender.

21 **NEW SECTION. Section 3. ~~Drag~~Where drag performances are prohibited ~~in publicly funded~~**

22 libraries or schools. (1) A library that receives any form of funding from the state may not allow a drag
 23 performance as defined in [section 1] on its premises during its regular operating hours.

24 (2) A school that receives any form of funding from the state may not allow a drag performance as
 25 defined in [section 1] on its premises during school hours or at any school-sanctioned extracurricular activity.

26 (3) A drag performance is prohibited:

27 (a) on public property in any location where the performance is in the presence of an individual
 28 under the age of 18; and

