HB0359.001.006

1	HOUSE BILL NO. 359
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11	VERMEIRE, Z. WIRTH, N. DURAM, R. KNUDSEN, N. HASTINGS
12	
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."
19	
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.
	Legislative -1 - Authorized Print Version – HB 359 Services

Division

Ame - 202		Reading-white - Requested by: Braxton Mitchell - (H) Judicia	r y		
	.egislature 2023	Drafter: Rachel Weiss, 406-444-5367	HB0359.001.006		
1	(2)	"Nude" means:			
2	(a)	entirely unclothed; or			
3	(b)	clothed in a manner that leaves uncovered or visible through less than fully o	paque clothing		
4	any portion of	the breast below the top of the areola of the breasts if the person is female or a	any portion of the		
5	5 genitals or buttocks.				
6	(3)	"Sexually oriented business" means a nightclub, bar, restaurant, or similar co	ommercial		
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.			
12					
13	<u>NEW S</u>	SECTION. Section 2. Restrictions on sexually oriented businesses per	1 alty. (1) A		
14	sexually orient	ed business may not allow a person under 18 years of age to enter the premise	es of the business		
15	<u>during a live nu</u>	ude performance or drag performance.			
16	(2)	The owner, operator, manager, or employee of a sexually oriented business	who is convicted		
17	of violating this	s section shall be fined not less than \$1,000 or more than \$5,000 for the first of	fense, not less		
18	than \$2,500 or	more than \$5,000 for the second offense, and for third and subsequent offens	es be fined		
19	\$10,000 and, it	f applicable, the county or municipality shall revoke the business license held b	y the offender.		
20					
21	NEW S	SECTION. Section 3. DragWhere drag performances are prohibited in pu	iblicly funded		
22	libraries or so	hools. (1) A library that receives any form of funding from the state may not al	low a drag		
23	performance a	s 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 dra	g performance as		
25	defined in [sec	tion 1] on its premises during school hours or at any school-sanctioned extract	ırricular activity.		
26	<u>(3)</u>	A drag performance is prohibited:			
27	<u>(a)</u>	on public property in any location where the performance is in the presence of	of an individual		
28	under the age	of 18; and			



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Drafter: Rachel Weiss, 406-444-5367

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1	(b) in a location owned by an entity that receives any form of funding from the state.
2	(3)(4) A library, a school, or library or school personnel, a public employee, or an entity described in
3	subsection (3)(b) or an employee of the entity convicted of violating the prohibition under this section shall be
4	fined \$5,000 and, if applicable, the board of public education shall initiate proceedings must be initiated to
5	suspend the teacher, administrator, or specialist certificate of the offender under 20-4-110 for 1 year. If an
6	offender's certificate has previously been suspended pursuant to this subsection (3)(4), the board of public
7	education shall initiate proceedings must be initiated to permanently revoke the teacher, administrator, or
8	specialist certificate of the offender under 20-4-110 on a subsequent violation of this section.
9	
10	NEW SECTION. Section 4. Codification instruction. (1) [Sections 1 and 2] are intended to be
11	codified as an integral part of Title 45, chapter 8, and the provisions of Title 45, chapter 8, apply to [sections 1
12	and 2].
13	(2) [Section 3] is intended to be codified as an integral part of Title 20, chapter 7, part 1, and the
14	provisions of Title 20, chapter 7, part 1, apply to [section 3].
15	- END -