1   HOUSE BILL NO. 359

2   INTRODUCED BY B. MITCHELL, E. BUTTREY, M. CUFFE, D. SALOMON, J. READ, T. MCGILLVRAY, K.

3   REGIER, L. JONES, E. BUTCHER, B. KEENAN, C. GLIMM, G. HERTZ, M. LANG, D. LENZ, J. HINKLE, F.

4   MANDEVILLE, T. MANZELLA, W. MCKAMEY, M. NOLAND, S. HINEBAUCH, S. GUNDERSON, M. REGIER,

5   D. LOGE, R. FITZGERALD, F. ANDERSON, L. SHELDON-GALLOWAY, J. TREBAS, D. BARTEL, C.

6   KNUDSEN, B. USHER, S. VINTON, B. BEARD, M. HOPKINS, N. DURAM, J. FULLER, R. KNUDSEN, K.

7   BOGNER, B. GILLESPIE, J. KASSMIER, B. MERCER, T. MOORE, B. LER, B. PHALEN, F. NAVE, J.

8   CARLSON, L. BREWSTER, K. ZOLNIKOV, A. REGIER, L. REKSTEN, P. FIELDER, S. KERNS, S.

9   GALLOWAY, S. GIST, J. SCHILLINGER, K. SEEKINS-CROWE, M. MALONE, J. GILLETTE, C. HINKLE, M.

10   BERTOGLIO, R. MARSHALL, C. FRIEDEL, S. ESSMANN, M. YAKAWICH, T. BROCKMAN, T. SMITH, R.

11   MINER, G. PARRY, G. OBLANDER, N. NICOL, L. DEMING, D. EMRICH, S. VANCE, T. VERMEIRE, C.

12   SPRUNGER, T. FALK, J. BERGSTROM, G. KMETZ, P. GREEN, J. ETCHART, B. BARKER, L.

13   HELLEGAARD, Z. WIRTH, N. HASTINGS

14

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

16   PROHIBITING MINORS FROM ENTERING SEXUALLY ORIENTED BUSINESSES; PROHIBITING DRAG

17   PERFORMANCES IN LIBRARIES OR SCHOOLS THAT RECEIVE STATE FUNDING; <u>PROHIBITING DRAG</u>

18   <u>PERFORMANCES ON PUBLIC PROPERTY WHERE CHILDREN ARE PRESENT; PROHIBITING DRAG</u>

19   <u>PERFORMANCES IN A LOCATION OWNED BY AN ENTITY THAT RECEIVES STATE FUNDING;</u>

20   PROVIDING DEFINITIONS; AND PROVIDING PENALTIES."

21

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

23

24   <u>NEW SECTION.</u> **Section 1.**   **Definitions.** As used in [sections 1 ~~through~~ <u>AND</u> 2], the following

25   definitions apply:

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

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

28   ~~sings, lip syncs, dances, or otherwise performs for entertainment to appeal to a prurient interest~~ <u>THAT FEATURES</u>

1   defined in [section 1] on its premises during school hours or at any school-sanctioned extracurricular activity.

2   (3)   A DRAG PERFORMANCE IS PROHIBITED:

3   (A)   ON PUBLIC PROPERTY IN ANY LOCATION WHERE THE PERFORMANCE IS IN THE PRESENCE OF AN

4   INDIVIDUAL UNDER THE AGE OF 18; AND

5   (B)   IN A LOCATION OWNED BY AN ENTITY THAT RECEIVES ANY FORM OF FUNDING FROM THE STATE.

6   (3)(4)   A library, a school, ~~or~~ library or school personnel, A PUBLIC EMPLOYEE, OR AN ENTITY DESCRIBED

7   IN SUBSECTION (3)(B) OR AN EMPLOYEE OF THE ENTITY convicted of violating the prohibition under this section shall

8   be fined $5,000 and, if applicable, ~~the board of public education shall initiate~~ proceedings MUST BE INITIATED to

9   suspend the teacher, administrator, or specialist certificate of the offender under 20-4-110 for 1 year. If an

10   offender's certificate has previously been suspended pursuant to this subsection ~~(3)~~ (4), ~~the board of public~~

11   ~~education shall initiate~~ proceedings MUST BE INITIATED to permanently revoke the teacher, administrator, or

12   specialist certificate of the offender under 20-4-110 on a subsequent violation of this section.

13

14   NEW SECTION. **Section 4.   Codification instruction.** (1) [Sections 1 and 2] are intended to be

15   codified as an integral part of Title 45, chapter 8, and the provisions of Title 45, chapter 8, apply to [sections 1

16   and 2].

17   (2)   [Section 3] is intended to be codified as an integral part of Title 20, chapter 7, part 1, and the

18   provisions of Title 20, chapter 7, part 1, apply to [section 3].

19

20   NEW SECTION. **Section 5.   Severability**. If a part of [this act] is invalid, all valid parts that are

21   severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

22   the part remains in effect in all valid applications that are severable from the invalid applications.

23   - END -