

SENATE BILL NO. 1100

May 5, 1998, Introduced by Senators SHUGARS, GEAKE and GOUGEON
and referred to the Committee on Families, Mental Health and
Human Services.

A bill to restrict the attendance of minors at certain music
performances; to regulate the operation of certain music venues;
and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Harmful to minors" means any material that meets all of
3 the following requirements:

4 (i) The average adult person, applying contemporary commu-
5 nity standards, would find that the material, when considered as
6 a whole, appeals to the prurient interest of minors.

7 (ii) The material depicts or describes, in an explicit and
8 patently offensive manner by prevailing standards in the adult
9 community with respect to what is suitable for minors, any of the
10 following:

1 (A) Ultimate sexual acts, normal or perverted, actual or
2 simulated.

3 (B) Masturbation, fellatio, cunnilingus, bestiality, excre-
4 tory functions, lewd exhibition of the genitals or genital area,
5 sexually explicit conduct, sexual excitement, or sexually
6 explicit nudity.

7 (C) Acts that are violent or destructive, including but not
8 limited to human or animal mutilation, dismemberment, murder,
9 suicide, rape, torture, or illegal use of drugs.

10 (iii) When considered as a whole, and in the context for
11 which it is used, lacks serious literary, artistic, political, or
12 scientific value for minors.

13 (b) "Minor" means an individual under the age of 18.

14 (c) "Music venue" means a commercial venue where live music
15 performances are held.

16 Sec. 2. (1) The governing board of a city, village, or
17 township may, by resolution, determine that a live performance at
18 a music venue within the city, village, or township is harmful to
19 minors. The determination shall be based on the performer's past
20 performances or the performer's recordings. However, the govern-
21 ing board shall not approve a resolution described in this sec-
22 tion if the owner or operator of the music venue or the performer
23 submits to the board evidence of a contract between the owner or
24 operator and the performer in which the performer has agreed not
25 to perform any material that is harmful to minors.

26 (2) If the governing board of a city, village, or township
27 approves a resolution under subsection (1) determining that a

1 performance is harmful to minors and notifies the owner or
2 operator of the music venue at least 30 days prior to the date of
3 the performance, the owner or operator of the music venue shall
4 comply with all of the following:

5 (a) A minor shall not be admitted to the performance unless
6 accompanied by the minor's parent or guardian.

7 (b) Tickets that are sold for the performance shall contain
8 a notice on the ticket that minors will not be admitted unless
9 accompanied by a parent or guardian.

10 (c) Print advertisements for the performance shall contain a
11 notice that minors will not be admitted unless accompanied by a
12 parent or guardian.

13 (d) Electronic advertisements shall include a statement that
14 minors will not be admitted unless accompanied by a parent or
15 guardian.

16 Sec. 3. A person who violates this act is guilty of a mis-
17 demeanor punishable by imprisonment for not more than 90 days or
18 a fine of not more than \$5,000.00, or both.