

Senate Bill 239 (Substitute S-4 as passed by the Senate)  
Sponsor: Senator Dale L. Shugars  
Committee: Local, Urban and State Affairs

Date Completed: 6-16-99

### **RATIONALE**

According to many, some of today's music stars who appeal to teenage audiences celebrate sex, violence, drugs, despair, and suicide through recordings and stage performances. Despite the efforts of parents who try to prevent their children from being exposed to music that promotes negative behavior, many parents evidently still feel helpless in determining whether concerts presented by these performers are suitable for their children. Some people believe that parents should have a way to identify concerts where material they consider inappropriate may be performed.

### **CONTENT**

**The bill would create a new act to provide that tickets and advertisements for a musical performance would have to contain a specified parental advisory, if during the five years prior to the performance date, the performer had released a recording containing a parental advisory label and his or her recorded music would be performed at the music venue. The bill would establish misdemeanor penalties for violations of the bill, and specifies that it would take effect 60 days after enactment.**

If a performer's recorded music were to be performed at a music venue and if, during the five years prior to the performance date, the performer had released recorded music containing a parental advisory label issued by the recording industry as to the recorded music's explicit content, the owner or operator of the music venue or the promoter of the performance would have to comply with at least one of the following:

- Tickets sold for the performance at the music venue would have to contain, in boldfaced print not smaller than nine-point type, an advisory stating: "Parental Advisory: Explicit Content".
- Print advertisements for the performance would have an advisory, as described for tickets.

- Television, radio, or other electronic advertisements for the performance would have to contain an advisory as follows: If the advertisement were spoken, it would have to state "This artist's music has received the recording industry's parental advisory due to explicit content". If the advertisement were written, it would have to contain the same advisory that would be required for tickets and print advertisements.

The bill specifies that it would not apply to a performance at a music venue by a performer whose appearance had not been advertised or promoted.

A person would be guilty of a misdemeanor punishable by a fine of up to \$5,000 for violating the bill.

("Music venue" would mean a commercial venue where live music performances were held.)

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The bill would require that concert tickets or advertisements contain a parental advisory, if five years before a performance, the performer released a recording containing a parental advisory label for sexually explicit or violent lyrics and his or her recorded music was to be performed at the concert. The advisory would help parents identify concerts where inappropriate material could be performed by music groups whose names and recordings were unfamiliar to them. Thus, parents would be better able to determine whether a concert would be harmful to their children, based on a performer's past recordings, and could make an informed decision about their children's attendance at the concert.

#### **Opposing Argument**

Depending on an advisory on concert tickets and promotions could give parents a false sense of security that someone else was watching out for their children. It is a parent's responsibility to monitor what his or her children are doing.

Unless parents purchased the tickets and saw the parental advisory on the tickets and advertisements, a mandated parental advisory would make little difference. Parental advisories alone would not stop teenagers from purchasing concert tickets any more than warning stickers on compact discs prevent teens from purchasing an artist's music. In fact, some bands reportedly seek out warning labels to make themselves more appealing to certain audiences.

### **Opposing Argument**

The Recording Industry Association of America has pointed out that the placement of advisories on artists' compact discs and tapes is part of a rating system in which performers are not required to participate. Thus, the bill, with its mandatory warning, would rely on a voluntary rating system. One recording artist may choose to participate in the rating system and another may not, regardless of the content of his or her music. Reportedly, for example, country singer Garth Brooks participates, while "shock rocker" Marilyn Manson does not. Furthermore, artists who abide by the voluntary rating system conceivably could decide to withdraw their participation to avoid the presence of warnings on tickets and advertisements and a potential reduction in the number of persons who would attend a concert. Consequently, parents could lose the existing benefits of the rating system, rather than gaining additional assistance.

### **Opposing Argument**

The bill's parental advisory requirements would depend on whether a performer's recorded music had received a label for explicit content within five years before a concert date. According to operators of music venues, however, information about an artist's music rating by the recording industry is not readily available. Reportedly, there is no source that a concert promoter could use to research whether an artist's recordings in the past five years had been labeled with a parental advisory.

### **Opposing Argument**

A parental advisory label issued by the recording industry is based on the actual content of a recording. The bill, however, would require a warning based on what *might* be performed. The bill would apply if any of a performer's recordings had received a warning label within five years before a concert, and if his or her recorded music were to be performed at the concert. It is not clear, however, whether the recorded music performed at the concert would have to be the same as the music that received an advisory label. For some musicians,

there could be hundreds of pieces available to perform. Furthermore, a performer whose music bore a warning label could change his or her style entirely within five years, but remain subject to the bill's advisory requirements.

## **BILL ANALYSIS**

### **FISCAL IMPACT**

The fiscal impact on State government is indeterminate. There could be some revenue generated from fines imposed on those who violated the provisions of this bill. However, there are no data to indicate how many people would fall under the purview of the penalties imposed by this bill.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.