

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4521

1.1 A bill for an act
1.2 relating to education; removing exemptions from obscenity laws for public schools;
1.3 creating a civil cause of action; amending Minnesota Statutes 2018, sections
1.4 617.291, subdivision 2; 617.295; 617.296, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 617.291, subdivision 2, is amended to read:

1.7 Subd. 2. **Best interest.** It is in the best interest of the health, welfare, and safety of the
1.8 citizens of this state, and especially of minors within the state, that commercial dissemination,
1.9 and dissemination without monetary consideration in a place of public accommodation, of
1.10 sexually explicit written, photographic, printed, sound or published materials, and of plays,
1.11 dances, or other exhibitions presented before an audience, that are deemed harmful to minors,
1.12 be restricted to persons over the age of 17 years; or, if available to minors under the age of
1.13 18 years, that the availability of the materials be restricted to sources within established and
1.14 recognized ~~schools~~, churches, museums, medical clinics and physicians, hospitals, public
1.15 libraries, or government sponsored organizations, excluding public schools.

1.16 Sec. 2. Minnesota Statutes 2018, section 617.295, is amended to read:

1.17 **617.295 EXEMPTIONS.**

1.18 The following are exempt from criminal or other action hereunder:

1.19 (1) recognized and established ~~schools~~, churches, museums, medical clinics and
1.20 physicians, hospitals, public libraries, governmental agencies or quasi governmental
1.21 sponsored organizations, and persons acting in their capacity as employees or agents of
1.22 such organization, excluding public schools. For the purpose of this section "recognized

2.1 and established" shall mean ~~an organization or agency having a full-time faculty and~~
2.2 ~~diversified curriculum in the case of a school~~; a church affiliated with a national or regional
2.3 denomination; a licensed physician or psychiatrist or clinic of licensed physicians or
2.4 psychiatrists; and in all other exempt organizations shall refer only to income tax exempted
2.5 organizations which are supported in whole or in part by tax funds or which receive at least
2.6 one-third of their support from publicly donated funds;

2.7 (2) individuals in a parental relationship with the minor; and

2.8 (3) motion picture machine operators, stagehands, or other theatre employees such as
2.9 cashiers, doorkeepers, ushers, and concession employees, if such person or persons have
2.10 no financial interest in the entertainment presented other than the salary or wage, or in any
2.11 theatre or place where such employee has no financial interest when the employee's services
2.12 are obtained solely for salary or wage; provided, that such employee is under the direct
2.13 supervision of a theatre manager who is a resident of this state and who is not exempt from
2.14 action under sections 617.291 to 617.297.

2.15 Sec. 3. Minnesota Statutes 2018, section 617.296, is amended by adding a subdivision to
2.16 read:

2.17 Subd. 3. **Parental cause of action.** A parent or legal guardian of a child has a civil cause
2.18 of action against a public school when the school, or faculty or person acting in their capacity
2.19 as an employee or agent of a school, disseminates or otherwise displays to the child obscene
2.20 material as defined in section 617.241, subdivision 1, paragraph (a). The plaintiff is entitled
2.21 to recover the greater of \$1,000 or actual general and special damages, including damages
2.22 for emotional distress. A plaintiff may also obtain reasonable attorney fees and an injunction
2.23 or other appropriate relief.