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## **Criminal Justice: Restrictions on Drag Performances**

No updates required since September 26, 2023

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### **Recommended citation:**

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[www.mapresearch.org/equality-maps/criminaljustice/drag\\_restrictions](http://www.mapresearch.org/equality-maps/criminaljustice/drag_restrictions). Accessed [day of access].



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## Background

Drag is an art form dating back centuries, and it is also a vital part of LGBTQ culture and history. While U.S. state laws restricting gender-based dress also date back to at least the 1800s, 2023 brought a resurgence of efforts to limit free speech and expression in the form of drag performances. These attacks are part of a much broader and coordinated effort attacking gender expression, transgender people, and the LGBTQ community more broadly. For more, read MAP's ongoing series [\*Under Fire: The War on LGBTQ People in America\*](#).

## Equality Map & Additional Resources

- See our [Equality Map: Restrictions on Drag Performances](#), which is updated and maintained in real time alongside this document.
- See MAP's [\*Under Fire: The War on LGBTQ People in America\*](#), a 2023 research series detailing the varied attacks on LGBTQ people across virtually every aspect of life, including attacks on drag performances and LGBTQ people in public spaces.

## Summary Table

Category	States	Lawsuits and/or Notes
<b>States that explicitly restrict drag performances</b> (2 states)	Montana*	<a href="#"><i>Imperial Sovereign Court et al v. Knudsen</i></a> (filed July 2023) *Temporarily blocked in July 2023
	Tennessee*	<a href="#"><i>Friends of George's v. Mulroy</i></a> (filed March 2023) *Ruled unconstitutional in June 2023, though state may appeal this decision.
<b>States that have laws about "adult" or "sexual" performances that could be used to target drag</b> (4 states)	Arkansas	
	Florida*	<a href="#"><i>HM Florida-Orlando v. Florida</i></a> (filed May 2023) *Temporarily blocked in June 2023
	North Dakota	
	Texas*	<a href="#"><i>Woodlands Pride v. Colmenero</i></a> (filed Aug 2023) <a href="#"><i>Vortex Repertory Co. et al. v. Colmenero et al</i></a> (filed Aug 2023) *Ruled unconstitutional in September 2023, though the state may appeal this decision.
<b>No state law explicitly restricting drag performances or about "adult" or "sexual" performances that could be used to target drag</b> (44 states, D.C., and 5 territories)	All others	



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## Chronology

### Order of Laws

(by date of governor signature or veto override; not by effective date)

#### Laws Explicitly Restricting Drag

1. Tennessee – [SB3/HB9](#) – March 2, 2023 (effective April 1, 2023; currently blocked by court order)
2. Montana – [HB359](#) – May 22, 2023 (effective immediately; currently blocked by court order)

#### Laws That May Be Used to Target Drag, But Do Not Explicitly Restrict Drag

1. Arkansas – [SB43](#) – February 24, 2023 (effective 90 days after legislature adjourns)
2. North Dakota – [HB1333](#) – April 21, 2023 (effective August 1, 2023)
3. Florida – [S1438](#) – May 17, 2023 (effective immediately; currently blocked by court order)
4. Texas – [SB12](#) – June 18, 2023 (effective September 1, 2023; currently blocked by court order)

## State-by-State Sources & More Detail

### Alabama

- State law does not explicitly restrict drag performances

### Alaska

- State law does not explicitly restrict drag performances

### Arizona

- State law does not explicitly restrict drag performances

### Arkansas

- State has law about “adult” or “sexual” businesses or performances that could be used to target or restrict drag performances
- See [SB43](#) (2023)

### California

- State law does not explicitly restrict drag performances

### Colorado

- State law does not explicitly restrict drag performances

### Connecticut

- State law does not explicitly restrict drag performances



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#### Delaware

- State law does not explicitly restrict drag performances

#### District of Columbia

- State law does not explicitly restrict drag performances

#### Florida

- State has law about “adult” or “sexual” businesses or performances that could be used\* to target or restrict drag performances
- See [S1438](#) (2023)
- \*In June 2023, a federal judge [temporarily blocked](#) enforcement of this law, ruling it likely unconstitutional. However, the state is appealing this ruling. See [HM Florida-Orlando v. Florida](#) (filed May 2023).

#### Georgia

- State law does not explicitly restrict drag performances

#### Hawai‘i

- State law does not explicitly restrict drag performances

#### Idaho

- State law does not explicitly restrict drag performances

#### Illinois

- State law does not explicitly restrict drag performances

#### Indiana

- State law does not explicitly restrict drag performances

#### Iowa

- State law does not explicitly restrict drag performances

#### Kansas

- State law does not explicitly restrict drag performances

#### Kentucky

- State law does not explicitly restrict drag performances

#### Louisiana

- State law does not explicitly restrict drag performances

#### Maine

- State law does not explicitly restrict drag performances



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#### Maryland

- State law does not explicitly restrict drag performances

#### Massachusetts

- State law does not explicitly restrict drag performances

#### Michigan

- State law does not explicitly restrict drag performances

#### Minnesota

- State law does not explicitly restrict drag performances

#### Mississippi

- State law does not explicitly restrict drag performances

#### Missouri

- State law does not explicitly restrict drag performances

#### Montana

- State law explicitly restricts\* drag performances
- See [HB359](#) (2023) explicitly restricting drag, and see also [HB234](#) (2023) indirectly targeting drag and other LGBTQ content via obscenity law
- \*In July 2023, a judge temporarily blocked enforcement of this law, and this block was [continued](#) in an October 2023 ruling. See [Imperial Sovereign Court et al v. Knudsen](#) (filed July 2023).

#### Nebraska

- State law does not explicitly restrict drag performances

#### Nevada

- State law does not explicitly restrict drag performances

#### New Hampshire

- State law does not explicitly restrict drag performances

#### New Jersey

- State law does not explicitly restrict drag performances

#### New Mexico

- State law does not explicitly restrict drag performances

#### New York

- State law does not explicitly restrict drag performances



#### North Carolina

- State law does not explicitly restrict drag performances

#### North Dakota

- State has law about “adult” or “sexual” businesses or performances that could be used to target or restrict drag performances
- See [HB1333](#) (2023)
  - Law also preempts local ordinances that would conflict with this law

#### Ohio

- State law does not explicitly restrict drag performances

#### Oklahoma

- State law does not explicitly restrict drag performances

#### Oregon

- State law does not explicitly restrict drag performances

#### Pennsylvania

- State law does not explicitly restrict drag performances

#### Rhode Island

- State law does not explicitly restrict drag performances

#### South Carolina

- State law does not explicitly restrict drag performances

#### South Dakota

- State law does not explicitly restrict drag performances

#### Tennessee

- State law explicitly restricts\* drag performances
- See [SB3/HB9](#) (2023)
- \*This law is currently unenforceable due to a [federal court order](#) issued March 31, 2023, in [Friends of George’s Inc. v. Mulroy](#), and a subsequent ruling, issued June 2, 2023, that further found the law [unconstitutional](#). However, the state may yet appeal this ruling. This map and citation sheet will be updated as this case progresses.

#### Texas

- State has law about “adult” or “sexual” businesses or performances that could be used to target or restrict drag performances
- See [SB12](#) (2023)
- \*On August 31, 2023, a federal judge temporarily blocked the law, ruling it likely unconstitutional. On September 26, 2023, a federal judge [permanently blocked](#) the rule, ruling it



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unconstitutional, though the state may yet appeal this ruling. See [Woodlands Pride et al v. Colmenero et al](#) and [Vortex Repertory Co. et al. v. Colmenero et al](#), both filed in August 2023.

#### Utah

- State law does not explicitly restrict drag performances

#### Vermont

- State law does not explicitly restrict drag performances

#### Virginia

- State law does not explicitly restrict drag performances

#### Washington

- State law does not explicitly restrict drag performances

#### West Virginia

- State law does not explicitly restrict drag performances

#### Wisconsin

- State law does not explicitly restrict drag performances

#### Wyoming

- State law does not explicitly restrict drag performances

### **U.S. Territories**

#### American Samoa

- Territory law does not explicitly restrict drag performances

#### Guam

- Territory law does not explicitly restrict drag performances

#### Northern Mariana Islands

- Territory law does not explicitly restrict drag performances

#### Puerto Rico

- Territory law does not explicitly restrict drag performances

#### U.S. Virgin Islands

- Territory law does not explicitly restrict drag performances