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Criminal Justice: Restrictions on Drag Performances

No updates required since September 1, 2023

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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

See our [Equality Map: Restrictions on Drag Performances](#), which is updated and maintained in real time alongside this document.

Summary Table

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



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



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. 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. 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



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U.S. Virgin Islands

- Territory law does not explicitly restrict drag performances