

SENATE BILL NO. 2336

Introduced by

Senators Redlin, C. Nelson

Representatives Tollefson, Wentz

1 A BILL for an Act to create and enact a new section to chapter 12.1-27.1 of the North Dakota
2 Century Code, relating to city ordinances to prohibit material harmful to minors.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 12.1-27.1 of the North Dakota Century Code is
5 created and enacted as follows:

6 **City ordinance to prohibit material that is harmful to minors - Penalty.**

7 Notwithstanding section 12.1-01-05, a city may pass an ordinance prohibiting and criminally
8 penalizing the sale of material that is harmful to minors as permitted by this section. The
9 ordinance may state no person engaged in the business of selling music recordings may sell a
10 music recording that has content that is harmful to minors unless the minor has the written
11 permission of that minor's parent or guardian. A music recording has content that is harmful to
12 minors if the recording, considered as a whole, predominantly appeals to the prurient, shameful,
13 or morbid interest of minors; is patently offensive to the prevailing standards in the adult
14 community considered as a whole, with respect to what is suitable for minors; and considered
15 as a whole, is without serious literary, artistic, political, or scientific importance for minors.
16 Content that is harmful to minors may include lyrics advocating, glamorizing, or encouraging
17 suicide, murder, violent racism, religious violence, morbid violence, or the illegal use of drugs or
18 alcohol. The ordinance may require a recording that has content that is harmful to minors to
19 contain a label that states the recording is for sale to adults only, if the governing body of the
20 city or a board created by the city that represents the average person eighteen years or older in
21 that city determines the recording has content that is harmful to minors.