

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1333

Introduced by

Representatives Prichard, Frelich, Klemin, Koppelman, Marschall, Motschenbacher, D. Ruby,
Tveit, VanWinkle

Senator Estenson

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 restrictions on adult-oriented performances; to amend and reenact
3 section 12.1-27.1-12 of the North Dakota Century Code, relating to state pre-emption of local
4 laws regulating obscenity; and to provide a penalty.

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

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

8 **Restrictions on adult-oriented performances - Penalty.**

- 9 1. As used in this section, "adult cabaret performance" means a performance in a
10 location other than an adult cabaret which features topless dancers, exotic dancers,
11 strippers, or male or female impersonators who provide entertainment that appeals to
12 a prurient interest, regardless of whether or not performed for consideration.
- 13 2. A person is guilty of a class A misdemeanor for a first offense and a class C felony for
14 a second or subsequent offense if the person engages in an adult cabaret
15 performance:
 - 16 a. On public property; or
 - 17 b. In a location where the adult cabaret performance is in the presence of an
18 individual under the age of eighteen.

19 **SECTION 2. AMENDMENT.** Section 12.1-27.1-12 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **12.1-27.1-12. State pre-emption of local laws regulating obscenity.**

22 This chapter ~~shall be~~ applicable and uniform throughout the state, and ~~no~~ political
23 subdivision ~~shall~~ may not enact new, or enforce existing, ordinances or resolutions regulating or

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- 1 prohibiting the dissemination of obscene materials, or controlling obscene or adult-oriented
- 2 performances, except ordinances authorized by section 5-02-09, section 58-03-11, chapter
- 3 11-33, or chapter 40-47.