



North Dakota House of Representatives

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House Bill 1333 House Judiciary Committee Representative Klemm, Chairman January 23, 2023

Chairman Klemm and members of the House Judiciary Committee,

My name is Rep. Brandon Prichard and I represent District 8 which covers all of Emmons County, rural and suburban portions of Burleigh County, and Wilton which is in McLean County. I am here to testify in support of HB 1333 which would prohibit children and minors from attending exotic and inappropriate in-person performances, called “adult cabaret performances.” North Dakota children should not be allowed into strip shows, in-person displays of exotic dancing, prurient performances by straight or gay performers, or any display in a similar, hypersexualized fashion.

HB 1333 would simply make it a criminal penalty to allow a minor to attend an adult cabaret performance with the first offense carrying a maximum of a Class A misdemeanor and the second offense carrying a maximum of a class C felony. If you are wondering the frequency of these types of events in North Dakota, you may be surprised to learn that events with a clear prurient interest occur often. One of the most notable examples is the Scarlet Vision Productions All-Ages Cabaret Show in Fargo, ND. These events have occurred throughout the last several years in Fargo with the goal of encouraging children to attend and participate in explicit actions.¹ Meanwhile, an annual cabaret show in Bismarck called “Just a Brunch for Kings and Queens” only increased its age limit from all-ages to 13+ after concerned constituents called the vendor and wrote letters to the editor in the Bismarck Tribune. This show was particularly problematic because it allowed a male performer under the age of 18 to dress in women’s clothing and dance in a hypersexualized manner.

In April of 2022, I attempted to shut down the all-ages cabaret show in Bismarck unless the group organizing the cabaret performance increased the age limit to 18 years and older. According to CC [12.1-27-02](#) and [12.1-27-03](#), it is a class C felony “for a person, knowing of its character, to recklessly promote to a minor any material or performance which is harmful to minors, or to admit a minor to premises where a performance harmful to minors is exhibited or takes place.” The definition of “harmful to minors” means “that quality of any description or representation, in whatever form of sexual conduct or sexual excitement, when such description or representation (1) considered as a whole, appeals to the prurient sexual interest of minors; (2) Is patently offensive to prevailing standards in the adult community in North Dakota as a whole with respect to what is suitable material for minors; and (3) Considered as a whole, lacks serious literary, artistic, political, or scientific

¹ [Despite backlash, all-ages drag show in Fargo draws parents and kids - InForum | Fargo, Moorhead and West Fargo news, weather and sports](#)

value for minors." Despite a seemingly clear condemnation of cabaret shows, no criminal charges were pursued. These types of performances continue in Bismarck, Fargo, and other cities in North Dakota.

Therefore, this bill serves as clarification language that cabaret performances are meant for adults, not minors. There are several things I would suggest cleaning up in the bill before the committee votes. First, while the terms "cabaret," "topless dancer," "go-go dancer," "exotic dancer," "stripper," and "male or female impersonator" may seem self-explanatory, it would be beneficial for the committee to formally define these terms. Second, the term "similar entertainment" in line 12 could be clarified if the committee believes the word choice is too broad. Third, if the committee believes lines 18-19 is too broad, some minor adjustments may be reasonable. In the drafting phase, legislative council believed that "within the line of vision of an individual under the age of eighteen" was acceptable. The goal with subsection b is to stop minors from attending the performances will making the law the least restrictive means to achieving the legitimate government interest. Fourth, it may be advantageous to clarify that the penalty will only apply to the business organizing the event, not the dancers unless they are business partners in the operation. Contractors and employees should receive general protection from their employer's wrongdoing. If a committee member would be interested in working on these amendments, I would be willing to assist in the process. The committee may also decide to leave the language unchanged if they believe the amendments would not provide a benefit.

I encourage the Judiciary Committee to support the effort to protect the innocent minds of children by clarifying that cabaret performances are only for adults. I respectfully ask for the committee to support HB 1333 by giving the bill a "Do Pass" recommendation.

Appendix A

Child Hands Cash to Cabaret Performer During an Explicit Dance in Bismarck Show



Appendix B

Children Giving Money to a Cabaret Performer on the Capitol Grounds



Appendix C

Fargo Cabaret Performer Hugs Child Before Dancing Seductively and Thrusting the Air



Host and performer Tequila Mockingbird lets a young crowd member say a few words about being yourself during the all-ages "Can't Drag Us Down" drag show on July 16, 2022, outside the Elks Lodge in Fargo.
Alyssa Goelzer/The Forum

Explicit and seductive dancing is found in the video attached to the article (video time 1:12):

[Despite backlash, all-ages drag show in Fargo draws parents and kids - InForum | Fargo, Moorhead and West Fargo news, weather and sports](#)

Appendix D

Scarlet Vision Production Encourages "All Ages" to Attend the Performance

SCARLET VISION PRODUCTIONS PRESENTS...

Can't Drag Us Down!

7/16 • FARGO ELKS PARKING LOT
TICKET SALES START @7PM • SHOWTIME @8PM
\$15 FOR ADULTS • \$10 FOR 18 AND UNDER
ALL AGES

 L. HIPSTER	 TEQUILA MOCKINGBIRD	 JUST JEFF	 BJ ARMANI
 JARETH IDOL	 JESSIKA FROM THE VOLLEYBALL TEAM	 MISS KITTY	 ASHER ALEXANDER
 CARLITA ASADA	 MIKA SUPREME	 BROWN SHUGA	

Appendix E

Minor Between 15-17 Years Old Dances in Cabaret Performance in Bismarck

(Redacted in Public Version to Protect Minor's Identity)

Appendix F

Cross-Dressing Performer Grooms 8-Year-Old Boy into Cabaret Performances



Video, view 3:40-4:25:

[Meet the 8-Year-Old Boy Who Transforms Into a Drag Queen Named Lactatia - YouTube](#)