

January 22, 2023

Re: HB 1333

Dear Chairman Klemin and members of the House Judiciary Committee,

My name is Kara Gloe. I am a mental health therapist licensed in both North Dakota and Minnesota. I work at Canopy Medical Clinic. Among the primary populations of people I serve, are LGBTQIA2S+ folks. As such, I am here today to talk about the discriminatory nature of this bill. It is a veiled attempt to push LGBTQIA2S+ people back into the closet. As such, I urge you to please vote **DO NOT PASS on HB 1333**.

Drag is not inherently overtly sexual. Last summer, I took my two young children to their first all-ages drag show. What they saw, and I know because I asked, was people dancing, singing, enjoying themselves, and entertaining the crowd. What they saw was people living an aspect of their authentic lives. Certainly, there are times when drag performances are not suitable for all ages, just like there are concerts and bands that are not suitable for all ages. We do not try to criminalize live music. We expect parents to be responsible for gauging what is and is not appropriate for their children. Why are parents not given the same trust and respect when it comes to all-ages drag shows and children's drag story time, of which the programming is specifically created with children in mind? After all, the audience consideration is in the name.

Additionally, the language of this bill is vague and poorly written. Who decides what a "prurient" interest is? Does one have to receive money or be intentionally attempting to "entertain" while appearing to be a "male or female impersonator." Or is it enough to just be walking down the street while appearing to be a "male or female impersonator." How will we decide when someone is a "male or female impersonator" and not just wearing the clothes, makeup, hairstyles they prefer?

The assumption that drag is innately "prurient" is baseless, as drag performers have demonstrated they are perfectly capable of making age-appropriate content for specific audiences. Additionally, as there are so many aspects of this bill of which appear to be undefinable, it is clear the problem is not drag shows. If passed, this bill will send the message that North Dakota does not recognize the value of its LGBTQIA2S+ friends, family, and neighbors. It will increase minoritized stress. It will steal an avenue of authenticity for people, and will contribute nothing to the greater good.

Drag is widely accepted to be a form of self-expression, which means this law is likely to be constitutionally challenged as a violation of the First Amendment. This would mean North Dakotans would be on the hook for an expensive legal challenge, it does not seem likely to win.

Drag is an art form. Drag is self-expression. You will not be able to legislate it away. It has already survived the closet. Continued attempts to legalize discrimination will only result in backlash and unintended consequences. **Please vote DO NOT PASS on HB 1333.**

Sincerely,
Kara Gloe, LMSW
Canopy Medical Clinic