



TESTIMONY on HB 1333
from the
NATIONAL ASSOCIATION OF SOCIAL WORKERS—NORTH DAKOTA CHAPTER
to the
ND Senate Judiciary Committee
March 20, 2023

Chairperson Larson and members of the Senate Judiciary Committee:

The Advocacy Committee of the NASW-ND submits this testimony in opposition to House Bill 1333. We appreciate the opportunity to share our perspective.

NASW-ND urges the members of the House Human Services Committee to vote DO NOT PASS on HB 1333 for the following reasons:

1. HB 1333 restricts freedom of expression.

Section 1, point 1 (p1 lines 9-12) defines an “adult cabaret performance” as male or female impersonators providing entertainment that appeals to a **prurient interest**. A prurient interest is defined by thoughts and desires. This bill seeks to criminalize one individual’s behavior based on another individual’s perceived thoughts and desires.

The First Amendment to the Constitution protects freedom of speech and assembly. The Fourteenth Amendment to the Constitution protects freedom of expression. If this legislature approves this bill, it *will* go to the higher courts, which seems like a gross misuse of taxpayer dollars.

The National Association of Social Workers (NASW) Code of Ethics 1.02 instructs social workers to respect and promote the right of clients to self-determination. The only circumstance in which a social worker would violate that commitment is if the client poses a serious, foreseeable, and imminent threat to themselves or others. Although some on this committee may not approve of minors attending a drag show, there is no substantiated claim of a crime against a minor or adult at a drag show.

2. HB 1333 preys on marginalized communities.

Some claim drag traces its roots to the age of William Shakespeare when female roles were performed by men, but this bill is clearly targeted at the LGBTQ community. Attending a drag show or speaking to someone about the performance will reveal these shows are largely not sexual in nature. Women in drag typically dress in more, rather than less, clothing than you would see on a typical American woman on a public beach or network TV. Drag shows are self-expression, art, and an escape for a community that has been historically marginalized and oppressed.

This community is already at high risk for violence against them, and suicide ideation and completion, as this board has heard through numerous testimonies during this legislative session. This bill will further stigmatize a community that already feels unwelcome in this state. We urge you to not enhance this notion.

Thank you for the opportunity to share our objections to this bill, and the **NASW-ND respectfully urges the Senate Human Services Committee to vote DO NOT PASS on HB 1333.**

Submitted by:

Elizabeth Loos
NASW-ND Lobbyist