

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~~adult-oriented performance" means a  
10 performance ~~in a location other than an adult cabaret which features topless dancers,~~  
11 ~~exotic dancers, strippers, or male or female impersonators who provide entertainment~~  
12 ~~that appeals to a prurient interest~~that, regardless of whether or not performed for  
13 consideration, is intended to appeal to a prurient interest and features:

14 a. The purposeful exposure, whether complete or partial, of:

15 (1) A human genital, the pubic region, the human buttocks, or a female breast,  
16 if the breast is exposed below a point immediately above the top of the  
17 areola; or

18 (2) Prosthetic genitalia, breasts, or buttocks; or

19 b. Sexual conduct.

20 2. A person is guilty of a class A misdemeanor for a first offense and a class C felony for  
21 a second or subsequent offense if the person ~~engages in~~organizes an ~~adult~~  
22 ~~cabaret~~adult-oriented performance:

23 a. On public property; or

- 1           b.   In a location where ~~the adult cabaret performance is in the presence of an-~~  
2               ~~individual~~individuals under the age of eighteen ~~are admitted or allowed.~~

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

5           **12.1-27.1-12. State pre-emption of local laws regulating obscenity.**

6           This chapter ~~shall be~~is applicable and uniform throughout the state, and ~~no~~a political  
7 subdivision ~~shall~~may not enact new, or enforce existing, ordinances or resolutions regulating or  
8 prohibiting the dissemination of obscene materials, or controlling obscene or adult-oriented  
9 performances, except ordinances authorized by section 5-02-09, section 58-03-11, chapter  
10 11-33, or chapter 40-47.