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Criminal Justice: Restrictions on Drag Performances

No updates required since January 1, 2025

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Background

Drag is an art form dating back centuries, and it is also a vital part of LGBTQ culture and history. While U.S. state laws restricting gender-based dress also date back to at least the 1800s, 2023 brought a resurgence of efforts to limit free speech and expression in the form of drag performances. These attacks are part of a much broader and coordinated effort attacking gender expression, transgender people, and the LGBTQ community more broadly. For more, read MAP's ongoing series [*Under Fire: The War on LGBTQ People in America*](#).

Equality Map & Additional Resources

- See our [Equality Map: Restrictions on Drag Performances](#), which is updated and maintained in real time alongside this document.
- See MAP's [*Under Fire: The War on LGBTQ People in America*](#), a 2023 research series detailing the varied attacks on LGBTQ people across virtually every aspect of life, including attacks on drag performances and LGBTQ people in public spaces.



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Summary Table

Category	States	Bill link	Year enacted	Lawsuits and/or Notes
States that explicitly restrict drag performances (2 states)	Montana*	HB359	2023	Imperial Sovereign Court et al v. Knudsen (filed July 2023) *Temporarily blocked in July 2023
	Tennessee*	SB3/HB9	2023	Friends of George's v. Mulroy (filed March 2023) *Ruled unconstitutional in June 2023, though state may appeal this decision.
States that have laws about “adult” or “sexual” performances that could be used to target drag (4 states)	Arkansas	SB43	2023	
	Florida*	S1438	2023	HM Florida-Orlando v. Florida (filed May 2023) *Temporarily blocked in June 2023
	North Dakota	HB1333	2023	
	Texas*	SB12	2023	Woodlands Pride v. Colmenero (filed Aug 2023) Vortex Repertory Co. et al. v. Colmenero et al (filed Aug 2023) *Ruled unconstitutional in September 2023, though the state may appeal this decision.
No state law explicitly restricting drag performances or about “adult” or “sexual” performances that could be used to target drag (44 states, D.C., and 5 territories)	All others			



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Chronology

Order of Laws

(by date of governor signature or veto override; not by effective date)

Laws Explicitly Restricting Drag

1. Tennessee – [SB3/HB9](#) – March 2, 2023 (effective April 1, 2023; currently blocked by court order)
2. Montana – [HB359](#) – May 22, 2023 (effective immediately; currently blocked by court order)

Laws That May Be Used to Target Drag, But Do Not Explicitly Restrict Drag

1. Arkansas – [SB43](#) – February 24, 2023 (effective 90 days after legislature adjourns)
2. North Dakota – [HB1333](#) – April 21, 2023 (effective August 1, 2023)
3. Florida – [S1438](#) – May 17, 2023 (effective immediately; currently blocked by court order)
4. Texas – [SB12](#) – June 18, 2023 (effective September 1, 2023; currently blocked by court order)



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State-by-State Sources & More Detail

Alabama

- State law does not explicitly restrict drag performances

Alaska

- State law does not explicitly restrict drag performances

Arizona

- State law does not explicitly restrict drag performances

Arkansas

- State has law about “adult” or “sexual” businesses or performances that could be used to target or restrict drag performances
- See [SB43](#) (2023)

California

- State law does not explicitly restrict drag performances

Colorado

- State law does not explicitly restrict drag performances

Connecticut

- State law does not explicitly restrict drag performances

Delaware

- State law does not explicitly restrict drag performances

District of Columbia

- State law does not explicitly restrict drag performances

Florida

- State has law* about “adult” or “sexual” businesses or performances that could be used to target or restrict drag performances
- See [S1438](#) (2023)
- *In June 2023, a federal judge [temporarily blocked](#) enforcement of this law, ruling it likely unconstitutional. However, the state is appealing this ruling. See [HM Florida-Orlando v. Florida](#) (filed May 2023).

Georgia

- State law does not explicitly restrict drag performances

Hawai`i

- State law does not explicitly restrict drag performances



Idaho

- State law does not explicitly restrict drag performances

Illinois

- State law does not explicitly restrict drag performances

Indiana

- State law does not explicitly restrict drag performances

Iowa

- State law does not explicitly restrict drag performances

Kansas

- State law does not explicitly restrict drag performances

Kentucky

- State law does not explicitly restrict drag performances

Louisiana

- State law does not explicitly restrict drag performances

Maine

- State law does not explicitly restrict drag performances

Maryland

- State law does not explicitly restrict drag performances

Massachusetts

- State law does not explicitly restrict drag performances

Michigan

- State law does not explicitly restrict drag performances

Minnesota

- State law does not explicitly restrict drag performances

Mississippi

- State law does not explicitly restrict drag performances

Missouri

- State law does not explicitly restrict drag performances



Montana

- State law* explicitly restricts drag performances
- See [HB359](#) (2023) explicitly restricting drag, and see also [HB234](#) (2023) indirectly targeting drag and other LGBTQ content via obscenity law
- *In July 2023, a judge temporarily blocked enforcement of this law, and this block was [continued](#) in an October 2023 ruling. See [Imperial Sovereign Court et al v. Knudsen](#) (filed July 2023).

Nebraska

- State law does not explicitly restrict drag performances

Nevada

- State law does not explicitly restrict drag performances

New Hampshire

- State law does not explicitly restrict drag performances

New Jersey

- State law does not explicitly restrict drag performances

New Mexico

- State law does not explicitly restrict drag performances

New York

- State law does not explicitly restrict drag performances

North Carolina

- State law does not explicitly restrict drag performances

North Dakota

- State has law about “adult” or “sexual” businesses or performances that could be used to target or restrict drag performances
- See [HB1333](#) (2023)
 - Law also preempts local ordinances that would conflict with this law

Ohio

- State law does not explicitly restrict drag performances

Oklahoma

- State law does not explicitly restrict drag performances

Oregon

- State law does not explicitly restrict drag performances



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Pennsylvania

- State law does not explicitly restrict drag performances

Rhode Island

- State law does not explicitly restrict drag performances

South Carolina

- State law does not explicitly restrict drag performances

South Dakota

- State law does not explicitly restrict drag performances

Tennessee

- State law* explicitly restricts drag performances
- See [SB3/HB9](#) (2023)
- *This law is currently unenforceable due to a [federal court order](#) issued March 31, 2023, in [Friends of George's Inc. v. Mulroy](#), and a subsequent ruling, issued June 2, 2023, that further found the law [unconstitutional](#). However, the state may yet appeal this ruling. This map and citation sheet will be updated as this case progresses.

Texas

- State has law* about “adult” or “sexual” businesses or performances that could be used to target or restrict drag performances
- See [SB12](#) (2023)
- *On August 31, 2023, a federal judge temporarily blocked the law, ruling it likely unconstitutional. On September 26, 2023, a federal judge [permanently blocked](#) the rule, ruling it unconstitutional, though the state may yet appeal this ruling. See [Woodlands Pride et al v. Colmenero et al](#) and [Vortex Repertory Co. et al. v. Colmenero et al](#), both filed in August 2023.

Utah

- State law does not explicitly restrict drag performances

Vermont

- State law does not explicitly restrict drag performances

Virginia

- State law does not explicitly restrict drag performances

Washington

- State law does not explicitly restrict drag performances

West Virginia

- State law does not explicitly restrict drag performances



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Wisconsin

- State law does not explicitly restrict drag performances

Wyoming

- State law does not explicitly restrict drag performances

U.S. Territories

American Samoa

- Territory law does not explicitly restrict drag performances

Guam

- Territory law does not explicitly restrict drag performances

Northern Mariana Islands

- Territory law does not explicitly restrict drag performances

Puerto Rico

- Territory law does not explicitly restrict drag performances

U.S. Virgin Islands

- Territory law does not explicitly restrict drag performances