

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1333

(Representatives Prichard, Frelich, Klemin, Koppelman, Marschall, Motschenbacher, D. Ruby, Tveit,
VanWinkle)
(Senator Estenson)

AN ACT to create and enact a new section to chapter 12.1-27.1 of the North Dakota Century Code, relating to restrictions on adult-oriented performances; to amend and reenact section 12.1-27.1-12 of the North Dakota Century Code, relating to state pre-emption of local laws regulating obscenity; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12.1-27.1 of the North Dakota Century Code is created and enacted as follows:

Restrictions on adult-oriented performances - Penalty.

1. As used in this section:
 - a. "Adult-oriented performance" means a performance that, regardless of whether or not performed for consideration, is intended to appeal to a prurient interest and features:
 - (1) The purposeful exposure, whether complete or partial, of:
 - (a) A human genital, the pubic region, the human buttocks, or a female breast, if the breast is exposed below a point immediately above the top of the areola;
or
 - (b) Prosthetic genitalia, breasts, or buttocks; or
 - (2) Sexual conduct.
 - b. "Public property" means real property in which a state agency or a political subdivision has an ownership interest.
2. A person is guilty of a class A misdemeanor for a first offense and a class C felony for a second or subsequent offense if the person organizes an adult-oriented performance:
 - a. On public property; or
 - b. At a business establishment frequented by minors, or where minors are or may be invited as a part of the general public.

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

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

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

Dennis E. Johnson
Speaker of the House

Rodd S.
President of the Senate

Bull J. Reick
Chief Clerk of the House

Mandi Meyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1333.

House Vote: Yeas 76 Nays 14 Absent 4

Senate Vote: Yeas 44 Nays 3 Absent 0

Bull J. Reick
Chief Clerk of the House

Received by the Governor at 2:51 PM. on April 18, 2023.

Approved at 11:29 AM. on April 21, 2023.

Doug Burgum
Governor

Filed in this office this 24 day of April, 2023,

at 3:50 o'clock P M.

Michael Howe
Secretary of State