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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1903**

02/16/2023 Authored by Hudson and Knudsen

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to public safety; classifying drag performances as adult entertainment;
- 1.3 expanding location restrictions of an adult entertainment establishment; amending
- 1.4 Minnesota Statutes 2022, section 617.242, subdivisions 1, 4.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 617.242, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Definitions.** For purposes of this section:
- 1.8 (1) "adult entertainment establishment" means a business that is open only to adults and
- 1.9 that presents:
- 1.10 (i) live performances that are distinguished or characterized by an emphasis on the
- 1.11 depiction of sexual conduct or nudity; or
- 1.12 (ii) live drag performances;
- 1.13 (2) "sexual conduct" has the meaning given in section 617.241; ~~and~~
- 1.14 (3) nudity has the meaning given in section 617.292, subdivision 3;
- 1.15 (4) "drag performance" means a performance:
- 1.16 (i) in which one or more performers:
- 1.17 (A) exhibits a gender identity that is different from the performer's gender assigned at
- 1.18 birth using clothing, makeup, or other accessories that are traditionally worn by members
- 1.19 of and are meant to exaggerate the gender identity of the performer's opposite sex; and
- 1.20 (B) sings, lip-synchs, dances, or otherwise performs before an audience of at least two
- 1.21 persons for entertainment, whether performed for payment or not; and

2.1 (ii) that is intended to appeal to the prurient interest; and

2.2 (5) "minor" has the meaning given in section 617.292, subdivision 2.

2.3 Sec. 2. Minnesota Statutes 2022, section 617.242, subdivision 4, is amended to read:

2.4 Subd. 4. **Proximity; location.** (a) An adult entertainment establishment may not:

2.5 (1) be located on public property;

2.6 (2) be located where a minor can view what the adult entertainment establishment is  
2.7 offering to the public that qualifies it as an adult entertainment establishment;

2.8 (3) operate in the same building as, or within:

2.9 (i) 1,500 feet from, another adult entertainment establishment;

2.10 (ii) ~~within~~ 500 feet of residential property, regardless of how the property is zoned; or

2.11 (iii) ~~within~~ 2,800 feet of a public or private elementary or secondary school or a church,  
2.12 synagogue, mosque, or other place of worship.

2.13 (b) For the purposes of paragraph (a), clause (3), distances are measured between the  
2.14 closest property lines.