

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2186

By: West (Kevin)

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7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; defining
9 terms; making certain acts unlawful; providing
10 penalties; providing preemption provision; providing
11 for codification; and declaring an emergency.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1040.57 of Title 21, unless
15 there is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Adult cabaret performance" means a performance in a
18 location, other than an adult cabaret, that features topless
19 dancers, go-go dancers, exotic dancers, strippers, drag performers
20 or similar entertainers, whose performance is harmful to minors,
21 regardless of whether or not the performance is for consideration;

22 2. "Drag performer" means a male or female performer who adopts
23 a flamboyant or parodic feminine or masculine persona with glamorous
24 or exaggerated costumes and makeup;

1 3. "Harmful to minors" shall have the same meaning as such term
2 is defined in paragraph 2 of Section 1040.75 of Title 21 of the
3 Oklahoma Statutes;

4 4. "Minor" means an individual under eighteen (18) years of
5 age; and

6 5. "Story hour" means an event hosted by a drag performer who
7 reads children's books and engages in other learning activities with
8 minor children present.

9 B. 1. It shall be unlawful for a person to engage in an adult
10 cabaret performance which is harmful to minors or to organize or
11 authorize the viewing of an adult cabaret performance which is
12 harmful to minors on public property or in a location where the
13 adult cabaret performance could be viewed by a minor.

14 2. Any person who violates the provisions of this subsection
15 shall, upon conviction, be guilty of a felony punishable by
16 imprisonment in the custody of the Department of Corrections for a
17 term of not less than thirty (30) days and not exceeding two (2)
18 years, or by a fine of not less than Five Hundred Dollars (\$500.00)
19 and not exceeding Twenty Thousand Dollars (\$20,000.00), or by both
20 such fine and imprisonment.

21 C. 1. It shall be unlawful for a person to organize or
22 authorize on public property a story hour for minors that is hosted
23 by a drag performer whose performance is harmful to minors.

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1 2. Any person who violates the provisions of this subsection
2 shall, upon conviction, be guilty of a misdemeanor punishable by
3 imprisonment in a county jail for a term not exceeding one (1) year,
4 or by a fine of not less than Five Hundred Dollars (\$500.00) and not
5 exceeding One Thousand Dollars (\$1,000.00), or by both such fine and
6 imprisonment.

7 D. The provisions of this section shall preempt any ordinance,
8 regulation, or restriction that was lawfully adopted or license that
9 was issued by a political subdivision of this state prior to the
10 effective date of this act that is in conflict with the provisions
11 of this section.

12 SECTION 2. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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