

Topical Guidance | June 2025

# Covering Anti-Drag Legislation

## Introduction

As culture-war rhetoric reliably stirs up anti-queer and anti-trans animus, conservative lawmakers have made attempts to restrict or ban drag performances — especially from public spaces or contexts that include children, like drag story hours. This guidance seeks to give journalists some tools to cover these actions and their effects.

Although legislation targeting drag performance has been proposed in prior sessions of Congress, none has been introduced in the current session, and no current federal law targets drag directly. Executive orders on “gender ideology” and diversity, equity and inclusion — while they don’t target drag explicitly — have affected universities and libraries and emboldened scrutiny of federal grants to organizations that host events that include drag performances. Even without an outright ban, event cancellations under the guise of compliance are consistent with the broader trend of clamping down on gender-diverse content.

To date, most of the legislative restrictions have been pursued at the state level. Some legislation has been enacted and is in effect, some legislation and local policies have been passed and blocked by courts and other legislation has been introduced but not enacted. Several examples follow.

## State laws in effect

- **Arkansas: Act 131 — Signed into law in February 2023**  
Originally drafted as an explicit ban on drag performance (where a performer exhibits “a gender identity that is different from the performer’s gender assigned at birth using clothing, makeup, or other accessories that are traditionally worn by members of ... the performer’s opposite sex”) on public property and around minors. Following backlash, lawmakers removed references to drag and transgender identity to survive constitutional scrutiny, making it a broader ban on “adult-oriented performances” (e.g., shows with nudity or sexual content) on public property, backed by public funding or attended by minors. Critics say the law is vague and open to misuse but, as of June 2025, have not filed any legal challenges.
- **Tennessee: Adult Entertainment Act — Signed into law in March 2023**  
Amended the state’s adult-oriented establishment law to include male/female impersonation among the types of adult entertainment and extended the reach of state obscenity laws beyond licensed venues, banning such shows on public property and anywhere minors might see them, whether minors are an intended audience or not. The AEA also preempted existing and future local regulations that might conflict with state law. A U.S. district court judge blocked enforcement of the AEA in the state’s eastern district until a statewide ruling on its constitutionality is issued; the law is currently enforceable in the rest of the state.

## State laws and public university policies blocked by federal courts

- **Florida: Protection of Children Act (S.B. 1438/H.B. 1423) — Blocked as of May 2025**  
Signed into law in May 2023 to penalize businesses that admit minors to “adult live performances,” including anything with nudity, lewd conduct or “lewd exposure of prosthetic or imitation genitals or breasts.” The law doesn’t mention drag, but its sponsor confirmed its intent to

target even family-friendly drag events, calling drag story hours “gateway propaganda to this evil.” In June 2023, a U.S. district court judge blocked the law, calling it vague, overbroad and in violation of the First Amendment. In May 2025, a federal appeals court reaffirmed the statewide injunction, calling the law “likely unconstitutional” for its vagueness and chilling effect on expression.

- **Montana: "Drag library ban" (H.B. 359) — Blocked as of 2024, pending appeal**  
Signed into law in May 2023 to prohibit "sexually oriented or obscene performances" on public property where minors are present and prohibits drag story hour and "sexually oriented performances" in schools and libraries that receive public funding. Among the strongest anti-drag laws in the country, it has never been enforced. In October 2023, a U.S. district court judge ruled it unconstitutional and blocked its enforcement. In November 2023, the state appealed to the Ninth Circuit. H.B. 359 remains blocked until the Ninth Circuit makes a determination.
- **Texas: University drag bans — Blocked as of 2025, pending appeal**  
Policy adopted at Texas A&M in February 2025 to bar drag performances at venues across its 11 campuses. The university system's Board of Regents argued drag shows could be seen as demeaning to women, might promote “gender ideology” and could violate Title IX protections. A U.S. district court judge in March blocked enforcement of the ban while the case proceeds, citing First Amendment violation and lack of evidence that drag shows disrupt educational operations. The state appealed to the Fifth Circuit, pending which decision, the ban is suspended and unenforceable. The case tests how far universities can regulate student expression beyond obscenity. Following Texas A&M's example, the University of Texas System's Board of Regents implemented their own similar drag ban in March.

### State bills that did not become law

- **Kentucky: S.B. 147 (2023–2024 session) —** Classified drag as adult entertainment; established statewide zoning regulations banning performance within a city block of parks, schools, churches, etc.; amended to remove references to drag; passed in Senate but did not reach full House vote.
- **Nebraska: L.B. 371 (2023–2024 session) —** Aimed to prohibit individuals under 19 (under 21 in some versions) from attending drag shows; faced opposition in committee and was sidelined.
- **South Carolina: H.B. 3616 (2023–2024 session), H.B. 3381 (2025–2026 session) —** The former proposed to label drag venues as “sexually oriented businesses” and criminalize allowing minors to attend performances; never received a hearing and died in committee. The latter is a refiled version with public-fund restrictions and criminal penalties for exposing minors; pending in committee as of June 2025 with no vote yet.
- **South Dakota: H.B. 1125, H.B. 1116 (2023 session) and S.B. 184 (2024 session) —** The first sought to categorize drag as lewd, banning minors and enhancing obscenity penalties; the second aimed to keep state-funded institutions from hosting “lewd or lascivious” content, amended to remove references to drag; the third proposed to criminalize drag performances in the presence of minors. All died in committee.

### General guidance and recommendations

**This has all happened before.** Today’s drag bans are a reboot of old fights over public gender expression for women and the queer community. The political packaging is new, but the constitutional flaws are the same. To target queer communities a century ago, many U.S. cities adopted laws requiring people to wear at least three articles of clothing “appropriate” to their legal sex. The New York Police

Department used these laws to justify the raids that led to the 1969 Stonewall Uprising. Now, attempting to evade prior rulings from the 1970s through the '90s that struck down these cross-dressing bans, lawmakers claim to protect children or restrict “adult” performances. If a government can censor drag as “offensive” or “inappropriate,” what other expression can be similarly politically targeted? Book bans, crusades against rock and hip hop, suppression of feminist art, comic book censorship, and the Dungeons & Dragons “satanic panic” followed similar patterns of justification.

**Consider consequences beyond the letter of the law.** Terms like “flamboyant” and “parodic persona” are often left undefined, keeping the laws vague. Out of fear, public libraries and schools could cancel diverse programming — even if the law doesn’t require it — potentially suppressing not just drag but standard varieties of theater and ballet, teachers dressing in costume, and other artistic or cultural presentations. Laws written to penalize gender nonconformity could catch transgender people who are not performers. Public bans could effectively censor LGBTQ+ expression by restricting it to private or adult-only spaces. Disproportionately targeting queer performers, these laws stigmatize LGBTQ+ people and families — possibly harming children raised in inclusive communities.

**Don’t take the wording at face value.** Politically loaded terms such as “grooming,” “indoctrination” and “sexual exploitation” are often invoked with no evidence that drag has any connection to these behaviors. Most restrictions on drag come under the guise of “protecting children” from “sexualized” content. This assumes that drag is inherently sexual in nature and conflates gender nonconformity with obscenity. In addition, references to “gender ideology” can conflate drag performers with transgender people. Be prepared to recognize the distinctions among various LGBTQ+ communities.

**Question assumptions about obscenity.** To be legally obscene, material must meet strict criteria — including a lack of serious artistic value. Does a drag performance meet that standard? Are drag story hour books age- and subject-appropriate? Federal district courts and some state trial courts so far have ruled drag is not inherently obscene. Legislation may attempt to define drag as falling under categories not protected by the First Amendment. However, U.S. courts at the district and appellate levels have repeatedly ruled that clothing, performance and gender expression are protected under the First and 14th amendments.

**Follow false statements with a fact check.** It is our duty to prevent the spread of misinformation.

**Consider how religion and subjective moral values inform anti-drag legislation.** Arguments from the pulpit might frame drag as “gender confusion” or “moral decline.” Lawmakers might say drag goes against deeply held beliefs about gender roles, sexuality or public decency. Proponents of restrictions might say shielding kids from nontraditional gender expression protects moral development. All of these arguments impose sectarian values in public settings and stigmatize LGBTQ+ people under the guise of morality.

**Be suspicious of double standards.** Are “parental rights” being invoked only to limit other parents’ choices? Many parents may prefer to decide for themselves if they will take their kids to a drag event, just as they have the choice to allow them to see a PG-rated film. When legislation aims to prevent tax dollars and publicly funded venues from sponsoring drag events, is a standard being selectively applied to suppress only LGBTQ+ events and not comparable heteronormative performances?

**If legislation invokes “community standards,” ask: Whose communities get a say?** Zoning laws or permitting rules may assert the right of communities to maintain standards of “public decency” and to regulate performances in line with local values. Do the underlying standards reflect discriminatory biases? In many cities, drag events have broad community support and high attendance. Does this suggest the

community at large rejects drag? Be aware, cities can and do pass ordinances more protective of drag and LGBTQ+ rights than state law, reflecting a local government-as-sanctuary dynamic for LGBTQ+ expression, even when state legislatures move in the opposite direction. For example, in 2024, the Columbia (Missouri) City Council passed an ordinance designating the city a “safe haven” for LGBTQ+ individuals, including pledges to de-prioritize enforcement of potential anti-drag or anti-trans state laws.

**Seek out evidence.** Trust experts over political talking points. Seek out child psychologists, pediatric associations and educators. The claim of protecting “children’s innocence” is a value assertion, not a conclusion backed by any credible evidence showing child-friendly drag events are harmful to minors. Many drag story hours are specifically designed to be age-appropriate, often emphasizing literacy, acceptance and fun costumes — not “adult content.”

**Prioritize relevant voices.** Seek out voices of the people who are most directly targeted. Pay attention to, but don’t limit yourself to, people who testify at public hearings.

## Resources

If you or someone in your newsroom has questions about language use, NLGJA: The Association of LGBTQ+ Journalists is available to provide peer-to-peer guidance. These resources may help:

- [ACLU: LGBTQ Rights Project](#) — national civil rights advocacy organization
- [American Bar Association](#) — legal membership organization, offers insight and commentary on how federal law affects human rights
- [American Library Association](#) — professional development and advocacy organization supporting libraries and equal access to information; supports libraries hosting Drag Story Hour with a [collection of resources](#)
- [American Psychological Association](#) — professional organization, holds that diverse, creative, non-sexual gender expression is psychologically healthy for children
- [Drag Story Hour](#) — nonprofit that produces storytelling programs for children and teens, presented by drag artists, in libraries, schools and other community spaces
- [Lambda Legal](#) — legal organization that specializes in LGBTQ+ civil rights litigation, education and policy work
- [Movement Advancement Project](#) — nonprofit think tank, tracks state and federal laws and policies that affect LGBTQ+ people
- [National Center for LGBTQ Rights](#) — national legal organization that provides legal assistance to LGBTQ people and advocates for LGBTQ rights
- [USCourts.gov](#) — website for the U.S. Courts, offers a [guide to the federal courts](#)
- [Williams Institute, UCLA School of Law](#) — research center focused on sexual orientation and gender identity law and public policy, publishes empirical studies and legal analyses of policies affecting LGBTQ people

## About NLGJA: The Association of LGBTQ+ Journalists

NLGJA: The Association of LGBTQ+ Journalists is a journalist-led association working within the news media to advance fair and accurate coverage of LGBTQ+ communities and issues.

Our [Stylebook on LGBTQ+ Terminology](#), in addition to this supplement, is intended to complement the long-form style books of individual publications, as well as The Associated Press Stylebook, which also has extensive guidance on language around gender, sex and sexual orientation.