

OPPOSE

SB 147

ATTACKING KY'S SMALL BUSINESSES

SB 147 VIOLATES CONSTITUTIONAL FREE SPEECH & EXPRESSION

- SB147 targets Kentucky's small businesses and threatens free speech and expression, which are protected by the U.S. Constitution.
- Similar laws targeting small businesses and drag performances have consistently been struck down in court. (Citations: <http://tinyurl.com/DragBans>)
 - *Tennessee's law restricting drag performances is currently unenforceable due to a federal court order issued March 2023, and a subsequent decision ruling the law unconstitutional.*
 - *Florida's law targeting drag is currently unenforceable due to a temporary block on the law issued June 2023.*
 - *Montana's law restricting drag performances is currently unenforceable due a federal court order issued July 2023.*
 - *Texas' law targeting drag is unenforceable due to a federal court decision ruling the law unconstitutional in September 2023.*
- The bill is so broad that it could falsely categorize any number of small businesses into "adult-oriented businesses," including karaoke bars, movie theaters, live performance venues, restaurants that host performers, comedy clubs, and more.
- Those businesses can then have their business licenses revoked, liquor licenses revoked, and be sued by the Attorney General, a Commonwealth's attorney, or any resident of the county in which the business is located.
- While the bill defines "sexual conduct" as a prohibited practice, it additionally bans "sexually explicit drag performance," with no definition for "sexually explicit." This opens the door to ban virtually any drag performance which could be subjectively "sexually explicit" to any person.
- The intent of SB147 is to punish small businesses that support drag performers and attempt to ban the dozens of Pride Festivals that celebrate Kentucky's vibrant and diverse LGBTQ+ community in public parks and venues.

**FAIRNESS
CAMPAIGN**

