

Senator Julie Daniels  
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Senate Majority Floor Leader

**Oklahoma State Senate**  
STATE OF OKLAHOMA

June 17, 2025

Opinion Coordinator  
Office of the Attorney General  
313 NE 21st Street  
Oklahoma City, OK 73105

Dear Sir/Madam:

I have represented SD29 since 2016. The district includes my community of Bartlesville. For the past three years I have researched and studied questions dealing with "drag queen" performances, obscenity, and free speech rights in an effort to help the city and my constituents understand what may or may not be allowed in terms of prohibiting or regulating these performances in the public square in front of children.

The passage of HB1217 (21 O.S. §1024.6) raises the same questions. I request an opinion from your office to help clarify this statute as it applies to these issues.

Issue #1: Is a performance by an individual dressed in drag obscene or are specific actions necessary for such a performance to be considered obscene and subject to punishment under Oklahoma law?

Issue #2: If the performance by an individual is not obscene under Oklahoma law, is the performance protected speech under the First Amendment?

Question #1: Is a performance by an individual dressed in drag included in the definitions of "obscene material" in 21 O.S. §1024.1?

Question #2: Is a performance by an individual dressed in drag included in the definition of "adult performance" in 21 O.S. §1024.6, A.1.?

Question #3: Does the performance of an individual dressed in drag, in view of a minor or in a public place, violate the provisions of 21 O.S. §1024.6, B.1.?

Question #4: Is the performance by an individual dressed in drag protected speech under the First Amendment? If so, under what circumstances can said speech be regulated by the state or other political subdivision?

Respectfully,

A handwritten signature in black ink that reads "Julie Daniels".

Julie Daniels, Senator  
District 29