

Chairman Hambley, Vice Chairman Patton, Ranking Member Brown, and members of the House Civil Justice Committee:

I'm writing because I would like to testify in opposition to House Bill 369. My name is Maria Baer, and I'm a Columbus resident, a mom, and someone who loves science. I want to say that again, because it's become a very important barometer of who's a Good Person today: I love science. I believe science is real, and I certainly hope you also believe science is real. I believe science is real so much that I nearly considered purchasing a yard sign that proclaimed that I believe science is real, because I believe science is real and I hope everyone who sees my yard also believes science is real, just like me.

It is my love of science - because I believe science is real - that brings me first and foremost to testify against House Bill 369, which is being sold as a necessary measure to protect LGBTQ and transgender persons from discrimination. I have two questions for the committee in regards to their decision to put forth this measure, which claims, by existing, that there is currently systemic discrimination against LGBTQ persons and transgender persons happening in our public accommodations in the state of Ohio, which does not, I might add, inspire particular confidence in this body.

The first question is a scientific one, because I believe in science. And that question is whether this committee, which I sincerely hope also believes in science, believes that a person can alter their genetic makeup by virtue of the strength of their emotional feelings. Can a person who feels deeply, and certainly there are many such people, who feel deeply that their biology does not match their gender identity alter, by virtue of those honestly felt feelings, their genes? Because I love science, I can actually answer that question, alongside every other scientist who loves and believes in science, including many who probably even have yard signs declaring their love for and belief in science: no - we cannot alter our genes.

My second question is more sincere, in that I don't have an answer for it myself. How will this committee, and state officials, determine whether a person is adequately transgender as to be protected under this statute? I think an example may help clarify this question. If a man walks into a Target store with gender-specific fitting rooms and requests shelter, how will Target staff go about determining whether that biological man is truly transgender? People opposed to these sorts of measure often cite a rational fear that it will lead to predatory behavior in women's public accommodations, including restrooms and domestic violence shelters, where biological men will be permitted to enter under this statute. I share that concern, but it is not that I claim there will be large numbers of transgender individuals who are predators. I claim - and I love science, just as a reminder - that predatory men who are NOT transgender will have the opportunity under this statute to claim they are women and presumably gain access to areas previously protected for women only. My question, then, is, again: how will the state go about determining whether a person who claims to be a woman is *actually* transgender? I believe 10 seconds of consideration will demonstrate that this is an incredibly problematic dilemma. Will staff at places like Target stores, some of which have gender-specific fitting rooms, have to look at how a person is dressed? If a man, dressed as a man, simply says he is a woman and would like to try on clothes in the women's fitting rooms, will they have to allow him? Will they be required to ask that man how *long* they've felt their biological sex didn't align with their gender, or how *strongly* they feel it? Will there be graphs and algorithms built to determine who is transgender "enough" to qualify for protections under this statute? If not, then I fail to see how any man who simply wishes to gain access to women-only areas will not *have* to be granted that access; in which case there would be a risk of what happened at a Target in Idaho recently, as reported by the New York Times, where a man wearing a dress who said he was a woman went into the women's fitting room area and was caught taking photos over the wall of the young girl changing in the room next to him.

If the answer is yes, graphs and mathematical equations *will* be utilized to determine who is "adequately" transgender, I fail to see how that does not *itself* discriminate against transgender individuals who may

have newly discovered their gender identity, for example, or who have decided not to dress as a stereotypical woman, even if they feel they are female. These are the murky determinations the state will put itself in the position of making if you pass this statute. It will end up in court, as it has in other states, and you will have to answer this question. So I'd like to request an answer today.

Thank you,

Maria Baer, science believer-in and science lover, and as a reminder, I love science