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Chair Young, Vice Chair Manning, Ranking Member Miller, and member of the House Higher Education Committee, thank you for the opportunity to provide opponent testimony on House Bill 183. My name is Micah Mitchell, and I serve as a Policy Fellow at the ACLU of Ohio.

House Bill 183 discriminates against the transgender, intersex, and gender nonconforming communities, begs serious privacy and administrability concerns, and exacerbates public safety issues that it purports to solve. Transgender Ohioans have long used public facilities aligned with our gender identities; yet, our existence is only recently deemed a threat to safety, propelled by baseless anecdotes and fearmongering as the national wave of anti-transgender panic washes over our state. Legislation such as House Bill 183 stems from national extremist groups with fundamental opposition to civil liberties for the transgender community--groups that deny the very existence of transgender people. Let us be clear: we at the ACLU of Ohio believe that transgender women are women, transgender men are men, and all students deserve equal access to public facilities that align with who they are.

Under existing law, anyone who enters a women's restroom to harm women and girls will already be subject to arrest and prosecution. Legislation regulating school restroom use based on one's sex assigned at birth is unnecessary and does not prevent assault; it promotes stigmatization and discrimination particularly for those whose identity does not match their original birth certificate. House Bill 183's harm extends beyond just the transgender community. It disregards intersex existence and places anyone who does not present traditionally masculine or feminine under heightened scrutiny by peers and whoever wields the power of enforcement. Our schools have a duty to ensure that all students, regardless of who they are, how they dress or identify, can learn in a welcoming and harassment-free environment.

Efforts to ban transgender people from using gendered restrooms and locker rooms ignore the reality that all of us, including transgender people, value privacy and safety. HB 183 ignores the material reality that transgender people endure higher rates of sexual violence and assaults than people who are not transgender, particularly while using public restrooms that do not match our identity. [The American Academy of Pediatricians](#) discovered that transgender boys and girls are exponentially more likely to experience sexual assault when forced to use restrooms and locker rooms that do not align with who they are. Additionally, the [Williams Institute](#) found that nondiscrimination laws protecting people's ability to use bathrooms matching their gender identity do not increase incidents of sexual assault.

Further, the ACLU of Ohio is concerned with the administrability of HB 183. As this committee knows, HB 183 defines "biological sex" as:
... the condition of being either female or male, and the sex listed on a person's official birth record, as defined in section 3705.01 of the Revised Code, may be relied upon if the birth record was issued at or near the time of the person's birth (Lines #375-379, As Introduced).

This bill's ambiguity and enforcement impracticalities open the door for excessive surveillance and privacy infringements. What is the process of identifying students and determining their assigned sex at birth? For example, will university staff be requesting birth certificates from women students who are taller than average? If someone reports a complaint to teachers and administrators, how are they expected to respond? Why does this

legislation rely on original birth records, and what happens to students who don't have them?

The bill's application to student restrooms, locker rooms, changing rooms, or shower rooms in a facility "used by the school for a school-sponsored activity" also presents serious implementation concerns. The provision could impact countless facilities not owned by schools, colleges, and universities. Is the owner of the facility expected to enforce the provisions of the bill? What if the facility has an existing policy on gender-neutral restrooms? The extension of the bill to overnight accommodations similarly presents issues in dictating the policies of facilities not owned by the school.

We at the ACLU of Ohio support efforts increasing the safety of our students. After all, there are pertinent and dangerous issues pressing Ohio's students such as the affordable housing crisis and educational inequities. We urge this committee to prioritize legislation addressing substantive issues, and to reject bills based on disinformation and fear. The ACLU of Ohio urges this committee's rejection of House Bill 183.

ACLU

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