



October 11, 2023 | Testimony in opposition to HB183 | House Higher Education Committee

Chair Young, Vice Chair Manning, Ranking Member Miller, and members of the House Higher Education Committee, thank you for the opportunity to provide testimony in opposition to HB 183. As an organization dedicated to pursuing the lived and legal equality for all LGBTQ+ Ohioans, Equality Ohio is opposed to HB 183 and asks this committee to vote no.

House Bill 183 seeks to restrict access to school restrooms, locker rooms, changing rooms, and shower rooms based on a person's sex assigned at birth. While the bill purports to address issues related to privacy and safety, this bill would actually *cause* privacy and safety concerns..

This bill prohibits kindergarten through higher education institutions from allowing anyone to use facilities that do not correspond with the sex listed on their original birth record. While it allows for co-ed access to single-person facilities and provides some limited exceptions, it ultimately defines "biological sex" in a narrow manner, excluding intersex individuals. Additionally, it directly conflicts with federal Title IX protections for transgender students, undermining their rights.

One of the most concerning aspects of this bill is the "definition of sex" language, which mirrors similar language in anti-transgender bills across the country. This language directly conflicts with the 2020 Supreme Court decision in *Bostock v. Clayton County*, which affirmed that discrimination based on gender identity or sexual orientation is a form of sex discrimination. The bill's language is part of a larger effort to legalize discrimination against LGBTQ+ individuals and to try to eliminate the recognition of transgender individuals under the law.

This bill would be an enforcement nightmare for everyone, transgender or not. Imagine vigilante "hall monitors" demanding to see original birth certificates or school employees insisting on inspecting genitalia before allowing access to locker rooms. Such enforcement mechanisms create a hostile and unsafe environment for all individuals, regardless of their gender identity.

Transgender students deserve safety and respect just like cisgender students. Many transgender people already face challenges accessing public restrooms, with 32% reducing food and drink intake to avoid them¹. This bill would exacerbate the bathroom avoidance that already exists for transgender people and make it a survival necessity, leading to disordered eating and drinking among transgender students. Moreover, bathroom bans make transgender individuals less safe and do not enhance the safety of cisgender students.

Transgender individuals already face a heightened risk of sexual violence, with transgender college students experiencing sexual assault at practically the same rate as cisgender women². Legislation like this perpetuates harm to transgender youth and negatively impacts their mental health. In fact, a Harvard study comparing the experiences of transgender youth in different K-12 schools found that transgender girls specifically were almost 2.5 times more likely to be sexually assaulted in schools that had restrictive bathroom policies³.

Furthermore, this bill represents government overreach into the personal lives of individuals. It

¹ [United States Transgender Survey](#)

² [AAU Campus Climate Survey on Sexual Assault and Misconduct](#)

³ [School Restroom/Locker Rooms Restrictions and Sexual Assault Risk Among Transgender Youth](#)



October 11, 2023 | Testimony in opposition to HB183 | House Higher Education Committee

would create suspicion and paranoia in public spaces, subjecting both children and adults to threats and harassment based on their appearance. There are no exceptions for common situations that require flexible bathroom access, and it even regulates the bathroom use of adults in higher education programs. Functionally requiring a stricter ID to use a school bathroom than to vote is discriminatory, unnecessary and unjust.

Bills like this deter businesses from investing in our state and discourage workers from relocating here. Indeed, the business community has worked to create inclusive environments for transgender employees—including through allowing transgender individuals to use restrooms matching their gender identity—for *decades* without issue. To suggest that restroom regulation is now suddenly needed is a discriminatory lie that businesses see through. Ohio has many outstanding businesses that rely on attracting a diverse and talented workforce, and this bill would only hinder those efforts.

House Bill 183 is deeply flawed and would have serious negative consequences for transgender individuals and the broader community. It is essential to protect the rights and dignity of all individuals, and this bill is a step in the wrong direction. I urge you to reconsider and reject this harmful legislation. Thank you for your time and consideration.

Thank you,

A handwritten signature in black ink, appearing to read "MB", is positioned above the typed name.

Maria Bruno
Public Policy Director
Equality Ohio