

When it comes to my position on HB249, I have to ask myself- where do I even start?

HB249 is vaguely-worded, unenforceable, and shows a lack of understanding of not just drag, but performance arts as a whole.

Let's start with the actual wording of the bill. Let's pretend we live in a world where drag does not exist and see what kinds of performance arts this could apply to. Because if this bill is truly about the general health, then it should apply to other areas of performance as well.

"Recklessly putting on a performance that is harmful to juveniles or obscene." Right away, I think about childhood sports and pageants- gymnastics, ballet, beauty pageants- can all be hotbeds for eating disorders, joint issues, and the potential for abuse within their systems if left unchecked when young people are involved in them. If this is about children imitating what they see adults do, then I submit that dangerous sports such as motocross, football, and hockey qualify as being 'harmful for juveniles.' If sports are exempt from this definition, then circus acts would be considered harmful, outside of your average clown- but not rodeo clowns.

When it comes to defining 'obscenity,' that is a matter of opinion and often culture. Dancing, at present, is not considered obscene in America. However, in some parts of the world, public displays of dance are considered 'indecent.' In fact, public dances of any kind are penalized under the umbrella term of 'immoral acts,' which is vague and very exploitable by anyone with an agenda. This is similar to 'harmful to juveniles or obscene,' as it is putting a moral weight behind a personal feeling of distaste.

Now this part: "performers or entertainers who exhibit a gender identity that is different from the performer's or entertainer's gender assigned at birth using clothing, makeup, prosthetics or imitation genitals or breasts, or other physical marker."

Clothing- I'm female, but I sometimes wear pants when I'm performing. Is this legal?

Makeup- I'm female, but I sometimes contour to give myself a stronger chin when I'm performing. I also draw my eyebrows in to make them thicker and more visible on the stage. Is this legal?

Prosthetics- I'm female and I sometimes stuff my bra when performing to make an ill-fitting bra more secure. Is this legal?

Other physical markers- There are lots of things that are physical markers. A wig. A haircut.. Earrings. Acrylic nails. Are these legal?

It's also unclear what performance we're talking about. A theater troupe using stage makeup and prosthetics? A band whose lead singer is female but has short hair and wears jeans and flannel? A stand-up comedienne is a trans woman performing in a public space- is this permissible? A yakshagana (theatrical ballet style from India) group often has troupes consisting of a single gender performing either gender, and there is a yakshagana troupe that performs every year here at the Asian Festival- would they be barred from their cultural performance? There is an Egyptian dance style called Tahtib that is typically danced by men, but modern

dancers have adapted this style to be performed by women as well- would this be allowed under the new law and how would it be enforced in the very large international dance industry in Ohio?

My next question is- how is this going to be enforced? If police are now in charge of this, then they will have to be trained in recognizing the appropriate gender markers of performers, regardless of the performance, which means more training and potentially more police presence at festivals where there are entertainers. Costly.

A special task force on this subject would likely also be costly.

A citizen-lead coalition of persons looking to make sure someone is following the gender of their birth prior to going on stage is so very abusable and would result in a greater number of false-positives than provable misdemeanors and possibly violence.

As a fun exercise, I have included some photos of performers and I would like you to take some time to look at them and decide for yourself if they are performing in a way that is consistent with their gender at birth.



Keep in mind that it only takes a split second decision to decide whether or not a person deserves this misdemeanor.

Have you picked them?

Are you sure?

Now on to the topic of drag itself.

Drag, at its barest bones of a definition, just means 'costume.' While it has the connotations of gender, it is just a costume. A drag artist is playing a character on a stage- not particularly different from- once again- your average clown. There are female artists who exaggerate their own features to create female stage personas. There are male artists who do the same. And there are categories of drag artists who play creatures or monsters or clowns as part of their stage character.

General audience drag is not any more obscene than your average sketch comedian. The type of drag that is sexual or expresses adult themes are already labeled '18+' and held in 'adult cabaret' venues. This bill would restrict something that is already restricted while further restricting things that could affect the lives beyond the demographic that it intentionally targets.

So taking the bare-bones definition of 'drag' into account, let's think about what it is we're actually outlawing.

It's clothes. But look up at those examples again (have you figured out which ones are correct yet, by the way? If it makes it easier, it is a specific number neither zero nor nine, so its not a trick question.) Everyone is fully clothed, and wearing more than you would see on a beach in the summer. Some are wearing more clothes than the average person on a normal day.

So if it's not the amount of skin being shown in a costume, then the problem is the *intention* behind the costume. So how can a person in charge of judging whether or not a performer is adhering to gender standards know the intention of a costume unless there is an artist's statement attached to each piece?

Can I trust the person in charge of vetting the veracity of my gender to look at my skirts and my show dresses and my fake eyelashes, and then also at the facial hair that I've started growing during perimenopause or the receding hairline that I'm developing from stress or the fact that I'm not exactly what *they* think of as an adult human female- to make a reasonable decision about whether or not I deserve a misdemeanor for wearing a show costume?

Look at those photos one more time, please.

For the privacy of the people in the photos, I will not tell you which ones would be found guilty of a misdemeanor under the new bill.

But I will tell you that if your number was any greater or less than three, you were incorrect. If I can't trust the people representing my state to interpret this law consistently, then I cannot trust any law enforcement tasked with it. It is, honestly, ridiculous, that I have to defend my right to wear a costume.

