

To the 136<sup>th</sup> General Assembly of the Ohio House of Representatives:

My name is Michael J. Morris, and this is my written testimony in strong opposition to H. B. No. 249.

This proposed legislation attempts to criminalize “performers or entertainers who exhibit a gender identity that is different from the performer's or entertainer's biological sex using clothing, makeup, prosthetic or imitation genitals or breasts, or other physical markers” in any location other than “an adult cabaret.” This legislation would have profound detrimental impacts on not only the arts and culture of Ohio, but it goes even further to frame gender diversity as a form of obscenity, making the state the arbiter of gender presentations and performances.

I have lived in Ohio since 2008. I came to The Ohio State University for my graduate studies, completing my PhD in Dance Studies in 2015. One of the things that makes Ohio extraordinary is the vibrant landscape of live performance, including dance, theater, drag performances, live music, and more. Most obviously, HB 249 would severely limit where drag performances could legally take place, essentially defining drag itself as obscene, regardless of the content of any specific performance. This not only compromises the ability of drag artists to earn a living in the state of Ohio, but also harms businesses who benefit from hosting drag performances. Drag is a popular art form that harms no one, yet this legislation attempts to construe gender expression itself as obscene or harmful to juveniles. This is a violation the first amendment rights of artists—to preemptively classify that all performances that involve a presentation of gender that is different from the biological sex that a performer was assigned birth as obscene or harmful to juveniles.

But the impact of this legislation is not limited to drag performances. This legislation could be applied to theater, where cross-gender casting has been part of the artform for hundreds if not thousands of years. It could be applied to contemporary dance, in which costuming rarely conforms to normative gender expectations. Most alarmingly, it could be applied to literally any transgender artist performing publicly in any of these art forms. A prohibition on exhibiting a gender identity that is different from the biological sex assigned to a performer or entertainer at birth is fundamentally a prohibition on transgender, nonbinary, and other gender-nonconforming artists in any public spaces other than “an adult cabaret.” In effect, this legislation is yet another an attempt by this Ohio House of Representatives to regulate gender itself, an endeavor to remove transgender, nonbinary, and other gender-nonconforming citizens from public life in Ohio. History is full of examples of people in power attempting to remove marginalized communities against whom they are prejudiced from public life, and that is not who we will be in this state where I have made my home.

So then, the damage of this proposed legislation has direct economic implications for artists, arts industries, and businesses in Ohio. It is a violation of first amendment rights protected by our constitution. And most unacceptably, it is an attempt to prohibit transgender, nonbinary, and gender-nonconforming people from fully participating in the arts and public life.

Bills similar to HB 249 have already been struck down as unconstitutional on first amendment freedom of speech grounds across the country, in Montana, Tennessee, Florida, and Texas. It is not only a waste of taxpayer money to be spending any time entertaining this legislation. It is an offense to the people of Ohio that any time or energy is being spent on prohibiting artistic expression and suppressing an already-marginalized population rather than doing the work of making life more livable for the people who make Ohio our home.

I urge you to reject this legislation and direct the resources and authority of your positions toward efforts that will actually improve the quality of life in Ohio.

Respectfully,  
Michael J. Morris, PhD