

OPPONENT TESTIMONY

Ohio House Criminal Justice Committee
Regarding HB 249 — Unlawful Adult Cabaret Performance
March 2026

Chairman, Ranking Member, and members of the House Criminal Justice Committee,

Thank you for the opportunity to testify. I strongly oppose House Bill 249, and I urge this Committee to reject it.

Before I speak to the law, I want to speak to the people. Drag performers are Ohioans. They are our neighbors, our family members, our friends. They are artists who have performed for decades in theaters, nightclubs, pride festivals, libraries, and community centers across this state. They are human beings — with dignity, with stories, with the same fundamental worth as every person in this room. House Bill 249 treats them as criminals. That is wrong.

HB 249 creates a new crime — “unlawful adult cabaret performance” — that is dangerously vague and breathtakingly broad. The bill does not restrict obscenity, which is already illegal under Ohio law. Instead, it criminalizes performance itself: expressive art, theatrical costume, and embodied identity. Any performer who appears in public in a way someone else deems “adult cabaret” — regardless of the actual content of the performance — faces a misdemeanor or felony charge. This is not a narrowly tailored law. It is a blunt instrument aimed at an entire class of artists and their audiences.

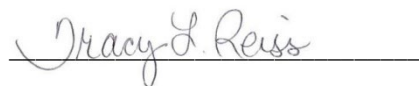
The First Amendment to the United States Constitution protects expressive conduct — including performance art, theatrical dress, and the freedom to express one’s gender and identity in public. Courts have repeatedly recognized that drag performance is constitutionally protected speech. Similar laws in other states have been struck down as unconstitutional, and there is every reason to believe this bill would meet the same fate — at significant cost to Ohio taxpayers. We should not pass laws we know to be unconstitutional, and we should not burden Ohioans with the legal costs of defending them.

Proponents of this bill often invoke the protection of children. But Ohio already has robust laws against obscenity, indecent exposure, and the sexual exploitation of minors — laws that apply to every performer, in every venue, without exception. HB 249 does not fill a gap in child protection. What it does is single out one form of artistic expression — drag — and presume it to be harmful without evidence. That presumption is not protection. It is prejudice dressed in legislative language. The children of Ohio are not made safer by criminalizing their gay uncle’s performance at a community theater. They are made safer by love, by inclusion, and by adults who model the value of every human being.

Ohio is at its best when it protects the dignity and freedom of every resident — not just those whose identities and expressions are familiar to the majority. We are at our worst when we use the criminal code to marginalize those who are different. This bill does not make Ohio safer. It does not make our children healthier. It makes our LGBTQ+ neighbors more vulnerable and our state less free.

I ask you to vote NO on House Bill 249. I ask you to see the full humanity of every Ohioan who would be harmed by its passage — and to choose, instead, a Ohio that protects the freedom and dignity of all its people. Thank you.

Respectfully submitted,



Tracy Reiss