

Chairman Thomas, Vice Chair Swearingen, Ranking Member Synenberg and esteemed members of the House Judiciary Committee.

My name is Sue Barber, I'm a taxpayer, concerned citizen and Army Veteran. I'm writing testimony opposing HB 249 as I'm concerned that if passed this bill will further target an already marginalized community.

With so many Ohioans struggling to make ends meet with the rises in healthcare costs, food costs, housing costs, childcare costs not to mention the many cuts to SNAP benefits and ongoing medicaid cuts and soon to be Medicare cuts as well.

No, what this legislative body is focused on is attempting to pass legislation criminalizing adult entertainers and creating the crime of "unlawful adult cabaret performance" that features "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" outside of an "adult cabaret" venue.

Ohio already has a Public Indecency law, Section 2907.09 which states "(A) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others who are in the person's physical proximity and who are not members of the person's household:

- (1) Expose the person's private parts;
- (2) Engage in sexual conduct or masturbation;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(B) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, who is a minor, and who is not the spouse of the offender:

- (1) Engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;

(4)Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity."

Enforce the laws we already have. Wasn't this same attempt made through HB 245, and that failed in 2024. I'm concerned that due to some of the vague language throughout the bill that it targets a select group of individuals, primarily trans and "drag" performers and that this opens the door to limiting First Amendment rights that targets them, but also over time, if a bill like this can pass, what's to stop others from attempting to target additional groups that they may find offensive.

That is why I hope you will vote NO on HB 249 and protect all those in our society to include those that are marginalized.

Sincerely,

Sue Barber
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