

Chair Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and members of the House Judiciary Committee, thank you for allowing me to submit testimony in opposition of H.B. 249.

I'm a straight, cisgender woman from rural NE Ohio who has been married to the same straight, cisgender man for nearly thirty years. We have two beautiful children, a house, several pets, and are about as average as you can get, minus the white picket fence. I've also been a regular church participant since age three and have served as a deacon, an elder, a church board member, and a religious education chair. I currently serve on the board of trustees at a seminary in Oklahoma, a position I've held for over twelve years. On paper, I appear to have much more in common with those who spoke back in October in support of this legislation. And yet here I am, testifying in opposition to a bill that is as harmful as it is unnecessary.

In preparing this testimony I almost wrote that I've never performed as a gender other than female in my life. However, I quickly remembered that this is not exactly true. Had this law been in place in my home state when I was 13-years-old I could have been accused of breaking it. That was the year I played a lost boy in a community theatre production of Peter Pan. I wore male clothes and a binder, which made me guilty of using clothing, makeup, and other physical markers to perform while exhibiting a gender identity different from what I was assigned at birth in front of hundreds of children.

While one might have a difficult time arguing that this performance was obscene, or not a "bona fide" theatrical performance, given the extreme efforts many of this bill's sponsors and co-sponsors have made to convince everyone that transgender people are harmful, it seems highly likely that anyone changing their appearance to look like the opposite gender of what they were assigned at birth could be labeled as "harmful to juveniles" under the highly subjective community standard of the Miller Test. And of course, that is half the point of this legislation; to terrify transgender people into never leaving their houses in the clothing they are comfortable wearing. It doesn't matter if all of their private parts, and private areas, are completely covered. Never mind that cisgender people can wear string bikinis at OH beaches and community swimming pools. I've seen significantly more skin around "private areas" in public places crawling with children than I've ever seen at a drag show. If this law passes, transgender people who have the misfortune of existing around a minor will be in danger.

How is it that a person who has, or had, a vagina can wear next to nothing at a small community pool, beach, or park yet a person who has, or had, a penis wearing a dress considered modest by even Victorian standards at the same location could be "guilty of an unlawful adult cabaret performance"? And what happens to intersex people? If you are identified at birth as having biological male and female characteristics, are you just never allowed to be anywhere around children? Or would you be required to wear a shirt and tie on your top half and a skirt on your bottom half any time you leave your house so that your clothing matches your "biological sex." What about all of us peri- and post-menopausal women? Do our mustaches break the law if we don't wax them regularly? H.B 249 is nothing more than an excuse to police bodies and violate free speech rights under the guise of protecting children. If the actual purpose was to protect children by updating Ohio's obscenity and indecent exposure laws that could easily be accomplished by simply changing "private parts" to "private area" in Sec. 2907.09 and leaving the rest out. However, sponsor and proponent testimony has made it abundantly clear that the sole purpose is to degrade and dehumanize transgender people and drag performers.

HB 249 is a blatant First Amendment violation at best and a tool for targeted bullying and harassment at worst. Please vote no on this unnecessary and harmful legislation.