

March 16, 2026

Representative Jim Thomas,
Chair of House Judicial Committee
Ohio House of Representatives
77 S. High St
Columbus, OH 43215

Thank you for providing this opportunity to give a written testimony on House Bill 249. As someone who is very close to many people that may be affected by the decision made on this bill, I invite you to examine the greater implications laid out within the bill and the harm they may cause. I oppose this bill due to its reductive language and ability to cause harm to groups in ways that are not related to public indecency.

I am providing my testimony to give what I believe is a somewhat grounded perspective from a concerned citizen who wants to still call this state home and as a way to show that the opposition to this bill does not just exist in a vacuum.

I. Unclear Definitions

One of the most consequential lines to the interpretation of the bill is its definition of “biological sex” which can be seen in section 4(b):

(b) As used in division (A)(4)(a) of this section, "biological sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.

This definition, while citing terms such as chromosomes, sex hormones, and gonads, seems to ignore much of the science behind the modern day understanding of sex. While a small

amount of the population, there are many people who have characteristics that align with both sexes or even neither without any outside involvement. In fact, there are cases of interventions to force intersex infants closer into the male or female sex through means such as hormones and surgeries. To account for these cases, a much more robust and nuanced understanding of sex is required which can not be provided by using the binary of either “male” or “female” which is something this law does not account for in any way shape or form. This definition also implies there is no difference between sex and gender which is hard to prove since the arbitrary guidelines that differentiate “manhood” from “womanhood” such as who is allowed to wear dresses and elaborate makeup are not characteristics based in biology but rather by many centuries of societal peer pressure.

II. Broader Implications

While the overall vagueness of the bill is damaging enough, the biggest issue with this bill is how it implies that drag artists and by extension, transgender/non-gender conforming individuals are driven by inherently sexual motives. This idea can be seen in section 4(a)(v) within a list of performances that are deemed harmful to juveniles:

(v) 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;

No matter if it was or was not the intention of Representatives King and Williams, this section strongly implies the idea that Drag art and by a greater extension, non-gender conforming entertainers abroad are inherently sexual in nature which is simply not true. These ideas hit the very same notes that were used against homosexual relationships before same-sex marriage was protected under law, where groups that do not meet societal standards are “sexual” and “immoral” while relationships between men and women who stick to the gender roles they were told to accept never face such scrutiny. In fact, the intimate nature of straight relationships is often glorified through media such as film, theatrical productions, and novels. The rhetoric being

implied has been proven wrong time and time again and should not be pushed by the state government if ensuring that all Ohio citizens feel safe is the goal.

III. In Context

This bill does not exist within isolation. As can be seen with the recent passing of Senate Bill 244 in the state of Kansas, there is an almost nationwide movement to push back against so-called “transgenderism” and anything relating to it which includes Drag artists, transgender individuals, and other forms of non-gender conforming individuals. It is not that far of a stretch to imagine how the consequences of this bill could be used as a springboard towards other legislation that targets these groups more directly.

I appreciate you considering my concerns regarding this bill.

Sincerely,

Nathan Liebhart