

Chairman Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and Members of the House Judiciary Committee,

Thank you for the opportunity to provide testimony today. I am writing to strongly oppose H.B. 249, the "Indecent Exposure Modernization Act". While the stated goal of this bill may be to protect minors, the actual language and definitions within the legislation are overly broad, historically disconnected, and practically unenforceable without criminalizing standard public events and everyday theatrical performances.

I urge the committee to consider the real-world implications of this legislation through the following points:

1. The Ignorance of Historical Precedent and Mainstream Culture

For centuries, theatrical cross-dressing has been a staple of the performing arts. Since the days of Ancient Greek theater and Shakespearean England, men performing in women's clothing has been a foundational element of the stage. This tradition has carried seamlessly into mainstream, family-friendly American media.

Generations of Americans—including the Baby Boomers who shaped our current cultural landscape—grew up watching and celebrating men in women's clothing. We laughed with Corporal Klinger on *MASH**, applauded Flip Wilson's iconic character "Geraldine," and watched Tom Hanks and Peter Scolari in *Bosom Buddies*. We took our children to see *Mrs. Doubtfire*, *Tootsie*, and *Some Like It Hot*. We even watched Bugs Bunny frequently dress in women's clothing to outsmart Elmer Fudd.

H.B. 249 defines an "adult cabaret performance" as featuring entertainers who exhibit a gender identity different from their biological sex using clothing, makeup, or other physical markers. By attempting to classify this deeply ingrained cultural tradition as something that inherently appeals to a "prurient interest", the bill criminalizes classic entertainment.

2. The Subjectivity of Gendered Clothing

The language in this bill attempts to legislate the concept of gendered clothing, which is historically arbitrary. If George Washington were alive today and walked down the streets of Columbus in his traditional 18th-century attire—a powdered wig, makeup, tights, heeled shoes, and a ruffled lace collar—he would be wearing what modern society considers women's fashion. Because societal norms dictate what constitutes "male" or "female" clothing, codifying these fluid norms into criminal law is subjective and dangerous.

3. The Reality of Drag: Art and Modesty vs. Inherent Sexuality

It is clear from reading this legislation that many of its drafters have never attended a mainstream drag show. If they had, they would know there is nothing inherently sexual about being in drag. Drag performers are comedians, dancers, and lip-syncers.

Furthermore, drag relies heavily on illusion. To create a female shape, drag queens frequently wear multiple layers of heavy tights, corsets, structural padding, and high-necked gowns. They are heavily covered and modestly dressed to hide the mechanics of their costumes. To suggest that a performer dancing in a heavily padded costume is inherently "harmful to juveniles" or legally equating them to explicit adult entertainers is completely disconnected from reality.

4. The Dangerous "Catch-22" of Venue Restrictions

H.B. 249 explicitly defines an "adult cabaret" as a commercial establishment that regularly features persons in a state of nudity or semi-nudity, or live performances characterized by the exposure of specified anatomical areas or sexual activities. No one is arguing that children belong in those explicit environments.

However, the bill prohibits drag performances outside of these specific, adult-only establishments if minors may be present. This creates a dangerous Catch-22. A local restaurant hosting a PG-rated Sunday drag brunch is fundamentally different from a strip club. But under this bill, because the restaurant is not an "adult cabaret," a performer simply wearing a dress and heavy makeup could face a first-degree misdemeanor if a juvenile is present. If a subjective authority deems the performance "obscene," it becomes a felony. You are not protecting children from adult cabarets; you are forcing standard entertainers into explicit venues just to legally exist.

5. The Elimination of Pride Parades and Public Safe Spaces

Finally, this bill threatens the very existence of public LGBTQ+ celebrations. Drag is a historical and foundational element of the Pride parade. Because parades take place on public streets and in parks, they are inherently spaces "where minors may be present".

By banning "unlawful adult cabaret performances" in any location other than an explicit adult cabaret, enforcing this bill would effectively ban drag from Pride parades, transforming peaceful, public celebrations into heavily policed zones.

Conclusion H.B. 249 conflates the art of theatrical illusion with explicit sexual obscenity. It ignores the reality of the art form, threatens local businesses, and threatens marginalized Ohioans with severe criminal penalties based on the subjective interpretation of their clothing. I strongly urge a "NO" vote on this legislation.

Thank you for your time and consideration.