

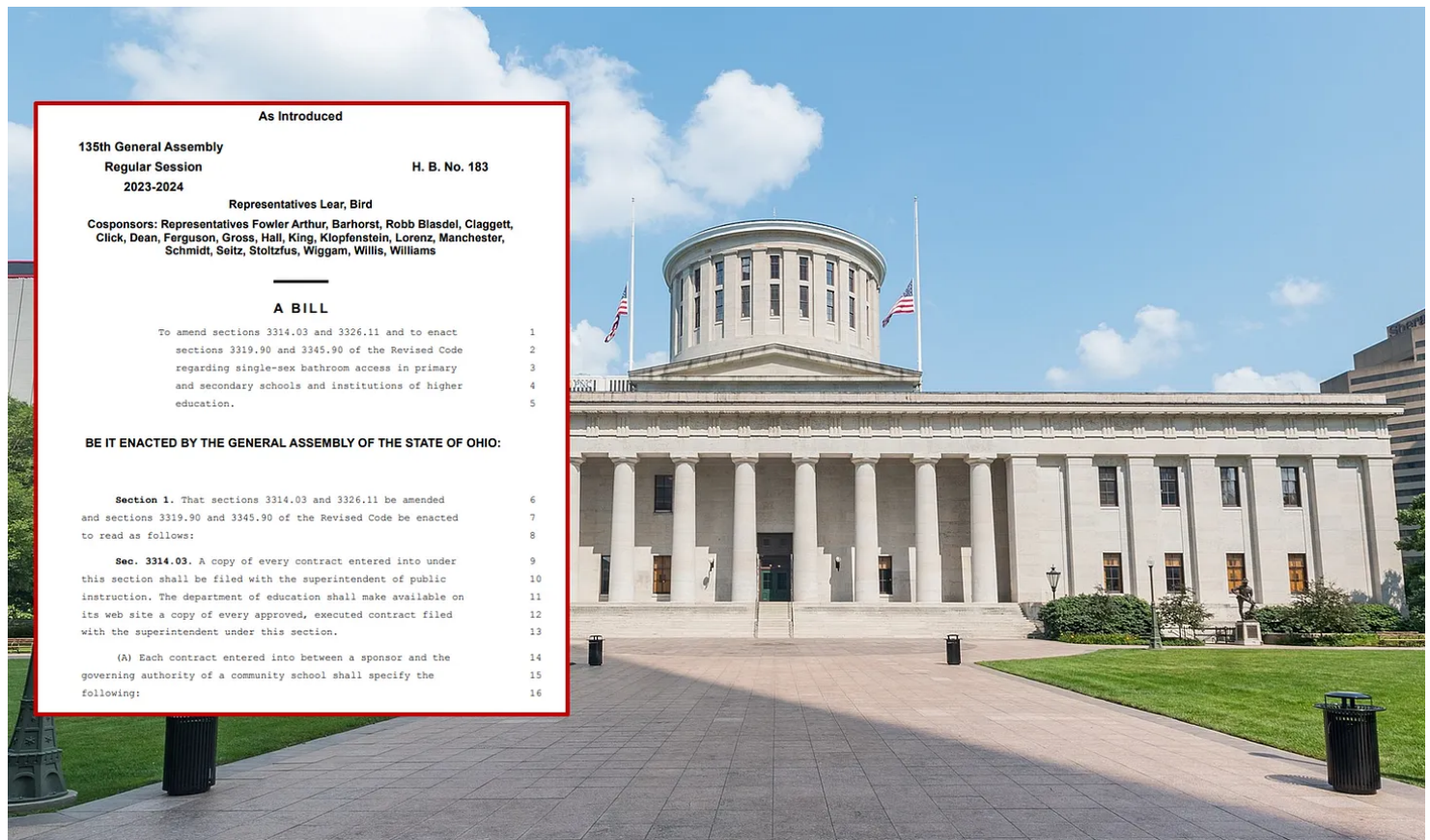
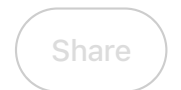
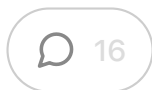
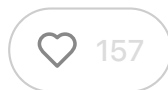
Ohio Republican Says Bathroom Ban Has Nothing To Do With Trans People

Only ten states ban transgender people from bathrooms. While most bans focus on K-12 schools, three states go beyond that and target adults in other places. Ohio may become the fourth if HB183 passes.



ERIN REED

OCT 6, 2023



As Introduced

135th General Assembly
Regular Session
2023-2024

H. B. No. 183

Representatives Lear, Bird

Cosponsors: Representatives Fowler Arthur, Barhorst, Robb Blasdel, Claggett, Click, Dean, Ferguson, Gross, Hall, King, Klopfenstein, Lorenz, Manchester, Schmidt, Seitz, Stoltzfus, Wiggam, Willis, Williams

A BILL

To amend sections 3314.03 and 3326.11 and to enact sections 3319.90 and 3345.90 of the Revised Code regarding single-sex bathroom access in primary and secondary schools and institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3314.03 and 3326.11 be amended and sections 3319.90 and 3345.90 of the Revised Code be enacted to read as follows:

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

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In Ohio, a bill targeting restroom access for transgender individuals gained renewed traction, leading to a hearing on Thursday. [House Bill 183](#), introduced in May, had previously been overshadowed as legislators predominantly directed their attention towards sports bans and prohibitions on gender-affirming care for trans youth. Notably, neither of these measures have been passed into law. However, following a year marked by an unprecedented wave of legislation aimed at restricting the rights of transgender individuals, certain Ohio legislators seem ready for another push. This effort goes beyond what most other states have attempted: If successful, Ohio would impose restrictions surpassing even those few states that have already enacted bans on transgender restroom usage with the passage of this legislation.

[House Bill 183](#) is explicit in its provisions. Not only would it prevent transgender students in K-12 schools from using restrooms that align with their gender identity, but it also extends this restriction to transgender adults across all colleges and universities in the state. Remarkably, these stipulations would apply regardless of the gender reflected on an individual's birth certificate, even if they've legally changed their gender. Instead, restroom use would be determined by the "biological sex" recorded on a birth certificate at or close to the time of birth, pointedly omitting those who have since made legal amendments to their certificates.

You can see both the biological sex definition in the bill as well as the prohibition on students in universities here:

(1) "Biological sex" means the condition of being either female or male, and the sex listed on a person's official birth record, as defined in section 3705.01 of the Revised Code, may be relied upon if the birth record was issued at or near the time of the person's birth.

Biological sex as defined in Ohio HB183

(2) No institution of higher education shall permit a member of the female biological sex to use a student restroom, locker room, changing room, or shower room that has been designated by the school for the exclusive use of the male biological sex. No institution of higher education shall permit a member of the male biological sex to use a student restroom, locker room, changing room, or shower room that has been designated by the school for the exclusive use of the female biological sex.

Bathroom ban in colleges and universities in HB183.

Wednesday's hearing on the bill proved to be heated. Only those supporting the bill were permitted to testify that day, in line with Ohio's system of separating "proponent and opponent" testimonies. One notable moment was when a representative referenced a YMCA incident in Xenia, Ohio but omitted the crucial detail that the transgender individual involved **was acquitted** of public indecency. Representative Lear stood out with **particularly derisive remarks** towards trans people, suggesting that transgender restroom use is part of a "sexual revolution" that could "weaken laws against pornography, rape, and child molestation." When pressed about the law's enforcement and determining who is transgender, Representative Lear commented that "some people can and some people can't."

Ohio already has a glaring example that underscores the perils of policies like the one proposed in the bill. Last year, a transgender man in Ohio was **physically assaulted** in a women's restroom. Prior to this, he had sought guidance from a campground owner about which restroom to use because of his transgender status. The campground owner advised him to use the women's restroom in line with his "biological sex," a term that was defined in a similar way to this bill. Inside, patrons mistakenly assumed he was a transgender woman and attacked him. If this bill is enacted, such alarming incidents could become more frequent, pushing transgender men and women into restrooms where they do not belong.

Later in the hearing, the committee's chair, Representative Tom Young, asserted that the bill wasn't related to transgender individuals, remarking, "This legislation doesn't refer to anything with regards to state or federal law with regards to transgender." This line of reasoning is becoming familiar in legislative settings, where proponents of bills that adversely impact trans individuals maintain that the legislation isn't about them. A similar narrative emerged in Montana regarding the state's drag ban. Despite multiple legislators stating on the House floor that the bill had **nothing to do with transgender people**, the law's first target was, tellingly, a transgender woman.

Only 10 states have passed bathroom bans in the United States, all all but three of those states' bans only apply to transgender youth in school settings. **North Dakota's bathroom ban** applies to Universities. **Florida** and **Kansas** have total bathroom bans, though only Florida has an enforcement mechanism: criminal penalties of up to a year in prison.

You can see a map of states with bathroom bans here:

States with bathroom bans.

The bill is slated for a comprehensive hearing of opposing views on **October 11th**. If enacted, Ohio would join the ranks of states with more stringent restrictions on restroom access for transgender individuals, both young and old. While Ohio has refrained from enacting the most severe anti-trans laws, many will be watching closely to see if this stance shifts.

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Janelle Oct 6

I just want to fucking pee.

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Vera Vox Oct 6

This is such a non-issue. Trans people are not posing any threat to cis people in bathrooms, period. If anyone, trans or cis, does start behaving inappropriately or sexually assaults someone in a bathroom, we already have laws to deal with that.

All this effectively does is create a climate where trans people are afraid to go out in public as themselves and where transphobes feel empowered to bathroom-police anyone who "looks trans".

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3 replies

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