

**Testimony in Opposition to Ohio House Bill No. 369  
(regarding “discrimination on the basis of sexual orientation or gender identity or  
expression”)**

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Civil Justice Committee  
Ohio House of Representatives  
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I represent the Family Research Council, a national, non-profit public policy organization with supporters in all fifty states, including Ohio.

I urge you to oppose H.B. No. 369.

There are several important reasons for you to reject this bill, which I am sure other witnesses will address. I would like to point out just one of its fatal flaws—the complete inadequacy of the “religious exemptions” the bill purports to contain.

The “as-introduced” version of the bill that I was able to examine concludes its 111 pages with the statement, “This act upholds existing religious exemptions currently in Ohio law” [Lines 3195-96, p. 111].

However, that statement appears to be contradicted by another buried deep within the bill. Section 4112.08 states, “This chapter shall be construed liberally for the accomplishment of its purposes, and *any law inconsistent with any provision of this chapter shall not apply*” [emphasis added; Lines 2560-62, p. 89]. This sweeping statement does not appear to “uphold” provisions “currently in Ohio law”—instead, it appears to nullify them.

The only religious exemptions that I could find stated explicitly in the text of H.B. No 369 (and thus “upheld” rather than “not applying”) were one allowing religious nursing homes to give “preference to persons of the same religion or denomination” [Lines 3031-35, p. 105]; and one allowing religious employers to give preference to “an individual of a particular religion” [Lines 1957-62, pp. 68-69].

However, merely allowing religious employers to give preference based on religious *affiliation* is wholly inadequate to protect their free exercise of religion. Religious employers must have the freedom to hire not just based on religious affiliation, but also based on consistency of belief *and behavior* with the teachings of that religion.

Requiring religious employers to abide by the principle of “non-discrimination” on the basis of “sexual orientation” could put many in the position of being forced against their will to hire individuals whose sexual conduct is explicitly forbidden by the teachings of their faith. And

requiring such employers to abide by the principle of “non-discrimination” on the basis of “gender identity” would force them to deny their theological conviction that it is God, not human choice, who creates us male and female (Genesis 1:27).

Not only are religious employers not exempted from the “sexual orientation” and “gender identity” provisions of this bill, as they should be, but the bill provides explicitly for their punishment—namely, by the withholding of any tax exemption granted by “a county, township, or municipal corporation” [Lines 3149-61, p. 109]. (If I am reading this provision incorrectly, I would welcome clarification that the bill would not remove, for example, property tax exemptions usually enjoyed by churches and other religious organizations in other states and municipalities across the country.)

Finally, I must make note of the expansive role granted to the Ohio Civil Rights Commission by this bill, which seems to include legislative, executive, and judicial functions—but without the checks and balances that apply to those three branches of government [Lines 2124-2559; pp. 74-89]. Particularly alarming is the charge to the commission to develop “a comprehensive educational program” to indoctrinate the schoolchildren of Ohio in the ideology seen by the bill’s sponsors and the commission as being politically correct [Lines 2158-69, pp. 75-76].

In the context of the protected categories of “sexual orientation” and “gender identity,” teaching about “the origin of prejudice against those groups and discrimination, their harmful effects, and their incompatibility with American principles of equality and fair play” would require teaching about religious beliefs regarding God’s will for human sexuality—and then actively disparaging those beliefs as incompatible “with American principles of equality and fair play.” It is hard to imagine how this could be accomplished without running roughshod over both the free exercise and establishment clauses of the First Amendment.

I urge you to oppose H.B. No. 369.