

As Passed by the Senate

135th General Assembly

Regular Session

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S. B. No. 297

Senator Johnson

**Cosponsors: Senators Antani, Schaffer, Cirino, Brenner, Cutrona, Lang, O'Brien,
Reynolds, Roegner, Wilson**

A BILL

To amend sections 2927.12 and 4112.01 and to enact 1
section 4112.20 of the Revised Code to define 2
antisemitism for the purpose of investigations 3
and proceedings by state agencies and to expand 4
the offense of ethnic intimidation to include 5
the offenses of riot and aggravated riot 6
committed by reason of the race, color, 7
religion, or national origin of another person 8
or group of persons. 9

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

Section 1. That sections 2927.12 and 4112.01 be amended 10
and section 4112.20 of the Revised Code be enacted to read as 11
follows: 12

Sec. 2927.12. (A) No person shall violate section 2903.21, 13
2903.22, 2909.06, ~~or 2909.07~~, 2917.02, or 2917.03, or division 14
(A) (3), (4), or (5) of section 2917.21 of the Revised Code by 15
reason of the race, color, religion, or national origin of 16
another person or group of persons. 17

(B) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.

Sec. 4112.01. (A) As used in this chapter:

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. "Person" also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesperson, appraiser, agent, employee, lending institution, and the state and all political subdivisions, authorities, agencies, boards, and commissions of the state.

(2) "Employer" means the state, any political subdivision of the state, or a person employing four or more persons within the state, and any agent of the state, political subdivision, or person.

(3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person.

(4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.

(5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place

employees.	47
(6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code.	48 49
(7) "Discriminate" includes segregate or separate.	50
(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code.	51 52 53
(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.	54 55 56 57 58 59
(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other; and any vacant land offered for sale or lease. "Housing accommodations" also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, by any other person pursuant to authorization of the owner, by the owner, or by the owner's legal representative.	60 61 62 63 64 65 66 67 68 69 70
(11) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry, or any limitation based upon affiliation with or	71 72 73 74 75

approval by any person, directly or indirectly, employing race, 76
color, religion, sex, military status, familial status, national 77
origin, disability, or ancestry as a condition of affiliation or 78
approval. 79

(12) "Burial lot" means any lot for the burial of deceased 80
persons within any public burial ground or cemetery, including, 81
but not limited to, cemeteries owned and operated by municipal 82
corporations, townships, or companies or associations 83
incorporated for cemetery purposes. 84

(13) "Disability" means a physical or mental impairment 85
that substantially limits one or more major life activities, 86
including the functions of caring for one's self, performing 87
manual tasks, walking, seeing, hearing, speaking, breathing, 88
learning, and working; a record of a physical or mental 89
impairment; or being regarded as having a physical or mental 90
impairment. 91

(14) Except as otherwise provided in section 4112.021 of 92
the Revised Code, "age" means an individual aged forty years or 93
older. 94

(15) "Familial status" means either of the following: 95

(a) One or more individuals who are under eighteen years 96
of age and who are domiciled with a parent or guardian having 97
legal custody of the individual or domiciled, with the written 98
permission of the parent or guardian having legal custody, with 99
a designee of the parent or guardian; 100

(b) Any person who is pregnant or in the process of 101
securing legal custody of any individual who is under eighteen 102
years of age. 103

(16) (a) Except as provided in division (A) (16) (b) of this 104

section, "physical or mental impairment" includes any of the	105
following:	106
(i) Any physiological disorder or condition, cosmetic	107
disfigurement, or anatomical loss affecting one or more of the	108
following body systems: neurological; musculoskeletal; special	109
sense organs; respiratory, including speech organs;	110
cardiovascular; reproductive; digestive; genito-urinary; hemic	111
and lymphatic; skin; and endocrine;	112
(ii) Any mental or psychological disorder, including, but	113
not limited to, intellectual disability, organic brain syndrome,	114
emotional or mental illness, and specific learning disabilities;	115
(iii) Diseases and conditions, including, but not limited	116
to, orthopedic, visual, speech, and hearing impairments,	117
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple	118
sclerosis, cancer, heart disease, diabetes, human	119
immunodeficiency virus infection, intellectual disability,	120
emotional illness, drug addiction, and alcoholism.	121
(b) "Physical or mental impairment" does not include any	122
of the following:	123
(i) Homosexuality and bisexuality;	124
(ii) Transvestism, transsexualism, pedophilia,	125
exhibitionism, voyeurism, gender identity disorders not	126
resulting from physical impairments, or other sexual behavior	127
disorders;	128
(iii) Compulsive gambling, kleptomania, or pyromania;	129
(iv) Psychoactive substance use disorders resulting from	130
the current illegal use of a controlled substance or the current	131
use of alcoholic beverages.	132

(17) " Dwelling unit " means a single unit of residence for a family of one or more persons.	133 134
(18) " Common use areas " means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	135 136 137 138 139 140
(19) " Public use areas " means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	141 142 143
(20) " Controlled substance " has the same meaning as in section 3719.01 of the Revised Code.	144 145
(21) " Disabled tenant " means a tenant or prospective tenant who is a person with a disability.	146 147
(22) " Military status " means a person's status in " service in the uniformed services " as defined in section 5923.05 of the Revised Code.	148 149 150
(23) " Aggrieved person " includes both of the following:	151
(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;	152 153 154
(b) Any person who believes that the person will be injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.	155 156 157 158
(24) " Unlawful discriminatory practice relating to employment " means both of the following:	159 160

(a) An unlawful discriminatory practice that is prohibited 161
by division (A), (B), (C), (D), (E), or (F) of section 4112.02 162
of the Revised Code; 163

(b) An unlawful discriminatory practice that is prohibited 164
by division (I) or (J) of section 4112.02 of the Revised Code 165
that is related to employment. 166

(25) "Notice of right to sue" means a notice sent by the 167
commission to a person who files a charge under section 4112.051 168
of the Revised Code that states that the person who filed the 169
charge may bring a civil action related to the charge pursuant 170
to section 4112.052 or 4112.14 of the Revised Code, in 171
accordance with section 4112.052 of the Revised Code. 172

(26) "Antisemitism" means the working definition of 173
antisemitism adopted by the international holocaust remembrance 174
alliance on May 26, 2016, and includes the contemporary examples 175
of antisemitism identified by the international holocaust 176
remembrance alliance. 177

(B) For the purposes of divisions (A) to (F) of section 178
4112.02 of the Revised Code, the terms "because of sex" and "on 179
the basis of sex" include, but are not limited to, because of or 180
on the basis of pregnancy, any illness arising out of and 181
occurring during the course of a pregnancy, childbirth, or 182
related medical conditions. Women affected by pregnancy, 183
childbirth, or related medical conditions shall be treated the 184
same for all employment-related purposes, including receipt of 185
benefits under fringe benefit programs, as other persons not so 186
affected but similar in their ability or inability to work, and 187
nothing in division (B) of section 4111.17 of the Revised Code 188
shall be interpreted to permit otherwise. This division shall 189
not be construed to require an employer to pay for health 190

insurance benefits for abortion, except where the life of the 191
mother would be endangered if the fetus were carried to term or 192
except where medical complications have arisen from the 193
abortion, provided that nothing in this division precludes an 194
employer from providing abortion benefits or otherwise affects 195
bargaining agreements in regard to abortion. 196

(C) The definition of "antisemitism" in this section shall 197
not be construed to diminish or infringe on any right protected 198
by the first amendment to the United States Constitution or the 199
Ohio Constitution. This division shall not be construed to 200
conflict with this chapter or any other federal, state, or local 201
antidiscrimination law. 202

Sec. 4112.20. (A) As used in this section, "state agency" 203
means every organized body, office, board, authority, 204
commission, or agency established by the constitution or laws of 205
the state for the exercise of any governmental or quasi- 206
governmental function, regardless of the funding source for that 207
entity. "State agency" includes all of the following: 208

(1) A state institution of higher education as defined in 209
section 3345.011 of the Revised Code; 210

(2) The nonprofit corporation formed under section 187.01 211
of the Revised Code and any subsidiary of that corporation; 212

(3) Any state retirement system or retirement program 213
established by the Revised Code. 214

(B) In reviewing, investigating, or deciding whether there 215
has been a violation of any relevant policy, law, or regulation 216
prohibiting discriminatory acts, a state agency shall take into 217
consideration the definition of antisemitism for purposes of 218
determining whether an alleged act was motivated by 219

discriminatory antisemitic intent. 220

Section 2. That existing sections 2927.12 and 4112.01 of 221
the Revised Code are hereby repealed. 222