

As Reported by the Senate Judiciary Committee

136th General Assembly

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Sub. S. B. No. 87

Senator Johnson

Cosponsors: Senators Cirino, Lang, Schaffer, Manning

To amend sections 2927.12 and 4112.01 and to enact
sections 124.92 and 4112.20 of the Revised Code
to define antisemitism for specific purposes and
to expand the offense of ethnic intimidation to
include the offenses of riot and aggravated riot
committed by reason of the race, color,
religion, or national origin of another person
or group of persons.

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

Section 1. That sections 2927.12 and 4112.01 be amended
and sections 124.92 and 4112.20 of the Revised Code be enacted
to read as follows:

Sec. 124.92. For the purposes of anti-discrimination and
anti-bias training for state agency employees, the definition of
antisemitism in section 4112.01 of the Revised Code shall be
used as an educational tool to familiarize staff and officials
with antisemitism.

Sec. 2927.12. (A) No person shall violate section 2903.21,
2903.22, 2909.06, ~~or~~ 2909.07, 2917.02, or 2917.03, or division
(A) (3), (4), or (5) of section 2917.21 of the Revised Code by

reason of the race, color, religion, or national origin of 20
another person or group of persons. 21

(B) Whoever violates this section is guilty of ethnic 22
intimidation. Ethnic intimidation is an offense of the next 23
higher degree than the offense the commission of which is a 24
necessary element of ethnic intimidation. 25

Sec. 4112.01. (A) As used in this chapter: 26

(1) "Person" includes one or more individuals, 27
partnerships, associations, organizations, corporations, legal 28
representatives, trustees, trustees in bankruptcy, receivers, 29
and other organized groups of persons. "Person" also includes, 30
but is not limited to, any owner, lessor, assignor, builder, 31
manager, broker, salesperson, appraiser, agent, employee, 32
lending institution, and the state and all political 33
subdivisions, authorities, agencies, boards, and commissions of 34
the state. 35

(2) "Employer" means the state, any political subdivision 36
of the state, or a person employing four or more persons within 37
the state, and any agent of the state, political subdivision, or 38
person. 39

(3) "Employee" means an individual employed by any 40
employer but does not include any individual employed in the 41
domestic service of any person. 42

(4) "Labor organization" includes any organization that 43
exists, in whole or in part, for the purpose of collective 44
bargaining or of dealing with employers concerning grievances, 45
terms or conditions of employment, or other mutual aid or 46
protection in relation to employment. 47

(5) "Employment agency" includes any person regularly 48

undertaking, with or without compensation, to procure 49
opportunities to work or to procure, recruit, refer, or place 50
employees. 51

(6) "Commission" means the Ohio civil rights commission 52
created by section 4112.03 of the Revised Code. 53

(7) "Discriminate" includes segregate or separate. 54

(8) "Unlawful discriminatory practice" means any act 55
prohibited by section 4112.02, 4112.021, or 4112.022 of the 56
Revised Code. 57

(9) "Place of public accommodation" means any inn, 58
restaurant, eating house, barbershop, public conveyance by air, 59
land, or water, theater, store, other place for the sale of 60
merchandise, or any other place of public accommodation or 61
amusement of which the accommodations, advantages, facilities, 62
or privileges are available to the public. 63

(10) "Housing accommodations" includes any building or 64
structure, or portion of a building or structure, that is used 65
or occupied or is intended, arranged, or designed to be used or 66
occupied as the home residence, dwelling, dwelling unit, or 67
sleeping place of one or more individuals, groups, or families 68
whether or not living independently of each other; and any 69
vacant land offered for sale or lease. "Housing accommodations" 70
also includes any housing accommodations held or offered for 71
sale or rent by a real estate broker, salesperson, or agent, by 72
any other person pursuant to authorization of the owner, by the 73
owner, or by the owner's legal representative. 74

(11) "Restrictive covenant" means any specification 75
limiting the transfer, rental, lease, or other use of any 76
housing accommodations because of race, color, religion, sex, 77

military status, familial status, national origin, disability, 78
or ancestry, or any limitation based upon affiliation with or 79
approval by any person, directly or indirectly, employing race, 80
color, religion, sex, military status, familial status, national 81
origin, disability, or ancestry as a condition of affiliation or 82
approval. 83

(12) "Burial lot" means any lot for the burial of deceased 84
persons within any public burial ground or cemetery, including, 85
but not limited to, cemeteries owned and operated by municipal 86
corporations, townships, or companies or associations 87
incorporated for cemetery purposes. 88

(13) "Disability" means a physical or mental impairment 89
that substantially limits one or more major life activities, 90
including the functions of caring for one's self, performing 91
manual tasks, walking, seeing, hearing, speaking, breathing, 92
learning, and working; a record of a physical or mental 93
impairment; or being regarded as having a physical or mental 94
impairment. 95

(14) Except as otherwise provided in section 4112.021 of 96
the Revised Code, "age" means an individual aged forty years or 97
older. 98

(15) "Familial status" means either of the following: 99

(a) One or more individuals who are under eighteen years 100
of age and who are domiciled with a parent or guardian having 101
legal custody of the individual or domiciled, with the written 102
permission of the parent or guardian having legal custody, with 103
a designee of the parent or guardian; 104

(b) Any person who is pregnant or in the process of 105
securing legal custody of any individual who is under eighteen 106

years of age. 107

(16) (a) Except as provided in division (A) (16) (b) of this 108
section, "physical or mental impairment" includes any of the 109
following: 110

(i) Any physiological disorder or condition, cosmetic 111
disfigurement, or anatomical loss affecting one or more of the 112
following body systems: neurological; musculoskeletal; special 113
sense organs; respiratory, including speech organs; 114
cardiovascular; reproductive; digestive; genito-urinary; hemic 115
and lymphatic; skin; and endocrine; 116

(ii) Any mental or psychological disorder, including, but 117
not limited to, intellectual disability, organic brain syndrome, 118
emotional or mental illness, and specific learning disabilities; 119

(iii) Diseases and conditions, including, but not limited 120
to, orthopedic, visual, speech, and hearing impairments, 121
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 122
sclerosis, cancer, heart disease, diabetes, human 123
immunodeficiency virus infection, intellectual disability, 124
emotional illness, drug addiction, and alcoholism. 125

(b) "Physical or mental impairment" does not include any 126
of the following: 127

(i) Homosexuality and bisexuality; 128

(ii) Transvestism, transsexualism, pedophilia, 129
exhibitionism, voyeurism, gender identity disorders not 130
resulting from physical impairments, or other sexual behavior 131
disorders; 132

(iii) Compulsive gambling, kleptomania, or pyromania; 133

(iv) Psychoactive substance use disorders resulting from 134

the current illegal use of a controlled substance or the current 135
use of alcoholic beverages. 136

(17) "Dwelling unit" means a single unit of residence for 137
a family of one or more persons. 138

(18) "Common use areas" means rooms, spaces, or elements 139
inside or outside a building that are made available for the use 140
of residents of the building or their guests, and includes, but 141
is not limited to, hallways, lounges, lobbies, laundry rooms, 142
refuse rooms, mail rooms, recreational areas, and passageways 143
among and between buildings. 144

(19) "Public use areas" means interior or exterior rooms 145
or spaces of a privately or publicly owned building that are 146
made available to the general public. 147

(20) "Controlled substance" has the same meaning as in 148
section 3719.01 of the Revised Code. 149

(21) "Disabled tenant" means a tenant or prospective 150
tenant who is a person with a disability. 151

(22) "Military status" means a person's status in "service 152
in the uniformed services" as defined in section 5923.05 of the 153
Revised Code. 154

(23) "Aggrieved person" includes both of the following: 155

(a) Any person who claims to have been injured by any 156
unlawful discriminatory practice described in division (H) of 157
section 4112.02 of the Revised Code; 158

(b) Any person who believes that the person will be 159
injured by any unlawful discriminatory practice described in 160
division (H) of section 4112.02 of the Revised Code that is 161
about to occur. 162

(24) "Unlawful discriminatory practice relating to 163
employment" means both of the following: 164

(a) An unlawful discriminatory practice that is prohibited 165
by division (A), (B), (C), (D), (E), or (F) of section 4112.02 166
of the Revised Code; 167

(b) An unlawful discriminatory practice that is prohibited 168
by division (I) or (J) of section 4112.02 of the Revised Code 169
that is related to employment. 170

(25) "Notice of right to sue" means a notice sent by the 171
commission to a person who files a charge under section 4112.051 172
of the Revised Code that states that the person who filed the 173
charge may bring a civil action related to the charge pursuant 174
to section 4112.052 or 4112.14 of the Revised Code, in 175
accordance with section 4112.052 of the Revised Code. 176

(26) (a) "Antisemitism" means a perception of Jewish 177
people, which may be expressed as hatred toward Jewish people, 178
directed toward Jewish individuals and non-Jewish individuals or 179
their property or toward Jewish community institutions and 180
religious facilities in either rhetorical or physical form. 181

(b) Contemporary examples of antisemitism include all the 182
following: 183

(i) Calling for, aiding, or justifying the killing or 184
harming of Jewish people in the name of a radical ideology or an 185
extremist view of religion; 186

(ii) Making mendacious, dehumanizing, demonizing, or 187
stereotypical allegations about Jewish people as such or the 188
power of Jewish people as a collective, including the myth about 189
a world Jewish conspiracy or of Jewish people controlling the 190
media, economy, government, or other societal institutions; 191

(iii) Accusing Jewish people of being responsible for real 192
or imagined wrongdoing committed by a single Jewish individual 193
or group, or for acts committed by non-Jewish people; 194

(iv) Denying the fact, scope, mechanisms, or 195
intentionality of the genocide of the Jewish people at the hands 196
of national socialist Germany and its supporters and accomplices 197
during World War II; 198

(v) Accusing Jewish people, or the state of Israel, of 199
inventing or exaggerating the genocide that occurred in Europe 200
during World War II; 201

(vi) Accusing Jewish citizens of being more loyal to 202
Israel, or to the alleged priorities of Jewish people worldwide, 203
than to the interests of their own nations; 204

(vii) Denying the Jewish people their right to self- 205
determination, including claims that the existence of a state of 206
Israel is a racist endeavor; 207

(viii) Applying double standards by requiring of Israel a 208
behavior not expected or demanded of any other democratic 209
nation; 210

(ix) Using the symbols and images associated with classic 211
antisemitism, including claims of Jewish people killing Jesus of 212
Nazareth or blood libel, to characterize Israel or Israelis; 213

(x) Drawing comparisons of contemporary Israeli policy to 214
that of the Nazi regime; 215

(xi) Holding Jewish people collectively responsible for 216
actions of the state of Israel. 217

(B) For the purposes of divisions (A) to (F) of section 218
4112.02 of the Revised Code, the terms "because of sex" and "on 219

the basis of sex" include, but are not limited to, because of or 220
on the basis of pregnancy, any illness arising out of and 221
occurring during the course of a pregnancy, childbirth, or 222
related medical conditions. Women affected by pregnancy, 223
childbirth, or related medical conditions shall be treated the 224
same for all employment-related purposes, including receipt of 225
benefits under fringe benefit programs, as other persons not so 226
affected but similar in their ability or inability to work, and 227
nothing in division (B) of section 4111.17 of the Revised Code 228
shall be interpreted to permit otherwise. This division shall 229
not be construed to require an employer to pay for health 230
insurance benefits for abortion, except where the life of the 231
mother would be endangered if the fetus were carried to term or 232
except where medical complications have arisen from the 233
abortion, provided that nothing in this division precludes an 234
employer from providing abortion benefits or otherwise affects 235
bargaining agreements in regard to abortion. 236

(C) The definition of "antisemitism" in this section does 237
not include criticism of the state of Israel similar to 238
criticism leveled against any other country. The definition of 239
"antisemitism" in this section shall not be construed to 240
diminish or infringe on any right protected by the first 241
amendment to the United States Constitution or the Ohio 242
Constitution. This division shall not be construed to conflict 243
with this chapter or any other federal, state, or local 244
antidiscrimination law. 245

Sec. 4112.20. (A) As used in this section, "state agency" 246
means every organized body, office, board, authority, 247
commission, or agency established by the constitution or laws of 248
the state for the exercise of any governmental or quasi- 249
governmental function, regardless of the funding source for that 250

entity. "State agency" includes all of the following: 251

(1) A state institution of higher education as defined in 252
section 3345.011 of the Revised Code; 253

(2) The nonprofit corporation formed under section 187.01 254
of the Revised Code and any subsidiary of that corporation; 255

(3) Any state retirement system or retirement program 256
established by the Revised Code. 257

(B) In reviewing, investigating, or deciding whether there 258
has been a civil or administrative violation of any relevant 259
policy, law, or regulation prohibiting discriminatory acts, a 260
state agency shall take into consideration the definition of 261
antisemitism for purposes of determining whether an alleged act 262
was motivated by antisemitism. 263

Section 2. That existing sections 2927.12 and 4112.01 of 264
the Revised Code are hereby repealed. 265