

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 618

Representative Schmidt

A BILL

To amend section 4112.01 and to enact sections 1
124.92, 2701.21, and 4112.20 of the Revised Code 2
to define antisemitism for the purpose of 3
investigations and proceedings in courts and 4
state agencies and for state employee anti-bias 5
training. 6

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

Section 1. That section 4112.01 be amended and sections 7
124.92, 2701.21, and 4112.20 of the Revised Code be enacted to 8
read as follows: 9

Sec. 124.92. For the purposes of anti-discrimination and 10
anti-bias training for state agency employees, the definition of 11
antisemitism in section 4112.01 of the Revised Code shall be 12
used as an educational tool to familiarize staff and officials 13
with antisemitism. 14

Sec. 2701.21. (A) As used in this section, "antisemitism" 15
has the same meaning as in section 4112.01 of the Revised Code. 16

(B) A court of record or a court appointed authority, 17
including an arbitrator or special master, shall apply the same 18
legal standard to a claim alleging discrimination based on 19

antisemitism as applies to like claims of discrimination arising 20
under Chapter 4112. of the Revised Code. 21

Sec. 4112.01. (A) As used in this chapter: 22

(1) "Person" includes one or more individuals, 23
partnerships, associations, organizations, corporations, legal 24
representatives, trustees, trustees in bankruptcy, receivers, 25
and other organized groups of persons. "Person" also includes, 26
but is not limited to, any owner, lessor, assignor, builder, 27
manager, broker, salesperson, appraiser, agent, employee, 28
lending institution, and the state and all political 29
subdivisions, authorities, agencies, boards, and commissions of 30
the state. 31

(2) "Employer" means the state, any political subdivision 32
of the state, or a person employing four or more persons within 33
the state, and any agent of the state, political subdivision, or 34
person. 35

(3) "Employee" means an individual employed by any 36
employer but does not include any individual employed in the 37
domestic service of any person. 38

(4) "Labor organization" includes any organization that 39
exists, in whole or in part, for the purpose of collective 40
bargaining or of dealing with employers concerning grievances, 41
terms or conditions of employment, or other mutual aid or 42
protection in relation to employment. 43

(5) "Employment agency" includes any person regularly 44
undertaking, with or without compensation, to procure 45
opportunities to work or to procure, recruit, refer, or place 46
employees. 47

(6) "Commission" means the Ohio civil rights commission 48

created by section 4112.03 of the Revised Code.	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 approval by any person, directly or indirectly, employing race, color, religion, sex, military status, familial status, national	71 72 73 74 75 76 77

origin, disability, or ancestry as a condition of affiliation or approval. 78
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(12) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including, but not limited to, cemeteries owned and operated by municipal corporations, townships, or companies or associations incorporated for cemetery purposes. 80
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(13) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment. 85
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(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means an individual aged forty years or older. 92
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(15) "Familial status" means either of the following: 95

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian; 96
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(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age. 101
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(16) (a) Except as provided in division (A) (16) (b) of this section, "physical or mental impairment" includes any of the following: 104
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(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	133
a family of one or more persons.	134

(18) "Common use areas" means rooms, spaces, or elements 135
inside or outside a building that are made available for the use 136
of residents of the building or their guests, and includes, but 137
is not limited to, hallways, lounges, lobbies, laundry rooms, 138
refuse rooms, mail rooms, recreational areas, and passageways 139
among and between buildings. 140

(19) "Public use areas" means interior or exterior rooms 141
or spaces of a privately or publicly owned building that are 142
made available to the general public. 143

(20) "Controlled substance" has the same meaning as in 144
section 3719.01 of the Revised Code. 145

(21) "Disabled tenant" means a tenant or prospective 146
tenant who is a person with a disability. 147

(22) "Military status" means a person's status in "service 148
in the uniformed services" as defined in section 5923.05 of the 149
Revised Code. 150

(23) "Aggrieved person" includes both of the following: 151

(a) Any person who claims to have been injured by any 152
unlawful discriminatory practice described in division (H) of 153
section 4112.02 of the Revised Code; 154

(b) Any person who believes that the person will be 155
injured by any unlawful discriminatory practice described in 156
division (H) of section 4112.02 of the Revised Code that is 157
about to occur. 158

(24) "Unlawful discriminatory practice relating to 159
employment" means both of the following: 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
<u>(26) "Antisemitism" means the working definition of</u>	173
<u>antisemitism adopted by the international holocaust remembrance</u>	174
<u>alliance on May 26, 2016, and includes the contemporary examples</u>	175
<u>of antisemitism identified therein.</u>	176
(B) For the purposes of divisions (A) to (F) of section	177
4112.02 of the Revised Code, the terms "because of sex" and "on	178
the basis of sex" include, but are not limited to, because of or	179
on the basis of pregnancy, any illness arising out of and	180
occurring during the course of a pregnancy, childbirth, or	181
related medical conditions. Women affected by pregnancy,	182
childbirth, or related medical conditions shall be treated the	183
same for all employment-related purposes, including receipt of	184
benefits under fringe benefit programs, as other persons not so	185
affected but similar in their ability or inability to work, and	186
nothing in division (B) of section 4111.17 of the Revised Code	187
shall be interpreted to permit otherwise. This division shall	188
not be construed to require an employer to pay for health	189
insurance benefits for abortion, except where the life of the	190
mother would be endangered if the fetus were carried to term or	191
except where medical complications have arisen from the	192

abortion, provided that nothing in this division precludes an 193
employer from providing abortion benefits or otherwise affects 194
bargaining agreements in regard to abortion. 195

(C) The definition of "antisemitism" in this section shall 196
not be construed to diminish or infringe on any right protected 197
by the first amendment to the United States Constitution or the 198
Ohio Constitution. This division shall not be construed to 199
conflict with this chapter or any other federal, state, or local 200
antidiscrimination law. 201

Sec. 4112.20. (A) As used in this section, "state agency" 202
means every organized body, office, board, authority, 203
commission, or agency established by the constitution or laws of 204
the state for the exercise of any governmental or quasi- 205
governmental function, regardless of the funding source for that 206
entity. "State agency" includes all of the following: 207

(1) A state institution of higher education as defined in 208
section 3345.011 of the Revised Code; 209

(2) The nonprofit corporation formed under section 187.01 210
of the Revised Code and any subsidiary of that corporation; 211

(3) Any state retirement system or retirement program 212
established by the Revised Code. 213

(B) In reviewing, investigating, or deciding whether there 214
has been a violation of any relevant policy, law, or regulation, 215
a state agency shall take into consideration the definition of 216
antisemitism for purposes of determining whether an alleged act 217
was motivated by discriminatory antisemitic intent. 218

Section 2. That existing section 4112.01 of the Revised 219
Code is hereby repealed. 220