

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**S. B. No. 297**

**Senator Johnson**

**Cosponsors: Senators Antani, Schaffer, Cirino**

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**A BILL**

To amend sections 2927.12 and 4112.01 and to enact  
section 4112.20 of the Revised Code to define  
antisemitism for the purpose of investigations  
and proceedings by state agencies 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 section 4112.20 of the Revised Code be enacted to read as  
follows:

**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  
another person or group of persons.

(B) Whoever violates this section is guilty of ethnic

intimidation. Ethnic intimidation is an offense of the next 19  
higher degree than the offense the commission of which is a 20  
necessary element of ethnic intimidation. 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 51  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 52  
Revised Code. 53
- (9) "Place of public accommodation" means any inn, 54  
restaurant, eating house, barbershop, public conveyance by air, 55  
land, or water, theater, store, other place for the sale of 56  
merchandise, or any other place of public accommodation or 57  
amusement of which the accommodations, advantages, facilities, 58  
or privileges are available to the public. 59
- (10) "Housing accommodations" includes any building or 60  
structure, or portion of a building or structure, that is used 61  
or occupied or is intended, arranged, or designed to be used or 62  
occupied as the home residence, dwelling, dwelling unit, or 63  
sleeping place of one or more individuals, groups, or families 64  
whether or not living independently of each other; and any 65  
vacant land offered for sale or lease. "Housing accommodations" 66  
also includes any housing accommodations held or offered for 67  
sale or rent by a real estate broker, salesperson, or agent, by 68  
any other person pursuant to authorization of the owner, by the 69  
owner, or by the owner's legal representative. 70
- (11) "Restrictive covenant" means any specification 71  
limiting the transfer, rental, lease, or other use of any 72  
housing accommodations because of race, color, religion, sex, 73  
military status, familial status, national origin, disability, 74  
or ancestry, or any limitation based upon affiliation with or 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

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| 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        | 133 |

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| 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

(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