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H.B. 90
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Reps. Schmidt and Pizzulli

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SUMMARY

- Requires a state agency to apply the International Holocaust Remembrance Alliance's (IHRA) May 26, 2016, working definition of antisemitism when reviewing, investigating, or deciding whether there has been a violation of any relevant policy, law, or regulation, prohibiting discrimination based on anti-Semitic intent.
- Requires anti-discrimination and anti-bias training for state agency employees to use the IHRA working definition of antisemitism as an educational tool to familiarize staff and officials with antisemitism.
- Requires a court and any court-appointed authority to apply the same legal standard to a claim alleging discrimination based on antisemitism, as defined by the IHRA, to similar claims of discrimination arising under the Ohio Civil Rights Law.

DETAILED ANALYSIS

Definition of antisemitism in certain investigations, training materials, and proceedings

Under the bill, when a state agency reviews, investigates, or decides whether there has been a violation of any relevant policy, law, or regulation, the agency must consider the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, to determine whether an alleged act was motivated by antisemitism.¹ Currently, pursuant to an executive order, all state agencies, departments,

¹ R.C. 4112.01(A)(26) and 4112.20(B).

boards, and commissions (including all public colleges and universities) must use this definition, or an “appropriate alternative” definition, when taking these actions.²

The bill also requires anti-discrimination and anti-bias training for state agency employees to use the IHRA working definition of antisemitism as an educational tool to familiarize staff and officials with antisemitism.³

Under continuing law, a “state agency” is any organized body, office, or agency established by law for the exercise of any function of state government.⁴ With respect to the bill’s requirement that the IHRA working definition of antisemitism be applied to decide whether an act was motivated by antisemitism, “state agency” also includes any entity established by state law for the exercise of a quasigovernmental function, including all of the following:

- A state institution of higher education;
- JobsOhio and any subsidiary;
- Any state retirement system or retirement program.⁵

Additionally, the bill requires any court or court-appointed authority to apply the same legal standard to a claim alleging discrimination based on antisemitism, as defined by the IHRA, to similar discrimination claims arising under the Ohio Civil Rights Law.⁶

IHRA definition of antisemitism

On May 26, 2016, the IHRA adopted the following working definition of antisemitism:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

The bill adopts the IHRA definition and the following contemporary examples identified by the IHRA:

- “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the

² Executive Order 2022-06D.

³ R.C. 124.92.

⁴ R.C. 1.60, not in the bill.

⁵ R.C. 4112.20(A), by reference to R.C. 187.01 and 3345.011, not in the bill.

⁶ R.C. 2701.21, by reference to R.C. Chapter 4112.

myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”⁷

Under the bill, the IHRA definition of antisemitism may not be construed to diminish or infringe on any right protected by the First Amendment to the U.S. Constitution or Ohio Constitution. It also cannot be construed to conflict with any federal, state, or local antidiscrimination law.⁸

HISTORY

Action	Date
Introduced	02-11-25

ANHB0090IN-136/ts

⁷ R.C. 4112.01(A)(26) and [IHRA Working Definition of Antisemitism](#) which may be accessed by conducting a keyword “antisemitism definition” search on the IHRA website: holocaustremembrance.com.

⁸ R.C. 4112.01(C).