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April 12, 2016

Representative Timothy Derickson
Chair, House Community
and Family Advancement Committee
77 S High St
12th Floor
Columbus, OH 43215

Representative Timothy E. Ginter
Vice-Chair, House Community
and Family Advancement Committee
77 S. High St
13th Floor
Columbus, OH 43215

Re: Oppose HB 286, a bill that would allow “religious societies” to use religion as an excuse to violate state public accommodations laws.

Dear Chair Derickson and Vice-Chair Ginter:

On behalf of its Ohio members and supporters, Americans United for Separation of Church and State, urges you to oppose HB 286 because it is overly broad.

We agree that the state should not and may not force clergy, houses of worship, and similar religious organizations to perform or host marriage ceremonies with which they have religious objections. Indeed, the First Amendment already protects this. For example, the First Amendment allows a rabbi to refuse to marry an interfaith couple or a church to refuse to host a marriage ceremony in its sanctuary for a divorced person. Unfortunately, HB 286 is so broad that it would also allow religious societies that engage in commercial activities and operate a place of public accommodation¹ to engage in discrimination.

Freedom of religion is a fundamental American value. It means that we are all free to believe or not as we see fit, but it does not mean that entities offering public accommodations can use their religion as a justification for refusing certain individuals equal access to that accommodation. There are clear differences between a house of worship that hosts the weddings of its members and wants to keep it that way and a religious society that runs a commercial wedding hall that is open to the public to make money. Yet, this bill would allow religious societies² to refuse to rent their properties to a couple for their marriage even if the venue is a place of public accommodation and is operated for financial gain.

¹ Ohio law prohibits discrimination in a “place of public accommodation,” which is defined as “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.” OHIO REV. CODE ANN. § 4112.01 (West 2015).

² The bill fails to define “religious society.” The breadth of the organizations that may use this exemption could be quite vast.

For example, HB 286 could allow a religiously-affiliated university that rents a banquet hall or a commercial wedding chapel to turn away a couple because they are same sex, interfaith, previously divorced or of a particular faith. It is unfair to allow a religious society to reap the rewards of its commercial enterprises but then escape the nondiscrimination requirements placed on all other entities.

The Ohio legislature should not pass legislation that allows religion to be used to deny access to public accommodations. Thus, we urge you to oppose HB 286, as written. Thank you for your consideration on this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amrita Singh".

Amrita Singh
State Legislative Counsel

CC: Members of the House Community and Family Advancement Committee