

As Introduced

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Representatives Antonio, Driehaus

Cosponsors: Representatives Strahorn, Ashford, Boyce, Boyd, Celebrezze, Craig, Kuhns, Howse, Leland, Lepore-Hagan, O'Brien, M., O'Brien, S., Phillips, Reece, Smith, K., Stinziano, Ramos, Clyde, Slesnick, Johnson, G., Bishoff, Fedor, Sykes, Rogers, Cera, Bocchieri, Sheehy

A BILL

To amend sections 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 5709.832 of the Revised Code to enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio Civil Rights Law.

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

Section 1. That sections 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 5709.832 of the Revised Code be amended to read as follows:

Sec. 9.03. (A) As used in this section:

(1) "Political subdivision" means any body corporate and politic, except a municipal corporation that has adopted a charter under Section 7 of Article XVIII, Ohio Constitution, and except a county that has adopted a charter under Sections 3 and 4 of Article X, Ohio Constitution, to which both of the following apply:

(a) It is responsible for governmental activities only in a geographic area smaller than the state.

(b) It is subject to the sovereign immunity of the state.

(2) "Cigarettes" and "tobacco product" have the same meanings as in section 5743.01 of the Revised Code.

(3) "Transaction" has the same meaning as in section 1315.51 of the Revised Code.

(4) "Campaign committee," "campaign fund," "candidate," "legislative campaign fund," "political action committee," "political committee," "political party," and "separate segregated fund" have the same meanings as in section 3517.01 of the Revised Code.

(B) Except as otherwise provided in division (C) of this section, the governing body of a political subdivision may use

public funds to publish and distribute newsletters, or to use 46
any other means, to communicate information about the plans, 47
policies, and operations of the political subdivision to members 48
of the public within the political subdivision and to other 49
persons who may be affected by the political subdivision. 50

(C) Except as otherwise provided in division (A) (7) of 51
section 340.03 of the Revised Code, no governing body of a 52
political subdivision shall use public funds to do any of the 53
following: 54

(1) Publish, distribute, or otherwise communicate 55
information that does any of the following: 56

(a) Contains defamatory, libelous, or obscene matter; 57

(b) Promotes alcoholic beverages, cigarettes or other 58
tobacco products, or any illegal product, service, or activity; 59

(c) Promotes illegal discrimination on the basis of race, 60
color, religion, age, ancestry, national origin, or handicap, 61
age, or ancestry; or sexual orientation or gender identity or 62
expression as those terms are defined in section 4112.01 of the 63
Revised Code; 64

(d) Supports or opposes any labor organization or any 65
action by, on behalf of, or against any labor organization; 66

(e) Supports or opposes the nomination or election of a 67
candidate for public office, the investigation, prosecution, or 68
recall of a public official, or the passage of a levy or bond 69
issue. 70

(2) Compensate any employee of the political subdivision 71
for time spent on any activity to influence the outcome of an 72
election for any of the purposes described in division (C) (1) (e) 73

of this section. Division (C) (2) of this section does not 74
prohibit the use of public funds to compensate an employee of a 75
political subdivision for attending a public meeting to present 76
information about the political subdivision's finances, 77
activities, and governmental actions in a manner that is not 78
designed to influence the outcome of an election or the passage 79
of a levy or bond issue, even though the election, levy, or bond 80
issue is discussed or debated at the meeting. 81

(D) Except as otherwise provided in division (A) (7) of 82
section 340.03 of the Revised Code or in division (E) of this 83
section, no person shall knowingly conduct a direct or indirect 84
transaction of public funds to the benefit of any of the 85
following: 86

- (1) A campaign committee; 87
- (2) A political action committee; 88
- (3) A legislative campaign fund; 89
- (4) A political party; 90
- (5) A campaign fund; 91
- (6) A political committee; 92
- (7) A separate segregated fund; 93
- (8) A candidate. 94

(E) Division (D) of this section does not prohibit the 95
utilization of any person's own time to speak in support of or 96
in opposition to any candidate, recall, referendum, levy, or 97
bond issue unless prohibited by any other section of the Revised 98
Code. 99

(F) Nothing in this section prohibits or restricts any 100

political subdivision from sponsoring, participating in, or 101
doing any of the following: 102

(1) Charitable or public service advertising that is not 103
commercial in nature; 104

(2) Advertising of exhibitions, performances, programs, 105
products, or services that are provided by employees of a 106
political subdivision or are provided at or through premises 107
owned or operated by a political subdivision; 108

(3) Licensing an interest in a name or mark that is owned 109
or controlled by the political subdivision. 110

(G) Whoever violates division (D) of this section shall be 111
punished as provided in section 3599.40 of the Revised Code. 112

Sec. 124.93. (A) As used in this section, "physician" 113
means any person who holds a valid certificate to practice 114
medicine and surgery or osteopathic medicine and surgery issued 115
under Chapter 4731. of the Revised Code. 116

(B) No health insuring corporation that, on or after July 117
1, 1993, enters into or renews a contract with the department of 118
administrative services under section 124.82 of the Revised 119
Code, because of a physician's race, color, religion, sex, age, 120
ancestry, or national origin, or disability, sexual orientation, 121
gender identity or expression, or military status as those terms 122
are defined in section 4112.01 of the Revised Code, ~~age, or~~ 123
~~ancestry,~~ shall refuse to contract with that physician for the 124
provision of health care services under section 124.82 of the 125
Revised Code. 126

Any health insuring corporation that violates this 127
division is deemed to have engaged in an unlawful discriminatory 128
practice as defined in section 4112.02 of the Revised Code and 129

is subject to Chapter 4112. of the Revised Code. 130

(C) Each health insuring corporation that, on or after 131
July 1, 1993, enters into or renews a contract with the 132
department of administrative services under section 124.82 of 133
the Revised Code and that refuses to contract with a physician 134
for the provision of health care services under that section 135
shall provide that physician with a written notice that clearly 136
explains the reason or reasons for the refusal. The notice shall 137
be sent to the physician by regular mail within thirty days 138
after the refusal. 139

Any health insuring corporation that fails to provide 140
notice in compliance with this division is deemed to have 141
engaged in an unfair and deceptive act or practice in the 142
business of insurance as defined in section 3901.21 of the 143
Revised Code and is subject to sections 3901.19 to 3901.26 of 144
the Revised Code. 145

Sec. 125.111. (A) Every contract for or on behalf of the 146
state or any of its political subdivisions for any purchase 147
shall contain provisions similar to those required by section 148
153.59 of the Revised Code in the case of construction contracts 149
by which the contractor agrees to both of the following: 150

(1) That, in the hiring of employees for the performance 151
of work under the contract or any subcontract, no contractor or 152
subcontractor, by reason of race, color, religion, sex, age, 153
ancestry, or national origin, or disability, sexual orientation, 154
gender identity or expression, or military status as those terms 155
are defined in section 4112.01 of the Revised Code, ~~national-~~ 156
~~origin, or ancestry,~~ shall discriminate against any citizen of 157
this state in the employment of a person qualified and available 158
to perform the work to which the contract relates; 159

(2) That no contractor, subcontractor, or person acting on behalf of any contractor or subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under the contract on account of race, color, religion, sex, age, ancestry, or national origin; or disability, sexual orientation, gender identity or expression, or military status as those terms are defined in section 4112.01 of the Revised Code, ~~national origin, or ancestry.~~

(B) All contractors from whom the state or any of its political subdivisions make purchases shall have a written affirmative action program for the employment and effective utilization of economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code. Annually, each such contractor shall file a description of the affirmative action program and a progress report on its implementation with the equal employment opportunity office of the department of administrative services.

Sec. 153.59. Every contract for or on behalf of the state, or any township, county, or municipal corporation of the state, for the construction, alteration, or repair of any public building or public work in the state shall contain provisions by which the contractor agrees to both of the following:

(A) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor, subcontractor, or any person acting on a contractor's or subcontractor's behalf, by reason of race, color, creed, sex, or disability, sexual orientation, gender identity or expression, or military status as those terms are defined in section 4112.01 of the Revised Code, ~~or color,~~ shall discriminate against any

citizen of the state in the employment of labor or workers who 190
is qualified and available to perform the work to which the 191
employment relates; 192

(B) That no contractor, subcontractor, or any person on a 193
contractor's or subcontractor's behalf, in any manner, shall 194
discriminate against or intimidate any employee hired for the 195
performance of work under the contract on account of race, 196
color, creed, or sex; or disability, sexual orientation, 197
gender identity or expression, or military status as those terms 198
are defined in section 4112.01 of the Revised Code, ~~or color.~~ 199

The department of administrative services shall ensure 200
that no capital moneys appropriated by the general assembly for 201
any purpose shall be expended unless the project for which those 202
moneys are appropriated provides for an affirmative action 203
program for the employment and effective utilization of 204
disadvantaged persons whose disadvantage may arise from 205
cultural, racial, or ethnic background, or other similar cause, 206
including, but not limited to, race, religion, sex, ancestry, or 207
national origin; or disability, sexual orientation, gender 208
identity or expression, or military status as those terms are 209
defined in section 4112.01 of the Revised Code, ~~national origin,~~ 210
~~or ancestry.~~ 211

In awarding contracts for capital improvement projects, 212
the department shall ensure that equal consideration be given to 213
contractors, subcontractors, or joint venturers who qualify as a 214
minority business enterprise. As used in this section, "minority 215
business enterprise" means a business enterprise that is owned 216
or controlled by one or more socially or economically 217
disadvantaged persons who are residents of this state. "Socially 218
or economically disadvantaged persons" means persons, regardless 219

of marital status, who are members of groups whose disadvantage 220
may arise from discrimination on the basis of race, religion, 221
sex, ancestry, or national origin; or disability or military 222
status as those terms are defined in section 4112.01 of the 223
Revised Code, ~~national origin, ancestry, ;~~ or other similar 224
cause. 225

Sec. 153.591. Any provision of a hiring hall contract or 226
agreement which obligates a contractor to hire, if available, 227
only employees referred to the contractor by a labor 228
organization shall be void as against public policy and 229
unenforceable with respect to employment under any public works 230
contract unless ~~at~~ both of the following apply: 231

(A) At the date of execution of the hiring hall contract 232
or agreement, or within thirty days thereafter, the labor 233
organization has in effect procedures for referring qualified 234
employees for hire without regard to race, color, religion, sex, 235
ancestry, or national origin; or sexual orientation, gender 236
identity or expression, or military status as defined in section 237
4112.01 of the Revised Code, ~~or ancestry and unless the~~. 238

(B) The labor organization includes in its apprentice and 239
journeyperson's membership, or otherwise has available for job 240
referral without discrimination, qualified employees, both 241
whites and non-whites (including ~~African Americans~~ African 242
Americans). 243

Sec. 340.12. As used in this section, "disability," ~~has~~ 244
"sexual orientation," and "gender identity or expression" have 245
the same ~~meaning~~ meanings as in section 4112.01 of the Revised 246
Code. 247

No board of alcohol, drug addiction, and mental health 248

services or any community addiction or mental health services 249
provider under contract with such a board shall discriminate in 250
the provision of services under its authority, in employment, or 251
under a contract on the basis of race, color, religion, creed, 252
sex, age, national origin, ~~or~~ disability, sexual orientation, or 253
gender identity or expression. 254

Each board and each community addiction or mental health 255
services provider shall have a written affirmative action 256
program. The affirmative action program shall include goals for 257
the employment and effective utilization of, including contracts 258
with, members of economically disadvantaged groups as defined in 259
division (E) (1) of section 122.71 of the Revised Code in 260
percentages reflecting as nearly as possible the composition of 261
the alcohol, drug addiction, and mental health service district 262
served by the board. Each board and provider shall file a 263
description of the affirmative action program and a progress 264
report on its implementation with the department of mental 265
health and addiction services. 266

Sec. 511.03. After an affirmative vote in an election held 267
under sections 511.01 and 511.02 of the Revised Code, the board 268
of township trustees may make all contracts necessary for the 269
purchase of a site, and the erection, improvement, or 270
enlargement of such building. The board shall have control of 271
any town hall belonging to the township, and it may rent or 272
lease all or part of any hall, lodge, or recreational facility 273
belonging to the township, to any person or organization under 274
terms the board considers proper, for which all rent shall be 275
paid in advance or fully secured. In establishing the terms of 276
any rental agreement or lease pursuant to this section, the 277
board of township trustees may give preference to persons who 278
are residents of or organizations that are headquartered in the 279

township or that are charitable or fraternal in nature. All 280
persons or organizations shall be treated on a like or similar 281
basis, and no differentiation shall be made on the basis of 282
race, color, religion, ~~national origin~~, sex, national origin, or 283
political affiliation; or sexual orientation or gender identity 284
or expression as those terms are defined in section 4112.01 of 285
the Revised Code. The rents received for such facilities may be 286
used for their repair or improvement, and any balance shall be 287
used for general township purposes. 288

Sec. 717.01. Each municipal corporation may do any of the 289
following: 290

(A) Acquire by purchase or condemnation real estate with 291
or without buildings on it, and easements or interests in real 292
estate; 293

(B) Extend, enlarge, reconstruct, repair, equip, furnish, 294
or improve a building or improvement that it is authorized to 295
acquire or construct; 296

(C) Erect a crematory or provide other means for disposing 297
of garbage or refuse, and erect public comfort stations; 298

(D) Purchase turnpike roads and make them free; 299

(E) Construct wharves and landings on navigable waters; 300

(F) Construct infirmaries, workhouses, prisons, police 301
stations, houses of refuge and correction, market houses, public 302
halls, public offices, municipal garages, repair shops, storage 303
houses, and warehouses; 304

(G) Construct or acquire waterworks for supplying water to 305
the municipal corporation and its inhabitants and extend the 306
waterworks system outside of the municipal corporation limits; 307

(H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants;	308 309 310 311
(I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories;	312 313
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	314 315
(K) Construct free public libraries and reading rooms, and free recreation centers;	316 317
(L) Establish free public baths and municipal lodging houses;	318 319
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	320 321 322
(N) Provide land for and improve parks, boulevards, and public playgrounds;	323 324
(O) Construct hospitals and pesthouses;	325
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	326 327
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	328 329 330
(R) Construct or improve viaducts, bridges, and culverts;	331
(S) (1) Construct any building necessary for the police or fire department;	332 333
(2) Purchase fire engines or fire boats;	334

(3) Construct water towers or fire cisterns;	335
(4) Place underground the wires or signal apparatus of any police or fire department.	336 337
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	338 339
(U) Construct subways under any street or boulevard or elsewhere;	340 341
(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban railroads, and improve and equip such facilities with structures necessary or appropriate for such purposes. No municipal corporation may take or disturb property or facilities belonging to any public utility or to a common carrier engaged in interstate commerce, which property or facilities are required for the proper and convenient operation of the utility or carrier, unless provision is made for the restoration, relocation, or duplication of the property or facilities elsewhere at the sole cost of the municipal corporation.	342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359
(W) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for the making of necessary surveys, appraisals, and examinations preliminary to the acquisition or construction of any airport or	360 361 362 363

airport facility and pay the portion of the expense of the 364
surveys, appraisals, and examinations as set forth in the 365
agreement; 366

(X) Provide by agreement with any regional airport 367
authority, created under section 308.03 of the Revised Code, for 368
the acquisition, construction, maintenance, or operation of any 369
airport or airport facility owned or to be owned and operated by 370
the regional airport authority or owned or to be owned and 371
operated by the municipal corporation and pay the portion of the 372
expense of it as set forth in the agreement; 373

(Y) Acquire by gift, purchase, lease, or condemnation, 374
land, forest, and water rights necessary for conservation of 375
forest reserves, water parks, or reservoirs, either within or 376
without the limits of the municipal corporation, and improve and 377
equip the forest and water parks with structures, equipment, and 378
reforestation necessary or appropriate for any purpose for the 379
utilization of any of the forest and water benefits that may 380
properly accrue therefrom to the municipal corporation; 381

(Z) Acquire real property by purchase, gift, or devise and 382
construct and maintain on it public swimming pools, either 383
within or outside the limits of the municipal corporation; 384

(AA) Construct or rehabilitate, equip, maintain, operate, 385
and lease facilities for housing of elderly persons and for 386
persons of low and moderate income, and appurtenant facilities. 387
No municipal corporation shall deny housing accommodations to or 388
withhold housing accommodations from elderly persons or persons 389
of low and moderate income because of race, color, religion, 390
sex, ancestry, or national origin; or familial status~~as defined~~ 391
~~in section 4112.01 of the Revised Code, military status as~~ 392
~~defined in that section, disability as defined in that section,~~ 393

~~ancestry, or national origin, sexual orientation, gender~~ 394
~~identity or expression, or military status as those terms are~~ 395
~~defined in section 4112.01 of the Revised Code.~~ Any elderly 396
person or person of low or moderate income who is denied housing 397
accommodations or has them withheld by a municipal corporation 398
because of race, color, religion, sex, ancestry, or national 399
origin, or familial status as defined in section 4112.01 of the 400
~~Revised Code, military status as defined in that section,~~ 401
~~disability as defined in that section, ancestry, or national-~~ 402
~~origin, sexual orientation, gender identity or expression, or~~ 403
military status as those terms are defined in section 4112.01 of 404
the Revised Code, may file a charge with the Ohio civil rights 405
commission as provided in Chapter 4112. of the Revised Code. 406

(BB) Acquire, rehabilitate, and develop rail property or 407
rail service, and enter into agreements with the Ohio rail 408
development commission, boards of county commissioners, boards 409
of township trustees, legislative authorities of other municipal 410
corporations, with other governmental agencies or organizations, 411
and with private agencies or organizations in order to achieve 412
those purposes; 413

(CC) Appropriate and contribute money to a soil and water 414
conservation district for use under Chapter 940. of the Revised 415
Code; 416

(DD) Authorize the board of county commissioners, pursuant 417
to a contract authorizing the action, to contract on the 418
municipal corporation's behalf for the administration and 419
enforcement within its jurisdiction of the state building code 420
by another county or another municipal corporation located 421
within or outside the county. The contract for administration 422
and enforcement shall provide for obtaining certification 423

pursuant to division (E) of section 3781.10 of the Revised Code 424
for the exercise of administration and enforcement authority 425
within the municipal corporation seeking those services and 426
shall specify which political subdivision is responsible for 427
securing that certification. 428

(EE) Expend money for providing and maintaining services 429
and facilities for senior citizens. 430

"Airport," "landing field," and "air navigation facility," 431
as defined in section 4561.01 of the Revised Code, apply to 432
division (V) of this section. 433

As used in divisions (W) and (X) of this section, 434
"airport" and "airport facility" have the same meanings as in 435
section 308.01 of the Revised Code. 436

As used in division (BB) of this section, "rail property" 437
and "rail service" have the same meanings as in section 4981.01 438
of the Revised Code. 439

Sec. 1501.012. (A) The director of natural resources may 440
lease lands in state parks, as defined in section 1501.07 of the 441
Revised Code, and contract for the construction and operation of 442
public service facilities, as mentioned in that section, and for 443
major renovation or remodeling of existing public service 444
facilities by the lessees on those lands. If the director 445
determines that doing so would be consistent with long-range 446
planning of the department of natural resources and in the best 447
interests of the department and the division of parks and 448
recreation in the department, the director shall negotiate and 449
execute a lease and contract for those purposes in accordance 450
with this chapter except as otherwise provided in this section. 451

(B) With the approval of the recreation and resources 452

council created under section 1501.04 of the Revised Code, the 453
director shall draft a statement of intent describing any public 454
service facility that the department wishes to have constructed 455
in accordance with this section and establishing a procedure for 456
the submission of proposals for providing the facility, 457
including, but not limited to, a requirement that each 458
prospective bidder or lessee of land shall submit with the 459
proposal a completed questionnaire and financial statement, on 460
forms prescribed and furnished by the department, to enable the 461
department to ascertain the person's financial worth and 462
experience in maintaining and operating facilities similar or 463
related to the public service facility in question. The 464
completed questionnaire and financial statement shall be 465
verified under oath by the prospective bidder or lessee. 466
Questionnaires and financial statements submitted under this 467
division are confidential and are not open to public inspection. 468
Nothing in this division shall be construed to prevent use of or 469
reference to questionnaires and financial statements in a civil 470
action or criminal prosecution commenced by the state. 471

The director shall publish the statement of intent in at 472
least three daily newspapers of general circulation in the state 473
at least once each week for four consecutive weeks. The director 474
then shall accept proposals in response to the statement of 475
intent for at least thirty days following the final publication 476
of the statement. At the end of the period during which 477
proposals may be submitted under this division, the director 478
shall select the proposal that the director determines best 479
complies with the statement of intent and may negotiate a lease 480
and contract with the person that submitted that proposal. 481

(C) Any lease and contract negotiated under this section 482
shall include in its terms and conditions all of the following: 483

(1) The legal description of the leasehold;	484
(2) The duration of the lease and contract, which shall not exceed forty years, and a requirement that the lease and contract be nonrenewable;	485 486 487
(3) A requirement that the lessee maintain in full force and effect during the term of the lease and contract comprehensive liability insurance for injury, death, or loss to persons or property and fire casualty insurance for the public service facility and all its structures in an amount established by the director and naming the department as an additional insured;	488 489 490 491 492 493 494
(4) A requirement that the lessee maintain in full force and effect suitable performance bonds or other adequate security pertaining to the construction and operation of the public service facility;	495 496 497 498
(5) Detailed plans and specifications controlling the construction of the public service facility that shall include all of the following:	499 500 501
(a) The size and capacity of the facility;	502
(b) The type and quality of construction;	503
(c) Other criteria that the department considers necessary and advisable.	504 505
(6) The manner of rental payment;	506
(7) A stipulation that the director shall have control and supervision over all of the following:	507 508
(a) The operating season of the public service facility;	509
(b) The facility's hours of operation;	510

(c) The maximum rates to be charged guests using the facility;	511 512
(d) The facility's sanitary conditions;	513
(e) The quality of food and service furnished the guests of the facility;	514 515
(f) The lessee's general and structural maintenance responsibilities at the facility.	516 517
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	518 519
(9) A requirement that the public service facility be available to all members of the public without regard to sex, race, color, creed, ancestry, <u>or national origin</u> , ; <u>or disability, sexual orientation, or gender identity or expression</u> as <u>those terms are</u> defined in section 4112.01 of the Revised Code;	520 521 522 523 524 525
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	526 527 528
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	529 530
(E) The authority granted in this section to the director is in addition and supplemental to any other authority granted the director under state law.	531 532 533
Sec. 1751.18. (A) (1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the subscriber or enrollee, the subscriber's or enrollee's requirements for health care services, or for any other reason	534 535 536 537 538

designated under rules adopted by the superintendent of 539
insurance. 540

(2) Unless otherwise required by state or federal law, no 541
health insuring corporation, or health care facility or provider 542
through which the health insuring corporation has made 543
arrangements to provide health care services, shall discriminate 544
against any individual with regard to enrollment, disenrollment, 545
or the quality of health care services rendered, on the basis of 546
~~the~~ any of the following: 547

(a) The individual's race, color, sex, religion, age, 548
religion, military status; or sexual orientation, gender 549
identity or expression, or military status as those terms are 550
defined in section 4112.01 of the Revised Code, ~~or status;~~ 551

(b) The individual's status as a recipient of medicare or 552
medicaid, ~~or any;~~ 553

(c) Any health status-related factor in relation to the 554
individual. ~~However~~ 555

However, a health insuring corporation shall not be 556
required to accept a recipient of medicare or medical 557
assistance, if an agreement has not been reached on appropriate 558
payment mechanisms between the health insuring corporation and 559
the governmental agency administering these programs. Further, 560
except for open enrollment coverage under sections 3923.58 and 561
3923.581 of the Revised Code and except as provided in section 562
1751.65 of the Revised Code, a health insuring corporation may 563
reject an applicant for nongroup enrollment on the basis of any 564
health status-related factor in relation to the applicant. 565

(B) A health insuring corporation may cancel or decide not 566
to renew the coverage of an enrollee if the enrollee has 567

performed an act or practice that constitutes fraud or 568
intentional misrepresentation of material fact under the terms 569
of the coverage and if the cancellation or nonrenewal is not 570
based, either directly or indirectly, on any health status- 571
related factor in relation to the enrollee. 572

(C) An enrollee may appeal any action or decision of a 573
health insuring corporation taken pursuant to section 2742(b) to 574
(e) of the "Health Insurance Portability and Accountability Act 575
of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 576
300gg-42, as amended. To appeal, the enrollee may submit a 577
written complaint to the health insuring corporation pursuant to 578
section 1751.19 of the Revised Code. The enrollee may, within 579
thirty days after receiving a written response from the health 580
insuring corporation, appeal the health insuring corporation's 581
action or decision to the superintendent. 582

(D) As used in this section, "health status-related 583
factor" means any of the following: 584

(1) Health status; 585

(2) Medical condition, including both physical and mental 586
illnesses; 587

(3) Claims experience; 588

(4) Receipt of health care; 589

(5) Medical history; 590

(6) Genetic information; 591

(7) Evidence of insurability, including conditions arising 592
out of acts of domestic violence; 593

(8) Disability. 594

Sec. 2927.03. (A) No person, whether or not acting under 595
color of law, shall by force or threat of force willfully 596
injure, intimidate, or interfere with, or attempt to injure, 597
intimidate, or interfere with, any of the following: 598

(1) Any person because of race, color, religion, sex, 599
ancestry, or national origin; or familial status ~~as defined in~~ 600
~~section 4112.01 of the Revised Code, national origin, military~~ 601
~~status as defined in that section, disability as defined in that~~ 602
~~section, sexual orientation, gender identity or expression, or~~ 603
~~ancestry~~ military status as those terms are defined in section 604
4112.01 of the Revised Code, and because that person is or has 605
been selling, purchasing, renting, financing, occupying, 606
contracting, or negotiating for the sale, purchase, rental, 607
financing, or occupation of any housing accommodations, or 608
applying for or participating in any service, organization, or 609
facility relating to the business of selling or renting housing 610
accommodations; 611

(2) Any person because that person is or has been doing, 612
or in order to intimidate that person or any other person or any 613
class of persons from doing, either of the following: 614

(a) Participating, without discrimination on account of 615
race, color, religion, sex, ancestry, or national origin, or 616
familial status ~~as defined in section 4112.01 of the Revised~~ 617
~~Code, national origin, military status as defined in that~~ 618
~~section, disability as defined in that section, sexual~~ 619
orientation, gender identity or expression, or ancestry, 620
military status as those terms are defined in section 4112.01 of 621
the Revised Code, in any of the activities, services, 622
organizations, or facilities described in division (A) (1) of 623
this section; 624

(b) Affording another person or class of persons 625
opportunity or protection so to participate. 626

(3) Any person because that person is or has been, or in 627
order to discourage that person or any other person from, 628
lawfully aiding or encouraging other persons to participate, 629
without discrimination on account of race, color, religion, sex, 630
~~ancestry, or national origin, or~~ familial status ~~as defined in~~ 631
~~section 4112.01 of the Revised Code, national origin, military~~ 632
~~status as defined in that section, disability as defined in that~~ 633
~~section, sexual orientation, gender identity or expression, or~~ 634
~~ancestry, military status as those terms are defined in section~~ 635
4112.01 of the Revised Code, in any of the activities, services, 636
organizations, or facilities described in division (A)(1) of 637
this section, or participating lawfully in speech or peaceful 638
assembly opposing any denial of the opportunity to so 639
participate. 640

(B) Whoever violates division (A) of this section is 641
guilty of a misdemeanor of the first degree. 642

Sec. 3113.36. (A) To qualify for funds under section 643
3113.35 of the Revised Code, a shelter for victims of domestic 644
violence shall meet all of the following requirements: 645

(1) Be incorporated in this state as a nonprofit 646
corporation; 647

(2) Have trustees who represent the racial, ethnic, and 648
socioeconomic diversity of the community to be served, including 649
at least one person who is or has been a victim of domestic 650
violence; 651

(3) Receive at least twenty-five per cent of its funds 652
from sources other than funds distributed pursuant to section 653

3113.35 of the Revised Code. These other sources may be public 654
or private, and may include funds distributed pursuant to 655
section 3113.37 of the Revised Code, and contributions of goods 656
or services, including materials, commodities, transportation, 657
office space, or other types of facilities or personal services. 658

(4) Provide residential service or facilities for children 659
when accompanied by a parent, guardian, or custodian who is a 660
victim of domestic violence and who is receiving temporary 661
residential service at the shelter; 662

(5) Require persons employed by or volunteering services 663
to the shelter to maintain the confidentiality of any 664
information that would identify individuals served by the 665
shelter. 666

(B) A shelter for victims of domestic violence does not 667
qualify for funds if it discriminates in its admissions or 668
provision of services on the basis of race, ~~religion,~~ color, 669
religion, age, ancestry, national origin, or marital status, 670
~~national origin, or ancestry; or sexual orientation or gender~~ 671
identity or expression as those terms are defined in section 672
4112.01 of the Revised Code. A shelter does not qualify for 673
funds in the second half of any year if its application projects 674
the provision of residential service and such service has not 675
been provided in the first half of that year; such a shelter 676
does not qualify for funds in the following year. 677

Sec. 3301.53. (A) The state board of education, in 678
consultation with the director of job and family services, shall 679
formulate and prescribe by rule adopted under Chapter 119. of 680
the Revised Code minimum standards to be applied to preschool 681
programs operated by school district boards of education, county 682
DD boards, community schools, or eligible nonpublic schools. The 683

rules shall include the following: 684

(1) Standards ensuring that the preschool program is 685
located in a safe and convenient facility that accommodates the 686
enrollment of the program, is of the quality to support the 687
growth and development of the children according to the program 688
objectives, and meets the requirements of section 3301.55 of the 689
Revised Code; 690

(2) Standards ensuring that supervision, discipline, and 691
programs will be administered according to established 692
objectives and procedures; 693

(3) Standards ensuring that preschool staff members and 694
nonteaching employees are recruited, employed, assigned, 695
evaluated, and provided inservice education without 696
discrimination on the basis of race, color, sex, age, color, or 697
national origin, race, or sex; or sexual orientation or gender 698
identity or expression as those terms are defined in section 699
4112.01 of the Revised Code; and that preschool staff members 700
and nonteaching employees are assigned responsibilities in 701
accordance with written position descriptions commensurate with 702
their training and experience; 703

(4) A requirement that boards of education intending to 704
establish a preschool program demonstrate a need for a preschool 705
program prior to establishing the program; 706

(5) Requirements that children participating in preschool 707
programs have been immunized to the extent considered 708
appropriate by the state board to prevent the spread of 709
communicable disease; 710

(6) Requirements that the parents of preschool children 711
complete the emergency medical authorization form specified in 712

section 3313.712 of the Revised Code. 713

(B) The state board of education in consultation with the 714
director of job and family services shall ensure that the rules 715
adopted by the state board under sections 3301.52 to 3301.58 of 716
the Revised Code are consistent with and meet or exceed the 717
requirements of Chapter 5104. of the Revised Code with regard to 718
child day-care centers. The state board and the director of job 719
and family services shall review all such rules at least once 720
every five years. 721

(C) The state board of education, in consultation with the 722
director of job and family services, shall adopt rules for 723
school child programs that are consistent with and meet or 724
exceed the requirements of the rules adopted for school-age 725
child care centers under Chapter 5104. of the Revised Code. 726

Sec. 3304.15. (A) There is hereby created the 727
opportunities for Ohioans with disabilities agency. The agency 728
is the designated state unit authorized under the 729
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 730
amended, to provide vocational rehabilitation to eligible 731
persons with disabilities. 732

(B) The governor shall appoint an executive director of 733
the opportunities for Ohioans with disabilities agency to serve 734
at the pleasure of the governor and shall fix the executive 735
director's compensation. The executive director shall devote the 736
executive director's entire time to the duties of the executive 737
director's office, shall hold no other office or position of 738
trust and profit, and shall engage in no other business during 739
the executive director's term of office. The governor may grant 740
the executive director the authority to appoint, remove, and 741
discipline without regard to sex, race, ~~ereed,~~ color, creed, 742

age, or national origin, or sexual orientation or gender 743
identity or expression as those terms are defined in section 744
4112.01 of the Revised Code, such other professional, 745
administrative, and clerical staff members as are necessary to 746
carry out the functions and duties of the agency. 747

The executive director of the opportunities for Ohioans 748
with disabilities agency is the executive and administrative 749
officer of the agency. Whenever the Revised Code imposes a duty 750
on or requires an action of the agency, the executive director 751
shall perform the duty or action on behalf of the agency. The 752
executive director may establish procedures for all of the 753
following: 754

(1) The governance of the agency; 755

(2) The conduct of agency employees and officers; 756

(3) The performance of agency business; 757

(4) The custody, use, and preservation of agency records, 758
papers, books, documents, and property. 759

(C) The executive director shall have exclusive authority 760
to administer the daily operation and provision of vocational 761
rehabilitation services under this chapter. In exercising that 762
authority, the executive director may do all of the following: 763

(1) Adopt rules in accordance with Chapter 119. of the 764
Revised Code; 765

(2) Prepare and submit an annual report to the governor; 766

(3) Certify any disbursement of funds available to the 767
agency for vocational rehabilitation activities; 768

(4) Take appropriate action to guarantee rights of 769

services to people with disabilities;	770
(5) Consult with and advise other state agencies and	771
coordinate programs for persons with disabilities;	772
(6) Comply with the requirements for match as part of	773
budget submission;	774
(7) Establish research and demonstration projects;	775
(8) Accept, hold, invest, reinvest, or otherwise use gifts	776
to further vocational rehabilitation;	777
(9) For the purposes of the business enterprise program	778
administered under sections 3304.28 to 3304.35 of the Revised	779
Code:	780
(a) Establish and manage small business entities owned or	781
operated by visually impaired persons;	782
(b) Purchase insurance;	783
(c) Accept computers.	784
(10) Enter into contracts and other agreements for the	785
provision of services.	786
(D) The executive director shall establish a fee schedule	787
for vocational rehabilitation services in accordance with 34	788
C.F.R. 361.50.	789
Sec. 3304.50. The Ohio independent living council	790
established and appointed by the governor under the authority of	791
section 107.18 of the Revised Code and pursuant to the	792
"Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29	793
U.S.C.A. 796d, shall appoint an executive director to serve at	794
the pleasure of the council and shall fix his <u>the executive</u>	795
<u>director's</u> compensation. The executive director shall not be	796

considered a public employee for purposes of Chapter 4117. of 797
the Revised Code. The council may delegate to the executive 798
director the authority to appoint, remove, and discipline, 799
without regard to sex, race, ~~creed~~, color, creed, age, or 800
national origin, or sexual orientation or gender identity or 801
expression as those terms are defined in section 4112.01 of the 802
Revised Code, such other professional, administrative, and 803
clerical staff members as are necessary to carry out the 804
functions and duties of the council. 805

Sec. 3314.06. The governing authority of each community 806
school established under this chapter shall adopt admission 807
procedures that specify the following: 808

(A) That, except as otherwise provided in this section, 809
admission to the school shall be open to any individual age five 810
to twenty-two entitled to attend school pursuant to section 811
3313.64 or 3313.65 of the Revised Code in a school district in 812
the state. 813

Additionally, except as otherwise provided in this 814
section, admission to the school may be open on a tuition basis 815
to any individual age five to twenty-two who is not a resident 816
of this state. The school shall not receive state funds under 817
section 3314.08 of the Revised Code for any student who is not a 818
resident of this state. 819

An individual younger than five years of age may be 820
admitted to the school in accordance with division (A) (2) of 821
section 3321.01 of the Revised Code. The school shall receive 822
funds for an individual admitted under that division in the 823
manner provided under section 3314.08 of the Revised Code. 824

If the school operates a program that uses the Montessori 825

method endorsed by the American Montessori society, the 826
Montessori accreditation council for teacher education, or the 827
association Montessori internationale as its primary method of 828
instruction, admission to the school may be open to individuals 829
younger than five years of age, but the school shall not receive 830
funds under this chapter for those individuals. Notwithstanding 831
anything to the contrary in this chapter, individuals younger 832
than five years of age who are enrolled in a Montessori program 833
shall be offered at least four hundred fifty-five hours of 834
learning opportunities per school year. 835

If the school operates a preschool program that is 836
licensed by the department of education under sections 3301.52 837
to 3301.59 of the Revised Code, admission to the school may be 838
open to individuals who are younger than five years of age, but 839
the school shall not receive funds under this chapter for those 840
individuals. 841

(B) (1) That admission to the school may be limited to 842
students who have attained a specific grade level or are within 843
a specific age group; to students that meet a definition of "at- 844
risk," as defined in the contract; to residents of a specific 845
geographic area within the district, as defined in the contract; 846
or to separate groups of autistic students and nondisabled 847
students, as authorized in section 3314.061 of the Revised Code 848
and as defined in the contract. 849

(2) For purposes of division (B) (1) of this section, "at- 850
risk" students may include those students identified as gifted 851
students under section 3324.03 of the Revised Code. 852

(C) Whether enrollment is limited to students who reside 853
in the district in which the school is located or is open to 854
residents of other districts, as provided in the policy adopted 855

pursuant to the contract. 856

(D) (1) That there will be no discrimination in the 857
admission of students to the school on the basis of race, ~~creed,~~ 858
color, creed, sex, or disability, or ~~sex~~ sexual orientation or 859
gender identity or expression as those terms are defined in 860
section 4112.01 of the Revised Code, except that: 861

(a) The governing authority may do either of the following 862
for the purpose described in division (G) of this section: 863

(i) Establish a single-gender school for either sex; 864

(ii) Establish single-gender schools for each sex under 865
the same contract, provided substantially equal facilities and 866
learning opportunities are offered for both boys and girls. Such 867
facilities and opportunities may be offered for each sex at 868
separate locations. 869

(b) The governing authority may establish a school that 870
simultaneously serves a group of students identified as autistic 871
and a group of students who are not disabled, as authorized in 872
section 3314.061 of the Revised Code. However, unless the total 873
capacity established for the school has been filled, no student 874
with any disability shall be denied admission on the basis of 875
that disability. 876

(2) That upon admission of any student with a disability, 877
the community school will comply with all federal and state laws 878
regarding the education of students with disabilities. 879

(E) That the school may not limit admission to students on 880
the basis of intellectual ability, measures of achievement or 881
aptitude, or athletic ability, except that a school may limit 882
its enrollment to students as described in division (B) of this 883
section. 884

(F) That the community school will admit the number of 885
students that does not exceed the capacity of the school's 886
programs, classes, grade levels, or facilities. 887

(G) That the purpose of single-gender schools that are 888
established shall be to take advantage of the academic benefits 889
some students realize from single-gender instruction and 890
facilities and to offer students and parents residing in the 891
district the option of a single-gender education. 892

(H) That, except as otherwise provided under division (B) 893
of this section or section 3314.061 of the Revised Code, if the 894
number of applicants exceeds the capacity restrictions of 895
division (F) of this section, students shall be admitted by lot 896
from all those submitting applications, except preference shall 897
be given to students attending the school the previous year and 898
to students who reside in the district in which the school is 899
located. Preference may be given to siblings of students 900
attending the school the previous year. 901

Notwithstanding divisions (A) to (H) of this section, in 902
the event the racial composition of the enrollment of the 903
community school is violative of a federal desegregation order, 904
the community school shall take any and all corrective measures 905
to comply with the desegregation order. 906

Sec. 3332.09. The state board of career colleges and 907
schools may limit, suspend, revoke, or refuse to issue or renew 908
a certificate of registration or program authorization or may 909
impose a penalty pursuant to section 3332.091 of the Revised 910
Code for any one or combination of the following causes: 911

(A) Violation of any provision of sections 3332.01 to 912
3332.09 of the Revised Code, the board's minimum standards, or 913

any rule made by the board;	914
(B) Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the board;	915 916
(C) The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;	917 918 919 920
(D) The signing of an application or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;	921 922 923 924
(E) Violation of any commitment made in an application for a certificate of registration or program authorization;	925 926
(F) Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or phone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration;	927 928 929 930 931 932 933
(G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	934 935
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	936 937
(I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an	938 939 940 941

instructor to be licensed by the state board of education or to 942
hold any type of post-high school degree; 943

(J) Offering training or programs other than those 944
presented in the application, except that schools may offer 945
special courses adapted to the needs of individual students when 946
the special courses are in the subject field specified in the 947
application; 948

(K) Discrimination in the acceptance of students upon the 949
basis of race, color, religion, sex, or national origin; or 950
sexual orientation or gender identity or expression as those 951
terms are defined in section 4112.01 of the Revised Code; 952

(L) Accepting the services of an agent not holding a valid 953
permit issued under section 3332.10 or 3332.11 of the Revised 954
Code; 955

(M) The use of monetary or other valuable consideration by 956
the school's agents or representatives to induce prospective 957
students to enroll in the school, or the practice of awarding 958
monetary or other valuable considerations without board approval 959
to students in exchange for procuring the enrollment of others; 960

(N) Failure to provide at the request of the board, any 961
information, records, or files pertaining to the operation of 962
the school or recruitment and enrollment of students. 963

If the board modifies or adopts additional minimum 964
standards or rules pursuant to section 3332.031 of the Revised 965
Code, all schools and agents shall have sixty days from the 966
effective date of the modifications or additional standards or 967
rules to comply with such modifications or additions. 968

Sec. 3721.13. (A) The rights of residents of a home shall 969
include, but are not limited to, the following: 970

- (1) The right to a safe and clean living environment 971
pursuant to the medicare and medicaid programs and applicable 972
state laws and rules adopted by the director of health; 973
- (2) The right to be free from physical, verbal, mental, 974
and emotional abuse and to be treated at all times with 975
courtesy, respect, and full recognition of dignity and 976
individuality; 977
- (3) Upon admission and thereafter, the right to adequate 978
and appropriate medical treatment and nursing care and to other 979
ancillary services that comprise necessary and appropriate care 980
consistent with the program for which the resident contracted. 981
This care shall be provided without regard to considerations 982
such as race, color, religion, age, national origin, ~~age~~; 983
sexual orientation or gender identity or expression as those 984
terms are defined in section 4112.01 of the Revised Code; or 985
source of payment for care. 986
- (4) The right to have all reasonable requests and 987
inquiries responded to promptly; 988
- (5) The right to have clothes and bed sheets changed as 989
the need arises, to ensure the resident's comfort or sanitation; 990
- (6) The right to obtain from the home, upon request, the 991
name and any specialty of any physician or other person 992
responsible for the resident's care or for the coordination of 993
care; 994
- (7) The right, upon request, to be assigned, within the 995
capacity of the home to make the assignment, to the staff 996
physician of the resident's choice, and the right, in accordance 997
with the rules and written policies and procedures of the home, 998
to select as the attending physician a physician who is not on 999

the staff of the home. If the cost of a physician's services is 1000
to be met under a federally supported program, the physician 1001
shall meet the federal laws and regulations governing such 1002
services. 1003

(8) The right to participate in decisions that affect the 1004
resident's life, including the right to communicate with the 1005
physician and employees of the home in planning the resident's 1006
treatment or care and to obtain from the attending physician 1007
complete and current information concerning medical condition, 1008
prognosis, and treatment plan, in terms the resident can 1009
reasonably be expected to understand; the right of access to all 1010
information in the resident's medical record; and the right to 1011
give or withhold informed consent for treatment after the 1012
consequences of that choice have been carefully explained. When 1013
the attending physician finds that it is not medically advisable 1014
to give the information to the resident, the information shall 1015
be made available to the resident's sponsor on the resident's 1016
behalf, if the sponsor has a legal interest or is authorized by 1017
the resident to receive the information. The home is not liable 1018
for a violation of this division if the violation is found to be 1019
the result of an act or omission on the part of a physician 1020
selected by the resident who is not otherwise affiliated with 1021
the home. 1022

(9) The right to withhold payment for physician visitation 1023
if the physician did not visit the resident; 1024

(10) The right to confidential treatment of personal and 1025
medical records, and the right to approve or refuse the release 1026
of these records to any individual outside the home, except in 1027
case of transfer to another home, hospital, or health care 1028
system, as required by law or rule, or as required by a third- 1029

party payment contract; 1030

(11) The right to privacy during medical examination or 1031
treatment and in the care of personal or bodily needs; 1032

(12) The right to refuse, without jeopardizing access to 1033
appropriate medical care, to serve as a medical research 1034
subject; 1035

(13) The right to be free from physical or chemical 1036
restraints or prolonged isolation except to the minimum extent 1037
necessary to protect the resident from injury to self, others, 1038
or to property and except as authorized in writing by the 1039
attending physician for a specified and limited period of time 1040
and documented in the resident's medical record. Prior to 1041
authorizing the use of a physical or chemical restraint on any 1042
resident, the attending physician shall make a personal 1043
examination of the resident and an individualized determination 1044
of the need to use the restraint on that resident. 1045

Physical or chemical restraints or isolation may be used 1046
in an emergency situation without authorization of the attending 1047
physician only to protect the resident from injury to self or 1048
others. Use of the physical or chemical restraints or isolation 1049
shall not be continued for more than twelve hours after the 1050
onset of the emergency without personal examination and 1051
authorization by the attending physician. The attending 1052
physician or a staff physician may authorize continued use of 1053
physical or chemical restraints for a period not to exceed 1054
thirty days, and at the end of this period and any subsequent 1055
period may extend the authorization for an additional period of 1056
not more than thirty days. The use of physical or chemical 1057
restraints shall not be continued without a personal examination 1058
of the resident and the written authorization of the attending 1059

physician stating the reasons for continuing the restraint. 1060

If physical or chemical restraints are used under this 1061
division, the home shall ensure that the restrained resident 1062
receives a proper diet. In no event shall physical or chemical 1063
restraints or isolation be used for punishment, incentive, or 1064
convenience. 1065

(14) The right to the pharmacist of the resident's choice 1066
and the right to receive pharmaceutical supplies and services at 1067
reasonable prices not exceeding applicable and normally accepted 1068
prices for comparably packaged pharmaceutical supplies and 1069
services within the community; 1070

(15) The right to exercise all civil rights, unless the 1071
resident has been adjudicated incompetent pursuant to Chapter 1072
2111. of the Revised Code and has not been restored to legal 1073
capacity, as well as the right to the cooperation of the home's 1074
administrator in making arrangements for the exercise of the 1075
right to vote; 1076

(16) The right of access to opportunities that enable the 1077
resident, at the resident's own expense or at the expense of a 1078
third-party payer, to achieve the resident's fullest potential, 1079
including educational, vocational, social, recreational, and 1080
habilitation programs; 1081

(17) The right to consume a reasonable amount of alcoholic 1082
beverages at the resident's own expense, unless not medically 1083
advisable as documented in the resident's medical record by the 1084
attending physician or unless contradictory to written admission 1085
policies; 1086

(18) The right to use tobacco at the resident's own 1087
expense under the home's safety rules and under applicable laws 1088

and rules of the state, unless not medically advisable as 1089
documented in the resident's medical record by the attending 1090
physician or unless contradictory to written admission policies; 1091

(19) The right to retire and rise in accordance with the 1092
resident's reasonable requests, if the resident does not disturb 1093
others or the posted meal schedules and upon the home's request 1094
remains in a supervised area, unless not medically advisable as 1095
documented by the attending physician; 1096

(20) The right to observe religious obligations and 1097
participate in religious activities; the right to maintain 1098
individual and cultural identity; and the right to meet with and 1099
participate in activities of social and community groups at the 1100
resident's or the group's initiative; 1101

(21) The right upon reasonable request to private and 1102
unrestricted communications with the resident's family, social 1103
worker, and any other person, unless not medically advisable as 1104
documented in the resident's medical record by the attending 1105
physician, except that communications with public officials or 1106
with the resident's attorney or physician shall not be 1107
restricted. Private and unrestricted communications shall 1108
include, but are not limited to, the right to: 1109

(a) Receive, send, and mail sealed, unopened 1110
correspondence; 1111

(b) Reasonable access to a telephone for private 1112
communications; 1113

(c) Private visits at any reasonable hour. 1114

(22) The right to assured privacy for visits by the 1115
spouse, or if both are residents of the same home, the right to 1116
share a room within the capacity of the home, unless not 1117

medically advisable as documented in the resident's medical 1118
record by the attending physician; 1119

(23) The right upon reasonable request to have room doors 1120
closed and to have them not opened without knocking, except in 1121
the case of an emergency or unless not medically advisable as 1122
documented in the resident's medical record by the attending 1123
physician; 1124

(24) The right to retain and use personal clothing and a 1125
reasonable amount of possessions, in a reasonably secure manner, 1126
unless to do so would infringe on the rights of other residents 1127
or would not be medically advisable as documented in the 1128
resident's medical record by the attending physician; 1129

(25) The right to be fully informed, prior to or at the 1130
time of admission and during the resident's stay, in writing, of 1131
the basic rate charged by the home, of services available in the 1132
home, and of any additional charges related to such services, 1133
including charges for services not covered under the medicare or 1134
medicaid program. The basic rate shall not be changed unless 1135
thirty days' notice is given to the resident or, if the resident 1136
is unable to understand this information, to the resident's 1137
sponsor. 1138

(26) The right of the resident and person paying for the 1139
care to examine and receive a bill at least monthly for the 1140
resident's care from the home that itemizes charges not included 1141
in the basic rates; 1142

(27) (a) The right to be free from financial exploitation; 1143

(b) The right to manage the resident's own personal 1144
financial affairs, or, if the resident has delegated this 1145
responsibility in writing to the home, to receive upon written 1146

request at least a quarterly accounting statement of financial 1147
transactions made on the resident's behalf. The statement shall 1148
include: 1149

(i) A complete record of all funds, personal property, or 1150
possessions of a resident from any source whatsoever, that have 1151
been deposited for safekeeping with the home for use by the 1152
resident or the resident's sponsor; 1153

(ii) A listing of all deposits and withdrawals transacted, 1154
which shall be substantiated by receipts which shall be 1155
available for inspection and copying by the resident or sponsor. 1156

(28) The right of the resident to be allowed unrestricted 1157
access to the resident's property on deposit at reasonable 1158
hours, unless requests for access to property on deposit are so 1159
persistent, continuous, and unreasonable that they constitute a 1160
nuisance; 1161

(29) The right to receive reasonable notice before the 1162
resident's room or roommate is changed, including an explanation 1163
of the reason for either change. 1164

(30) The right not to be transferred or discharged from 1165
the home unless the transfer is necessary because of one of the 1166
following: 1167

(a) The welfare and needs of the resident cannot be met in 1168
the home. 1169

(b) The resident's health has improved sufficiently so 1170
that the resident no longer needs the services provided by the 1171
home. 1172

(c) The safety of individuals in the home is endangered. 1173

(d) The health of individuals in the home would otherwise 1174

be endangered. 1175

(e) The resident has failed, after reasonable and 1176
appropriate notice, to pay or to have the medicare or medicaid 1177
program pay on the resident's behalf, for the care provided by 1178
the home. A resident shall not be considered to have failed to 1179
have the resident's care paid for if the resident has applied 1180
for medicaid, unless both of the following are the case: 1181

(i) The resident's application, or a substantially similar 1182
previous application, has been denied. 1183

(ii) If the resident appealed the denial, the denial was 1184
upheld. 1185

(f) The home's license has been revoked, the home is being 1186
closed pursuant to section 3721.08, sections 5165.60 to 5165.89, 1187
or section 5155.31 of the Revised Code, or the home otherwise 1188
ceases to operate. 1189

(g) The resident is a recipient of medicaid, and the 1190
home's participation in the medicaid program is involuntarily 1191
terminated or denied. 1192

(h) The resident is a beneficiary under the medicare 1193
program, and the home's participation in the medicare program is 1194
involuntarily terminated or denied. 1195

(31) The right to voice grievances and recommend changes 1196
in policies and services to the home's staff, to employees of 1197
the department of health, or to other persons not associated 1198
with the operation of the home, of the resident's choice, free 1199
from restraint, interference, coercion, discrimination, or 1200
reprisal. This right includes access to a residents' rights 1201
advocate, and the right to be a member of, to be active in, and 1202
to associate with persons who are active in organizations of 1203

relatives and friends of nursing home residents and other 1204
organizations engaged in assisting residents. 1205

(32) The right to have any significant change in the 1206
resident's health status reported to the resident's sponsor. As 1207
soon as such a change is known to the home's staff, the home 1208
shall make a reasonable effort to notify the sponsor within 1209
twelve hours. 1210

(B) A sponsor may act on a resident's behalf to assure 1211
that the home does not deny the residents' rights under sections 1212
3721.10 to 3721.17 of the Revised Code. 1213

(C) Any attempted waiver of the rights listed in division 1214
(A) of this section is void. 1215

Sec. 3905.55. (A) Except as provided in division (B) of 1216
this section, an agent may charge a consumer a fee if all of the 1217
following conditions are met: 1218

(1) The fee is disclosed to the consumer in a manner that 1219
separately identifies the fee and the premium. 1220

(2) The fee is not calculated as a percentage of the 1221
premium. 1222

(3) The fee is not refunded, forgiven, waived, offset, or 1223
reduced by any commission earned or received for any policy or 1224
coverage sold. 1225

(4) The amount of the fee, and the consumer's obligation 1226
to pay the fee, are not conditioned upon the occurrence of a 1227
future event or condition, such as the purchase, cancellation, 1228
lapse, declination, or nonrenewal of insurance. 1229

(5) The agent discloses to the consumer that the fee is 1230
being charged by the agent and not by the insurance company, 1231

that neither state law nor the insurance company requires the 1232
agent to charge the fee, and that the fee is not refundable. 1233

(6) The consumer consents to the fee. 1234

(7) The agent, in charging the fee, does not discriminate 1235
on the basis of race, sex, religion, age, national origin, 1236
~~religion, disability, marital status~~, health status, ~~age, marital~~ 1237
~~status, or geographic location, or disability, sexual~~ 1238
orientation, gender identity or expression, or military status 1239
as those terms are defined in section 4112.01 of the Revised 1240
Code, ~~or geographic location~~, and does not unfairly discriminate 1241
between persons of essentially the same class and of essentially 1242
the same hazard or expectation of life. 1243

(B) A fee may not be charged for taking or submitting an 1244
initial application for coverage with any one insurer or 1245
different programs with the same insurer, or processing a change 1246
to an existing policy, a cancellation, a claim, or a renewal, in 1247
connection with any of the following personal lines policies: 1248

(1) Private passenger automobile; 1249

(2) Homeowners, including coverage for tenants or 1250
condominium owners, owner-occupied fire or dwelling property 1251
coverage, personal umbrella liability, or any other personal 1252
lines-related coverage whether sold as a separate policy or as 1253
an endorsement to another personal lines policy; 1254

(3) Individual life insurance; 1255

(4) Individual sickness or accident insurance; 1256

(5) Disability income policies; 1257

(6) Credit insurance products. 1258

(C) Notwithstanding any other provision of this section, 1259
an agent may charge a fee for agent services in connection with 1260
a policy issued on a no-commission basis, if the agent provides 1261
the consumer with prior disclosure of the fee and of the 1262
services to be provided. 1263

(D) In the event of a dispute between an agent and a 1264
consumer regarding any disclosure required by this section, the 1265
agent has the burden of proving that the disclosure was made. 1266

(E) (1) No person shall fail to comply with this section. 1267

(2) Whoever violates division (E) (1) of this section is 1268
deemed to have engaged in an unfair and deceptive act or 1269
practice in the business of insurance under sections 3901.19 to 1270
3901.26 of the Revised Code. 1271

(F) This section does not apply with respect to any 1272
expense fee charged by a surety bail bond agent to cover the 1273
costs incurred by the surety bail bond agent in executing the 1274
bail bond. 1275

Sec. 4111.17. (A) No employer, including the state and 1276
political subdivisions thereof, shall discriminate in the 1277
payment of wages on the basis of race, color, religion, sex, 1278
age, ancestry, or national origin, or ~~ancestry~~ sexual 1279
orientation or gender identity or expression as those terms are 1280
defined in section 4112.01 of the Revised Code, by paying wages 1281
to any employee at a rate less than the rate at which the 1282
employer pays wages to another employee for equal work on jobs 1283
the performance of which requires equal skill, effort, and 1284
responsibility, and which are performed under similar 1285
conditions. 1286

(B) Nothing in this section prohibits an employer from 1287

paying wages to one employee at a rate different from that at 1288
which the employer pays another employee for the performance of 1289
equal work under similar conditions on jobs requiring equal 1290
skill, effort, and responsibility, when the payment is made 1291
pursuant to any of the following: 1292

(1) A seniority system; 1293

(2) A merit system; 1294

(3) A system which measures earnings by the quantity or 1295
quality of production; 1296

(4) A wage rate differential determined by any factor 1297
other than race, color, religion, sex, age, ancestry, or 1298
national origin, or ancestry; or sexual orientation or gender 1299
identity or expression as those terms are defined in section 1300
4112.01 of the Revised Code. 1301

(C) No employer shall reduce the wage rate of any employee 1302
in order to comply with this section. 1303

(D) The director of commerce shall carry out, administer, 1304
and enforce this section. Any employee discriminated against in 1305
violation of this section may sue in any court of competent 1306
jurisdiction to recover two times the amount of the difference 1307
between the wages actually received and the wages received by a 1308
person performing equal work for the employer, from the date of 1309
the commencement of the violation, and for costs, including 1310
attorney fees. The director may take an assignment of any such 1311
wage claim in trust for such employee and sue in the employee's 1312
behalf. In any civil action under this section, two or more 1313
employees of the same employer may join as co-plaintiffs in one 1314
action. The director may sue in one action for claims assigned 1315
to the director by two or more employees of the same employer. 1316

No agreement to work for a discriminatory wage constitutes a 1317
defense for any civil or criminal action to enforce this 1318
section. No employer shall discriminate against any employee 1319
because such employee makes a complaint or institutes, or 1320
testifies in, any proceeding under this section. 1321

(E) Any action arising under this section shall be 1322
initiated within one year after the date of violation. 1323

Sec. 4112.01. (A) As used in this chapter: 1324

(1) "Person" includes one or more individuals, 1325
partnerships, associations, organizations, corporations, legal 1326
representatives, trustees, trustees in bankruptcy, receivers, 1327
and other organized groups of persons. "Person" also includes, 1328
but is not limited to, any owner, lessor, assignor, builder, 1329
manager, broker, salesperson, appraiser, agent, employee, 1330
lending institution, and the state and all political 1331
subdivisions, authorities, agencies, boards, and commissions of 1332
the state. 1333

(2) "Employer" includes the state, any political 1334
subdivision of the state, any person employing four or more 1335
persons within the state, and any person acting directly or 1336
indirectly in the interest of an employer. 1337

(3) "Employee" means an individual employed by any 1338
employer but does not include any individual employed in the 1339
domestic service of any person. 1340

(4) "Labor organization" includes any organization that 1341
exists, in whole or in part, for the purpose of collective 1342
bargaining or of dealing with employers concerning grievances, 1343
terms or conditions of employment, or other mutual aid or 1344
protection in relation to employment. 1345

- (5) "Employment agency" includes any person regularly undertaking, with or without compensation, opportunities to work or to procure, recruit, refer, or place employees. 1346
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- (6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code. 1350
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- (7) "Discriminate" includes segregate or separate. 1352
- (8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code. 1353
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- (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. 1356
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- (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. 1362
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- (11) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any 1373
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housing accommodations because of race, color, religion, sex, 1375
~~military status, familial status, national origin, disability,~~ 1376
~~or ancestry, national origin, familial status, disability,~~ 1377
sexual orientation, gender identity or expression, or military 1378
status, or any limitation based upon affiliation with or 1379
approval by any person, directly or indirectly, employing race, 1380
color, religion, sex, ~~military status, familial status, national~~ 1381
~~origin, disability, or ancestry, national origin, familial~~ 1382
status, disability, sexual orientation, gender identity or 1383
expression, or military status as a condition of affiliation or 1384
approval. 1385

(12) "Burial lot" means any lot for the burial of deceased 1386
persons within any public burial ground or cemetery, including, 1387
but not limited to, cemeteries owned and operated by municipal 1388
corporations, townships, or companies or associations 1389
incorporated for cemetery purposes. 1390

(13) "Disability" means a physical or mental impairment 1391
that substantially limits one or more major life activities, 1392
including the functions of caring for one's self, performing 1393
manual tasks, walking, seeing, hearing, speaking, breathing, 1394
learning, and working; a record of a physical or mental 1395
impairment; or being regarded as having a physical or mental 1396
impairment. 1397

(14) Except as otherwise provided in section 4112.021 of 1398
the Revised Code, "age" means at least forty years old. 1399

(15) "Familial status" means either of the following: 1400

(a) One or more individuals who are under eighteen years 1401
of age and who are domiciled with a parent or guardian having 1402
legal custody of the individual or domiciled, with the written 1403

permission of the parent or guardian having legal custody, with 1404
a designee of the parent or guardian; 1405

(b) Any person who is pregnant or in the process of 1406
securing legal custody of any individual who is under eighteen 1407
years of age. 1408

(16) (a) Except as provided in division (A) (16) (b) of this 1409
section, "physical or mental impairment" includes any of the 1410
following: 1411

(i) Any physiological disorder or condition, cosmetic 1412
disfigurement, or anatomical loss affecting one or more of the 1413
following body systems: neurological; musculoskeletal; special 1414
sense organs; respiratory, including speech organs; 1415
cardiovascular; reproductive; digestive; genito-urinary; hemic 1416
and lymphatic; skin; and endocrine; 1417

(ii) Any mental or psychological disorder, including, but 1418
not limited to, ~~mental retardation~~intellectual disability, 1419
organic brain syndrome, emotional or mental illness, and 1420
specific learning disabilities; 1421

(iii) Diseases and conditions, including, but not limited 1422
to, orthopedic, visual, speech, and hearing impairments, 1423
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1424
sclerosis, cancer, heart disease, diabetes, human 1425
immunodeficiency virus infection, ~~mental retardation~~intellectual 1426
disability, emotional illness, drug addiction, and alcoholism. 1427

(b) "Physical or mental impairment" does not include any 1428
of the following: 1429

(i) ~~Homosexuality and bisexuality;~~ 1430

~~(ii) Transvestism, transsexualism, pedophilia~~Pedophilia, 1431

exhibitionism, voyeurism, gender identity disorders not	1432
resulting from physical impairments, or other sexual behavior	1433
disorders <u>with corresponding criminal behavior;</u>	1434
(iii) <u>(ii)</u> Compulsive gambling, kleptomania, or pyromania;	1435
(iv) <u>(iii)</u> Psychoactive substance use disorders resulting	1436
from the current illegal use of a controlled substance or the	1437
current use of alcoholic beverages.	1438
(17) "Dwelling unit" means a single unit of residence for	1439
a family of one or more persons.	1440
(18) "Common use areas" means rooms, spaces, or elements	1441
inside or outside a building that are made available for the use	1442
of residents of the building or their guests, and includes, but	1443
is not limited to, hallways, lounges, lobbies, laundry rooms,	1444
refuse rooms, mail rooms, recreational areas, and passageways	1445
among and between buildings.	1446
(19) "Public use areas" means interior or exterior rooms	1447
or spaces of a privately or publicly owned building that are	1448
made available to the general public.	1449
(20) "Controlled substance" has the same meaning as in	1450
section 3719.01 of the Revised Code.	1451
(21) "Disabled tenant" means a tenant or prospective	1452
tenant who is a person with a disability.	1453
(22) "Military status" means a person's status in "service	1454
in the uniformed services" as defined in section 5923.05 of the	1455
Revised Code.	1456
(23) "Aggrieved person" includes both of the following:	1457
(a) Any person who claims to have been injured by any	1458

unlawful discriminatory practice described in division (H) of 1459
section 4112.02 of the Revised Code; 1460

(b) Any person who believes that the person will be 1461
injured by, any unlawful discriminatory practice described in 1462
division (H) of section 4112.02 of the Revised Code that is 1463
about to occur. 1464

(24) "Sexual orientation" means actual or perceived, 1465
heterosexuality, homosexuality, or bisexuality. 1466

(25) "Gender identity or expression" means the gender- 1467
related identity, appearance, or mannerisms or other gender- 1468
related characteristics of an individual, without regard to the 1469
individual's designated sex at birth. 1470

(B) For the purposes of divisions (A) to (F) of section 1471
4112.02 of the Revised Code, the terms "because of sex" and "on 1472
the basis of sex" include, but are not limited to, because of or 1473
on the basis of pregnancy, any illness arising out of and 1474
occurring during the course of a pregnancy, childbirth, or 1475
related medical conditions. Women affected by pregnancy, 1476
childbirth, or related medical conditions shall be treated the 1477
same for all employment-related purposes, including receipt of 1478
benefits under fringe benefit programs, as other persons not so 1479
affected but similar in their ability or inability to work, and 1480
nothing in division (B) of section 4111.17 of the Revised Code 1481
shall be interpreted to permit otherwise. This division shall 1482
not be construed to require an employer to pay for health 1483
insurance benefits for abortion, except where the life of the 1484
mother would be endangered if the fetus were carried to term or 1485
except where medical complications have arisen from the 1486
abortion, provided that nothing in this division precludes an 1487
employer from providing abortion benefits or otherwise affects 1488

bargaining agreements in regard to abortion. 1489

Sec. 4112.02. It shall be an unlawful discriminatory 1490
practice: 1491

(A) For any employer, because of the race, color, 1492
religion, sex, age, ancestry, national origin, disability, 1493
sexual orientation, gender identity or expression, or military 1494
status, ~~national origin, disability, age, or ancestry~~ of any 1495
person, to discharge without just cause, to refuse to hire, or 1496
otherwise to discriminate against that person with respect to 1497
hire, tenure, terms, conditions, or privileges of employment, or 1498
any matter directly or indirectly related to employment. 1499

(B) For an employment agency or personnel placement 1500
service, because of race, color, religion, sex, age, ancestry, 1501
national origin, disability, sexual orientation, gender identity 1502
or expression, or military status, ~~national origin, disability,~~ 1503
~~age, or ancestry,~~ to do any of the following: 1504

(1) Refuse or fail to accept, register, classify properly, 1505
or refer for employment, or otherwise discriminate against any 1506
person; 1507

(2) Comply with a request from an employer for referral of 1508
applicants for employment if the request directly or indirectly 1509
indicates that the employer fails to comply with the provisions 1510
of sections 4112.01 to 4112.07 of the Revised Code. 1511

(C) For any labor organization to do any of the following: 1512

(1) Limit or classify its membership on the basis of race, 1513
color, religion, sex, age, ancestry, national origin, 1514
disability, sexual orientation, gender identity or expression, 1515
or military status, ~~national origin, disability, age, or~~ 1516
~~ancestry;~~ 1517

(2) Discriminate against, limit the employment 1518
opportunities of, or otherwise adversely affect the employment 1519
status, wages, hours, or employment conditions of any person as 1520
an employee because of race, color, religion, sex, age, 1521
ancestry, national origin, disability, sexual orientation, 1522
gender identity or expression, or military status,~~national~~ 1523
~~origin, disability, age, or ancestry.~~ 1524

(D) For any employer, labor organization, or joint labor- 1525
management committee controlling apprentice training programs to 1526
discriminate against any person because of race, color, 1527
religion, sex, ancestry, national origin, disability, sexual 1528
orientation, gender identity or expression, or military status, ~~1529
national origin, disability, or ancestry~~ in admission to, or 1530
employment in, any program established to provide apprentice 1531
training. 1532

(E) Except where based on a bona fide occupational 1533
qualification certified in advance by the commission, for any 1534
employer, employment agency, personnel placement service, or 1535
labor organization, prior to employment or admission to 1536
membership, to do any of the following: 1537

(1) Elicit or attempt to elicit any information concerning 1538
the race, color, religion, sex, age, ancestry, national origin, 1539
disability, sexual orientation, gender identity or expression, 1540
or military status,~~national origin, disability, age, or~~ 1541
~~ancestry~~ of an applicant for employment or membership; 1542

(2) Make or keep a record of the race, color, religion, 1543
sex, age, ancestry, national origin, disability, sexual 1544
orientation, gender identity or expression, or military status, ~~1545
national origin, disability, age, or ancestry~~ of any applicant 1546
for employment or membership; 1547

(3) Use any form of application for employment, or 1548
personnel or membership blank, seeking to elicit information 1549
regarding race, color, religion, sex, age, ancestry, national 1550
origin, disability, sexual orientation, gender identity or 1551
expression, or military status,~~national origin, disability,~~ 1552
~~age, or ancestry;~~ but an employer holding a contract containing 1553
a nondiscrimination clause with the government of the United 1554
States, or any department or agency of that government, may 1555
require an employee or applicant for employment to furnish 1556
documentary proof of United States citizenship and may retain 1557
that proof in the employer's personnel records and may use 1558
photographic or fingerprint identification for security 1559
purposes; 1560

(4) Print or publish or cause to be printed or published 1561
any notice or advertisement relating to employment or membership 1562
indicating any preference, limitation, specification, or 1563
discrimination, based upon race, color, religion, sex, age, 1564
ancestry, national origin, disability, sexual orientation, 1565
gender identity or expression, or military status,~~national~~ 1566
~~origin, disability, age, or ancestry;~~ 1567

(5) Announce or follow a policy of denying or limiting, 1568
through a quota system or otherwise, employment or membership 1569
opportunities of any group because of the race, color, religion, 1570
sex, age, ancestry, national origin, disability, sexual 1571
orientation, gender identity or expression, or military status,~~—~~ 1572
~~national origin, disability, age, or ancestry~~ of that group; 1573

(6) Utilize in the recruitment or hiring of persons any 1574
employment agency, personnel placement service, training school 1575
or center, labor organization, or any other employee-referring 1576
source known to discriminate against persons because of their 1577

race, color, religion, sex, age, ancestry, national origin, 1578
disability, sexual orientation, gender identity or expression, 1579
or military status, ~~national origin, disability, age, or~~ 1580
~~ancestry.~~ 1581

(F) For any person seeking employment to publish or cause 1582
to be published any advertisement that specifies or in any 1583
manner indicates that person's race, color, religion, sex, age, 1584
ancestry, national origin, disability, sexual orientation, 1585
gender identity or expression, or military status, ~~national~~ 1586
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1587
or preference as to the race, color, religion, sex, age, 1588
ancestry, national origin, disability, sexual orientation, 1589
gender identity or expression, or military status, ~~national~~ 1590
~~origin, disability, age, or ancestry~~ of any prospective 1591
employer. 1592

(G) For any proprietor or any employee, keeper, or manager 1593
of a place of public accommodation to deny to any person, except 1594
for reasons applicable alike to all persons regardless of race, 1595
color, religion, sex, age, ancestry, national origin, 1596
disability, sexual orientation, gender identity or expression, 1597
or military status, ~~national origin, disability, age, or~~ 1598
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1599
facilities, or privileges of the place of public accommodation. 1600

(H) For any person to do any of the following: 1601

(1) Refuse to sell, transfer, assign, rent, lease, 1602
sublease, or finance housing accommodations, refuse to negotiate 1603
for the sale or rental of housing accommodations, or otherwise 1604
deny or make unavailable housing accommodations because of race, 1605
color, religion, sex, ancestry, national origin, familial 1606
status, disability, sexual orientation, gender identity or 1607

~~expression, or military status, familial status, ancestry,~~ 1608
~~disability, or national origin;~~ 1609

(2) Represent to any person that housing accommodations 1610
are not available for inspection, sale, or rental, when in fact 1611
they are available, because of race, color, religion, sex, 1612
ancestry, national origin, familial status, disability, sexual 1613
orientation, gender identity or expression, or military status, 1614
~~familial status, ancestry, disability, or national origin;~~ 1615

(3) Discriminate against any person in the making or 1616
purchasing of loans or the provision of other financial 1617
assistance for the acquisition, construction, rehabilitation, 1618
repair, or maintenance of housing accommodations, or any person 1619
in the making or purchasing of loans or the provision of other 1620
financial assistance that is secured by residential real estate, 1621
because of race, color, religion, sex, ancestry, national 1622
origin, familial status, disability, sexual orientation, gender 1623
identity or expression, or military status, ~~familial status,~~ 1624
~~ancestry, disability, or national origin~~ or because of the 1625
racial composition of the neighborhood in which the housing 1626
accommodations are located, provided that the person, whether an 1627
individual, corporation, or association of any type, lends money 1628
as one of the principal aspects or incident to the person's 1629
principal business and not only as a part of the purchase price 1630
of an owner-occupied residence the person is selling nor merely 1631
casually or occasionally to a relative or friend; 1632

(4) Discriminate against any person in the terms or 1633
conditions of selling, transferring, assigning, renting, 1634
leasing, or subleasing any housing accommodations or in 1635
furnishing facilities, services, or privileges in connection 1636
with the ownership, occupancy, or use of any housing 1637

accommodations, including the sale of fire, extended coverage, 1638
or homeowners insurance, because of race, color, religion, sex, 1639
ancestry, national origin, familial status, disability, sexual 1640
orientation, gender identity or expression, or military status, 1641
~~familial status, ancestry, disability, or national origin~~ or 1642
because of the racial composition of the neighborhood in which 1643
the housing accommodations are located; 1644

(5) Discriminate against any person in the terms or 1645
conditions of any loan of money, whether or not secured by 1646
mortgage or otherwise, for the acquisition, construction, 1647
rehabilitation, repair, or maintenance of housing accommodations 1648
because of race, color, religion, sex, ancestry, national 1649
origin, familial status, disability, sexual orientation, gender 1650
identity or expression, or military status, ~~familial status,~~ 1651
~~ancestry, disability, or national origin~~ or because of the 1652
racial composition of the neighborhood in which the housing 1653
accommodations are located; 1654

(6) Refuse to consider without prejudice the combined 1655
income of both husband and wife for the purpose of extending 1656
mortgage credit to a married couple or either member of a 1657
married couple; 1658

(7) Print, publish, or circulate any statement or 1659
advertisement, or make or cause to be made any statement or 1660
advertisement, relating to the sale, transfer, assignment, 1661
rental, lease, sublease, or acquisition of any housing 1662
accommodations, or relating to the loan of money, whether or not 1663
secured by mortgage or otherwise, for the acquisition, 1664
construction, rehabilitation, repair, or maintenance of housing 1665
accommodations, that indicates any preference, limitation, 1666
specification, or discrimination based upon race, color, 1667

religion, sex, ancestry, national origin, familial status, 1668
disability, sexual orientation, gender identity or expression, 1669
or military status, ~~familial status, ancestry, disability, or~~ 1670
~~national origin,~~ or an intention to make any such preference, 1671
limitation, specification, or discrimination; 1672

(8) Except as otherwise provided in division (H) (8) or 1673
(17) of this section, make any inquiry, elicit any information, 1674
make or keep any record, or use any form of application 1675
containing questions or entries concerning race, color, 1676
religion, sex, ancestry, national origin, familial status, 1677
disability, sexual orientation, gender identity or expression, 1678
or military status, ~~familial status, ancestry, disability, or~~ 1679
~~national origin~~ in connection with the sale or lease of any 1680
housing accommodations or the loan of any money, whether or not 1681
secured by mortgage or otherwise, for the acquisition, 1682
construction, rehabilitation, repair, or maintenance of housing 1683
accommodations. Any person may make inquiries, and make and keep 1684
records, concerning race, color, religion, sex, ancestry, 1685
national origin, familial status, disability, sexual 1686
orientation, gender identity or expression, or military status, 1687
~~familial status, ancestry, disability, or national origin~~ for 1688
the purpose of monitoring compliance with this chapter. 1689

(9) Include in any transfer, rental, or lease of housing 1690
accommodations any restrictive covenant, or honor or exercise, 1691
or attempt to honor or exercise, any restrictive covenant; 1692

(10) Induce or solicit, or attempt to induce or solicit, a 1693
housing accommodations listing, sale, or transaction by 1694
representing that a change has occurred or may occur with 1695
respect to the racial, religious, sexual, familial status, 1696
sexual orientation, gender identity or expression, military 1697

status,~~familial status~~, or ethnic composition of the block, 1698
neighborhood, or other area in which the housing accommodations 1699
are located, or induce or solicit, or attempt to induce or 1700
solicit, a housing accommodations listing, sale, or transaction 1701
by representing that the presence or anticipated presence of 1702
persons of any race, color, religion, sex, ancestry, national 1703
origin, familial status, disability, sexual orientation, gender 1704
identity or expression, or military status, ~~familial status,~~ 1705
~~ancestry, disability, or national origin,~~ in the block, 1706
neighborhood, or other area will or may have results including, 1707
but not limited to, the following: 1708

(a) The lowering of property values; 1709

(b) A change in the racial, religious, sexual, familial 1710
status, sexual orientation, gender identity or expression, 1711
military status,~~familial status~~, or ethnic composition of the 1712
block, neighborhood, or other area; 1713

(c) An increase in criminal or antisocial behavior in the 1714
block, neighborhood, or other area; 1715

(d) A decline in the quality of the schools serving the 1716
block, neighborhood, or other area. 1717

(11) Deny any person access to or membership or 1718
participation in any multiple-listing service, real estate 1719
brokers' organization, or other service, organization, or 1720
facility relating to the business of selling or renting housing 1721
accommodations, or discriminate against any person in the terms 1722
or conditions of that access, membership, or participation, on 1723
account of race, color, religion, sex, ancestry, national 1724
origin, familial status, disability, sexual orientation, gender 1725
identity or expression, or military status, ~~familial status,~~ 1726

national origin, disability, or ancestry;	1727
(12) Coerce, intimidate, threaten, or interfere with any	1728
person in the exercise or enjoyment of, or on account of that	1729
person's having exercised or enjoyed or having aided or	1730
encouraged any other person in the exercise or enjoyment of, any	1731
right granted or protected by division (H) of this section;	1732
(13) Discourage or attempt to discourage the purchase by a	1733
prospective purchaser of housing accommodations, by representing	1734
that any block, neighborhood, or other area has undergone or	1735
might undergo a change with respect to its <u>racial, religious,</u>	1736
racial, sexual, familial status, sexual orientation, gender	1737
<u>identity or expression, military status, familial status, or</u>	1738
ethnic composition;	1739
(14) Refuse to sell, transfer, assign, rent, lease,	1740
sublease, or finance, or otherwise deny or withhold, a burial	1741
lot from any person because of the race, color, sex, <u>age,</u>	1742
<u>ancestry, national origin, familial status, disability, sexual</u>	1743
<u>orientation, gender identity or expression, or military status,</u>	1744
familial status, age, ancestry, disability, or national origin	1745
of any prospective owner or user of the lot;	1746
(15) Discriminate in the sale or rental of, or otherwise	1747
make unavailable or deny, housing accommodations to any buyer or	1748
renter because of a disability of any of the following:	1749
(a) The buyer or renter;	1750
(b) A person residing in or intending to reside in the	1751
housing accommodations after they are sold, rented, or made	1752
available;	1753
(c) Any individual associated with the person described in	1754
division (H) (15) (b) of this section.	1755

(16) Discriminate in the terms, conditions, or privileges 1756
of the sale or rental of housing accommodations to any person or 1757
in the provision of services or facilities to any person in 1758
connection with the housing accommodations because of a 1759
disability of any of the following: 1760

(a) That person; 1761

(b) A person residing in or intending to reside in the 1762
housing accommodations after they are sold, rented, or made 1763
available; 1764

(c) Any individual associated with the person described in 1765
division (H) (16) (b) of this section. 1766

(17) Except as otherwise provided in division (H) (17) of 1767
this section, make an inquiry to determine whether an applicant 1768
for the sale or rental of housing accommodations, a person 1769
residing in or intending to reside in the housing accommodations 1770
after they are sold, rented, or made available, or any 1771
individual associated with that person has a disability, or make 1772
an inquiry to determine the nature or severity of a disability 1773
of the applicant or such a person or individual. The following 1774
inquiries may be made of all applicants for the sale or rental 1775
of housing accommodations, regardless of whether they have 1776
disabilities: 1777

(a) An inquiry into an applicant's ability to meet the 1778
requirements of ownership or tenancy; 1779

(b) An inquiry to determine whether an applicant is 1780
qualified for housing accommodations available only to persons 1781
with disabilities or persons with a particular type of 1782
disability; 1783

(c) An inquiry to determine whether an applicant is 1784

qualified for a priority available to persons with disabilities 1785
or persons with a particular type of disability; 1786

(d) An inquiry to determine whether an applicant currently 1787
uses a controlled substance in violation of section 2925.11 of 1788
the Revised Code or a substantively comparable municipal 1789
ordinance; 1790

(e) An inquiry to determine whether an applicant at any 1791
time has been convicted of or pleaded guilty to any offense, an 1792
element of which is the illegal sale, offer to sell, 1793
cultivation, manufacture, other production, shipment, 1794
transportation, delivery, or other distribution of a controlled 1795
substance. 1796

(18) (a) Refuse to permit, at the expense of a person with 1797
a disability, reasonable modifications of existing housing 1798
accommodations that are occupied or to be occupied by the person 1799
with a disability, if the modifications may be necessary to 1800
afford the person with a disability full enjoyment of the 1801
housing accommodations. This division does not preclude a 1802
landlord of housing accommodations that are rented or to be 1803
rented to a disabled tenant from conditioning permission for a 1804
proposed modification upon the disabled tenant's doing one or 1805
more of the following: 1806

(i) Providing a reasonable description of the proposed 1807
modification and reasonable assurances that the proposed 1808
modification will be made in a workerlike manner and that any 1809
required building permits will be obtained prior to the 1810
commencement of the proposed modification; 1811

(ii) Agreeing to restore at the end of the tenancy the 1812
interior of the housing accommodations to the condition they 1813

were in prior to the proposed modification, but subject to 1814
reasonable wear and tear during the period of occupancy, if it 1815
is reasonable for the landlord to condition permission for the 1816
proposed modification upon the agreement; 1817

(iii) Paying into an interest-bearing escrow account that 1818
is in the landlord's name, over a reasonable period of time, a 1819
reasonable amount of money not to exceed the projected costs at 1820
the end of the tenancy of the restoration of the interior of the 1821
housing accommodations to the condition they were in prior to 1822
the proposed modification, but subject to reasonable wear and 1823
tear during the period of occupancy, if the landlord finds the 1824
account reasonably necessary to ensure the availability of funds 1825
for the restoration work. The interest earned in connection with 1826
an escrow account described in this division shall accrue to the 1827
benefit of the disabled tenant who makes payments into the 1828
account. 1829

(b) A landlord shall not condition permission for a 1830
proposed modification upon a disabled tenant's payment of a 1831
security deposit that exceeds the customarily required security 1832
deposit of all tenants of the particular housing accommodations. 1833

(19) Refuse to make reasonable accommodations in rules, 1834
policies, practices, or services when necessary to afford a 1835
person with a disability equal opportunity to use and enjoy a 1836
dwelling unit, including associated public and common use areas; 1837

(20) Fail to comply with the standards and rules adopted 1838
under division (A) of section 3781.111 of the Revised Code; 1839

(21) Discriminate against any person in the selling, 1840
brokering, or appraising of real property because of race, 1841
color, religion, sex, ancestry, national origin, familial 1842

status, disability, sexual orientation, gender identity or 1843
expression, or military status, ~~familial status, ancestry,~~ 1844
~~disability, or national origin;~~ 1845

(22) Fail to design and construct covered multifamily 1846
dwellings for first occupancy on or after June 30, 1992, in 1847
accordance with the following conditions: 1848

(a) The dwellings shall have at least one building 1849
entrance on an accessible route, unless it is impractical to do 1850
so because of the terrain or unusual characteristics of the 1851
site. 1852

(b) With respect to dwellings that have a building 1853
entrance on an accessible route, all of the following apply: 1854

(i) The public use areas and common use areas of the 1855
dwellings shall be readily accessible to and usable by persons 1856
with a disability. 1857

(ii) All the doors designed to allow passage into and 1858
within all premises shall be sufficiently wide to allow passage 1859
by persons with a disability who are in wheelchairs. 1860

(iii) All premises within covered multifamily dwelling 1861
units shall contain an accessible route into and through the 1862
dwelling; all light switches, electrical outlets, thermostats, 1863
and other environmental controls within such units shall be in 1864
accessible locations; the bathroom walls within such units shall 1865
contain reinforcements to allow later installation of grab bars; 1866
and the kitchens and bathrooms within such units shall be 1867
designed and constructed in a manner that enables an individual 1868
in a wheelchair to maneuver about such rooms. 1869

For purposes of division (H) (22) of this section, "covered 1870
multifamily dwellings" means buildings consisting of four or 1871

more units if such buildings have one or more elevators and 1872
ground floor units in other buildings consisting of four or more 1873
units. 1874

(I) For any person to discriminate in any manner against 1875
any other person because that person has opposed any unlawful 1876
discriminatory practice defined in this section or because that 1877
person has made a charge, testified, assisted, or participated 1878
in any manner in any investigation, proceeding, or hearing under 1879
sections 4112.01 to 4112.07 of the Revised Code. 1880

(J) For any person to aid, abet, incite, compel, or coerce 1881
the doing of any act declared by this section to be an unlawful 1882
discriminatory practice, to obstruct or prevent any person from 1883
complying with this chapter or any order issued under it, or to 1884
attempt directly or indirectly to commit any act declared by 1885
this section to be an unlawful discriminatory practice. 1886

(K) (1) Nothing in division (H) of this section shall bar 1887
any religious or denominational institution or organization, or 1888
any nonprofit charitable or educational organization that is 1889
operated, supervised, or controlled by or in connection with a 1890
religious organization, from limiting the sale, rental, or 1891
occupancy of housing accommodations that it owns or operates for 1892
other than a commercial purpose to persons of the same religion, 1893
or from giving preference in the sale, rental, or occupancy of 1894
such housing accommodations to persons of the same religion, 1895
unless membership in the religion is restricted on account of 1896
race, color, or national origin. 1897

(2) Nothing in division (H) of this section shall bar any 1898
bona fide private or fraternal organization that, incidental to 1899
its primary purpose, owns or operates lodgings for other than a 1900
commercial purpose, from limiting the rental or occupancy of the 1901

lodgings to its members or from giving preference to its members. 1902
1903

(3) Nothing in division (H) of this section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations. Nothing in that division prohibits the owners or managers of housing accommodations from implementing reasonable occupancy standards based on the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit, provided that the standards are not implemented to circumvent the purposes of this chapter and are formulated, implemented, and interpreted in a manner consistent with this chapter and any applicable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations. 1904
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(4) Nothing in division (H) of this section requires that housing accommodations be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. 1917
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(5) Nothing in division (H) of this section pertaining to discrimination on the basis of familial status shall be construed to apply to any of the following: 1922
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(a) Housing accommodations provided under any state or federal program that have been determined under the "Fair Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended, to be specifically designed and operated to assist elderly persons; 1925
1926
1927
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(b) Housing accommodations intended for and solely 1930

occupied by persons who are sixty-two years of age or older; 1931

(c) Housing accommodations intended and operated for 1932
occupancy by at least one person who is fifty-five years of age 1933
or older per unit, as determined under the "Fair Housing 1934
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 1935
amended. 1936

(L) Nothing in divisions (A) to (E) of this section shall 1937
be construed to require a person with a disability to be 1938
employed or trained under circumstances that would significantly 1939
increase the occupational hazards affecting either the person 1940
with a disability, other employees, the general public, or the 1941
facilities in which the work is to be performed, or to require 1942
the employment or training of a person with a disability in a 1943
job that requires the person with a disability routinely to 1944
undertake any task, the performance of which is substantially 1945
and inherently impaired by the person's disability. 1946

(M) Nothing in divisions (H) (1) to (18) of this section 1947
shall be construed to require any person selling or renting 1948
property to modify the property in any way or to exercise a 1949
higher degree of care for a person with a disability, to relieve 1950
any person with a disability of any obligation generally imposed 1951
on all persons regardless of disability in a written lease, 1952
rental agreement, or contract of purchase or sale, or to forbid 1953
distinctions based on the inability to fulfill the terms and 1954
conditions, including financial obligations, of the lease, 1955
agreement, or contract. 1956

(N) An aggrieved individual may enforce the individual's 1957
rights relative to discrimination on the basis of age as 1958
provided for in this section by instituting a civil action, 1959
within one hundred eighty days after the alleged unlawful 1960

discriminatory practice occurred, in any court with jurisdiction 1961
for any legal or equitable relief that will effectuate the 1962
individual's rights. 1963

A person who files a civil action under this division is 1964
barred, with respect to the practices complained of, from 1965
instituting a civil action under section 4112.14 of the Revised 1966
Code and from filing a charge with the commission under section 1967
4112.05 of the Revised Code. 1968

(O) With regard to age, it shall not be an unlawful 1969
discriminatory practice and it shall not constitute a violation 1970
of division (A) of section 4112.14 of the Revised Code for any 1971
employer, employment agency, joint labor-management committee 1972
controlling apprenticeship training programs, or labor 1973
organization to do any of the following: 1974

(1) Establish bona fide employment qualifications 1975
reasonably related to the particular business or occupation that 1976
may include standards for skill, aptitude, physical capability, 1977
intelligence, education, maturation, and experience; 1978

(2) Observe the terms of a bona fide seniority system or 1979
any bona fide employee benefit plan, including, but not limited 1980
to, a retirement, pension, or insurance plan, that is not a 1981
subterfuge to evade the purposes of this section. However, no 1982
such employee benefit plan shall excuse the failure to hire any 1983
individual, and no such seniority system or employee benefit 1984
plan shall require or permit the involuntary retirement of any 1985
individual, because of the individual's age except as provided 1986
for in the "Age Discrimination in Employment Act Amendment of 1987
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 1988
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1989
3342, 29 U.S.C.A. 623, as amended. 1990

(3) Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equals, in the aggregate, at least forty-four thousand dollars, in accordance with the conditions of the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 631, as amended;

(4) Observe the terms of any bona fide apprenticeship program if the program is registered with the Ohio apprenticeship council pursuant to sections 4139.01 to 4139.06 of the Revised Code and is approved by the federal committee on apprenticeship of the United States department of labor.

(P) Nothing in this chapter prohibiting age discrimination and nothing in division (A) of section 4112.14 of the Revised Code shall be construed to prohibit the following:

(1) The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code;

(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;

(3) The maximum age requirements for appointment as a

patrol officer in the state highway patrol established by 2020
section 5503.01 of the Revised Code; 2021

(4) The maximum age requirements established for original 2022
appointment to a police department or fire department in 2023
sections 124.41 and 124.42 of the Revised Code; 2024

(5) Any maximum age not in conflict with federal law that 2025
may be established by a municipal charter, municipal ordinance, 2026
or resolution of a board of township trustees for original 2027
appointment as a police officer or firefighter; 2028

(6) Any mandatory retirement provision not in conflict 2029
with federal law of a municipal charter, municipal ordinance, or 2030
resolution of a board of township trustees pertaining to police 2031
officers and firefighters; 2032

(7) Until January 1, 1994, the mandatory retirement of any 2033
employee who has attained seventy years of age and who is 2034
serving under a contract of unlimited tenure, or similar 2035
arrangement providing for unlimited tenure, at an institution of 2036
higher education as defined in the "Education Amendments of 2037
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 2038

(Q) (1) (a) Except as provided in division (Q) (1) (b) of this 2039
section, for purposes of divisions (A) to (E) of this section, a 2040
disability does not include any physiological disorder or 2041
condition, mental or psychological disorder, or disease or 2042
condition caused by an illegal use of any controlled substance 2043
by an employee, applicant, or other person, if an employer, 2044
employment agency, personnel placement service, labor 2045
organization, or joint labor-management committee acts on the 2046
basis of that illegal use. 2047

(b) Division (Q) (1) (a) of this section does not apply to 2048

an employee, applicant, or other person who satisfies any of the 2049
following: 2050

(i) The employee, applicant, or other person has 2051
successfully completed a supervised drug rehabilitation program 2052
and no longer is engaging in the illegal use of any controlled 2053
substance, or the employee, applicant, or other person otherwise 2054
successfully has been rehabilitated and no longer is engaging in 2055
that illegal use. 2056

(ii) The employee, applicant, or other person is 2057
participating in a supervised drug rehabilitation program and no 2058
longer is engaging in the illegal use of any controlled 2059
substance. 2060

(iii) The employee, applicant, or other person is 2061
erroneously regarded as engaging in the illegal use of any 2062
controlled substance, but the employee, applicant, or other 2063
person is not engaging in that illegal use. 2064

(2) Divisions (A) to (E) of this section do not prohibit 2065
an employer, employment agency, personnel placement service, 2066
labor organization, or joint labor-management committee from 2067
doing any of the following: 2068

(a) Adopting or administering reasonable policies or 2069
procedures, including, but not limited to, testing for the 2070
illegal use of any controlled substance, that are designed to 2071
ensure that an individual described in division (Q) (1) (b) (i) or 2072
(ii) of this section no longer is engaging in the illegal use of 2073
any controlled substance; 2074

(b) Prohibiting the illegal use of controlled substances 2075
and the use of alcohol at the workplace by all employees; 2076

(c) Requiring that employees not be under the influence of 2077

alcohol or not be engaged in the illegal use of any controlled substance at the workplace; 2078
2079

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 2080
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(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism; 2083
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(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards. 2091
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(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination. 2096
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(4) Division (Q) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing. 2099
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(R) This section does not apply to a religious corporation, association, educational institution, or society 2105
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with respect to the employment of an individual of a particular 2107
religion to perform work connected with the carrying on by that 2108
religious corporation, association, educational institution, or 2109
society of its activities. 2110

The unlawful discriminatory practices defined in this 2111
section do not make it unlawful for a person or an appointing 2112
authority administering an examination under section 124.23 of 2113
the Revised Code to obtain information about an applicant's 2114
military status for the purpose of determining if the applicant 2115
is eligible for the additional credit that is available under 2116
that section. 2117

(S) It shall be an unlawful discriminatory practice for 2118
any employer, employment agency, or labor organization to limit, 2119
segregate, or classify its employees or applicants for 2120
employment in any way that would deprive or tend to deprive any 2121
individual of employment or otherwise adversely affect the 2122
status of the individual as an employee because of the 2123
individual's sexual orientation or gender identity or 2124
expression. 2125

Sec. 4112.021. (A) As used in this section: 2126

(1) "Credit" means the right granted by a creditor to a 2127
person to defer payment of a debt, to incur debt and defer its 2128
payment, or to purchase property or services and defer payment 2129
for the property or services. 2130

(2) "Creditor" means any person who regularly extends, 2131
renews, or continues credit, any person who regularly arranges 2132
for the extension, renewal, or continuation of credit, or any 2133
assignee of an original creditor who participates in the 2134
decision to extend, renew, or continue credit, whether or not 2135

any interest or finance charge is required. 2136

(3) "Credit reporting agency" means any person who, for 2137
monetary fees or dues or on a cooperative nonprofit basis, 2138
regularly assembles or evaluates credit information for the 2139
purpose of furnishing credit reports to creditors. 2140

(4) "Age" means any age of eighteen years or older. 2141

(B) It shall be an unlawful discriminatory practice: 2142

(1) For any creditor to do any of the following: 2143

(a) Discriminate against any applicant for credit in the 2144
granting, withholding, extending, or renewing of credit, or in 2145
the fixing of the rates, terms, or conditions of any form of 2146
credit, on the basis of race, color, religion, sex, age,~~sex~~ 2147
ancestry, national origin, marital status, disability, sexual 2148
orientation, gender identity or expression, or military status, 2149
~~marital status, national origin, disability, or ancestry,~~ except 2150
that this division shall not apply with respect to age in any 2151
real estate transaction between a financial institution, a 2152
dealer in intangibles, or an insurance company as defined in 2153
section 5725.01 of the Revised Code and its customers; 2154

(b) Use or make any inquiry as to race, color, religion, 2155
sex, age,~~sex~~ ancestry, national origin, marital status, 2156
disability, sexual orientation, gender identity or expression, 2157
or military status,~~marital status, national origin, disability,~~ 2158
~~or ancestry~~ for the purpose of limiting or specifying those 2159
persons to whom credit will be granted, except that an inquiry 2160
of marital status does not constitute discrimination for the 2161
purposes of this section if the inquiry is made for the purpose 2162
of ascertaining the creditor's rights and remedies applicable to 2163
the particular extension of credit, and except that creditors 2164

are excepted from this division with respect to any inquiry, 2165
elicitation of information, record, or form of application 2166
required of a particular creditor by any instrumentality or 2167
agency of the United States, or required of a particular 2168
creditor by any agency or instrumentality to enforce the "Civil 2169
Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 2170

(c) Refuse to consider the sources of income of an 2171
applicant for credit, or disregard or ignore the income of an 2172
applicant, in whole or in part, on the basis of race, color, 2173
religion, sex, age, ~~sex~~, ancestry, national origin, marital 2174
status, disability, sexual orientation, gender identity or 2175
expression, or military status, marital status, disability, 2176
national origin, or ancestry; 2177

(d) Refuse to grant credit to an individual in any name 2178
that individual customarily uses, if it has been determined in 2179
the normal course of business that the creditor will grant 2180
credit to the individual; 2181

(e) Impose any special requirements or conditions, 2182
including, but not limited to, a requirement for co-obligors or 2183
reapplication, upon any applicant or class of applicants on the 2184
basis of race, color, religion, sex, age, ~~sex~~, ancestry, national 2185
origin, marital status, disability, sexual orientation, gender 2186
identity or expression, or military status, marital status, 2187
national origin, disability, or ancestry in circumstances where 2188
similar requirements or conditions are not imposed on other 2189
applicants similarly situated, unless the special requirements 2190
or conditions that are imposed with respect to age are the 2191
result of a real estate transaction exempted under division (B) 2192
(1) (a) of this section or are the result of programs that grant 2193
preferences to certain age groups administered by 2194

instrumentalities or agencies of the United States, a state, or 2195
a political subdivision of a state; 2196

(f) Fail or refuse to provide an applicant for credit a 2197
written statement of the specific reasons for rejection of the 2198
application if requested in writing by the applicant within 2199
sixty days of the rejection. The creditor shall provide the 2200
written statement of the specific reason for rejection within 2201
thirty days after receipt of a request of that nature. For 2202
purposes of this section, a statement that the applicant was 2203
rejected solely on the basis of information received from a 2204
credit reporting agency or because the applicant failed to meet 2205
the standards required by the creditor's credit scoring system, 2206
uniformly applied, shall constitute a specific reason for 2207
rejection. 2208

(g) Fail or refuse to print on or firmly attach to each 2209
application for credit, in a type size no smaller than that used 2210
throughout most of the application form, the following notice: 2211
"The Ohio laws against discrimination require that all creditors 2212
make credit equally available to all credit worthy customers, 2213
and that credit reporting agencies maintain separate credit 2214
histories on each individual upon request. The Ohio civil rights 2215
commission administers compliance with this law." This notice is 2216
not required to be included in applications that have a multi- 2217
state distribution if the notice is mailed to the applicant with 2218
the notice of acceptance or rejection of the application. 2219

(h) Fail or refuse on the basis of race, color, religion, 2220
sex, age, ~~sex~~ ancestry, national origin, marital status, 2221
disability, sexual orientation, gender identity or expression, 2222
or military status, ~~marital status, national origin, disability,~~ 2223
or ancestry to maintain, upon the request of the individual, a 2224

separate account for each individual to whom credit is extended; 2225

(i) Fail or refuse on the basis of race, color, religion, 2226
sex, age, ~~sex~~ ancestry, national origin, marital status, 2227
disability, sexual orientation, gender identity or expression, 2228
or military status, marital status, national origin, disability, 2229
~~or ancestry~~ to maintain records on any account established after 2230
November 1, 1976, to furnish information on the accounts to 2231
credit reporting agencies in a manner that clearly designates 2232
the contractual liability for repayment as indicated on the 2233
application for the account, and, if more than one individual is 2234
contractually liable for repayment, to maintain records and 2235
furnish information in the name of each individual. This 2236
division does not apply to individuals who are contractually 2237
liable only if the primary party defaults on the account. 2238

(2) For any credit reporting agency to do any of the 2239
following: 2240

(a) Fail or refuse on the basis of race, color, religion, 2241
sex, age, ~~sex~~ ancestry, national origin, marital status, 2242
disability, sexual orientation, gender identity or expression, 2243
or military status, marital status, national origin, disability, 2244
~~or ancestry~~ to maintain, upon the request of the individual, a 2245
separate file on each individual about whom information is 2246
assembled or evaluated; 2247

(b) Fail or refuse on the basis of race, color, religion, 2248
sex, age, ~~sex~~ ancestry, national origin, marital status, 2249
disability, sexual orientation, gender identity or expression, 2250
or military status, marital status, national origin, disability, 2251
~~or ancestry~~ to clearly note, maintain, and report any 2252
information furnished it under division (B) (1) (i) of this 2253
section. 2254

(C) This section does not prohibit a creditor from 2255
requesting the signature of both spouses to create a valid lien, 2256
pass clear title, or waive inchoate rights to property. 2257

(D) The rights granted by this section may be enforced by 2258
aggrieved individuals by filing a civil action in a court of 2259
common pleas within one hundred eighty days after the alleged 2260
unlawful discriminatory practice occurred. Upon application by 2261
the plaintiff and in circumstances that the court considers 2262
just, the court in which a civil action under this section is 2263
brought may appoint an attorney for the plaintiff and may 2264
authorize the commencement of a civil action upon proper showing 2265
without the payment of costs. If the court finds that an 2266
unlawful discriminatory practice prohibited by this section 2267
occurred or is about to occur, the court may grant relief that 2268
it considers appropriate, including a permanent or temporary 2269
injunction, temporary restraining order, or other order, and may 2270
award to the plaintiff compensatory and punitive damages of not 2271
less than one hundred dollars, together with attorney's fees and 2272
court costs. 2273

(E) Nothing contained in this section shall bar a creditor 2274
from reviewing an application for credit on the basis of 2275
established criteria used in the normal course of business for 2276
the determination of the credit worthiness of the individual 2277
applicant for credit, including the credit history of the 2278
applicant. 2279

Sec. 4112.04. (A) The commission shall do all of the 2280
following: 2281

(1) Establish and maintain a principal office in the city 2282
of Columbus and any other offices within the state that it 2283
considers necessary; 2284

- (2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.
- (3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;
- (4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;
- (5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;
- (6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;
- (7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, age, ancestry, national origin, familial status, disability, sexual orientation, gender identity or expression, or military status, ~~familial status, national origin, disability, age, or ancestry~~ on the enjoyment of civil rights by persons within the state;
- (8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A) (7) of this section and shall include the recommendations of the commission as to legislative or other remedial action;

(9) Prepare a comprehensive educational program, in 2314
cooperation with the department of education, for the students 2315
of the primary and secondary public schools of this state and 2316
for all other residents of this state that is designed to 2317
eliminate prejudice on the basis of race, color, religion, sex, 2318
military status, familial status, national origin, disability, 2319
age, ~~or~~ ancestry, sexual orientation, or gender identity or 2320
expression in this state, to further good will among those 2321
groups, and to emphasize the origin of prejudice against those 2322
groups and discrimination, its their harmful effects, and ~~its~~ 2323
their incompatibility with American principles of equality and 2324
fair play; 2325

(10) Receive progress reports from agencies, 2326
instrumentalities, institutions, boards, commissions, and other 2327
entities of this state or any of its political subdivisions and 2328
their agencies, instrumentalities, institutions, boards, 2329
commissions, and other entities regarding affirmative action 2330
programs for the employment of persons against whom 2331
discrimination is prohibited by this chapter, or regarding any 2332
affirmative housing accommodations programs developed to 2333
eliminate or reduce an imbalance of race, color, religion, sex, 2334
ancestry, national origin, familial status, disability, sexual 2335
orientation, gender identity or expression, or military status, 2336
~~familial status, national origin, disability, or ancestry.~~ All 2337
agencies, instrumentalities, institutions, boards, commissions, 2338
and other entities of this state or its political subdivisions, 2339
and all political subdivisions, that have undertaken affirmative 2340
action programs pursuant to a conciliation agreement with the 2341
commission, an executive order of the governor, any federal 2342
statute or rule, or an executive order of the president of the 2343
United States shall file progress reports with the commission 2344

annually on or before the first day of November. The commission 2345
shall analyze and evaluate the progress reports and report its 2346
findings annually to the general assembly on or before the 2347
thirtieth day of January of the year immediately following the 2348
receipt of the reports. 2349

(B) The commission may do any of the following: 2350

(1) Meet and function at any place within the state; 2351

(2) Initiate and undertake on its own motion 2352
investigations of problems of employment or housing 2353
accommodations discrimination; 2354

(3) Hold hearings, subpoena witnesses, compel their 2355
attendance, administer oaths, take the testimony of any person 2356
under oath, require the production for examination of any books 2357
and papers relating to any matter under investigation or in 2358
question before the commission, and make rules as to the 2359
issuance of subpoenas by individual commissioners. 2360

(a) In conducting a hearing or investigation, the 2361
commission shall have access at all reasonable times to 2362
premises, records, documents, individuals, and other evidence or 2363
possible sources of evidence and may examine, record, and copy 2364
the premises, records, documents, and other evidence or possible 2365
sources of evidence and take and record the testimony or 2366
statements of the individuals as reasonably necessary for the 2367
furtherance of the hearing or investigation. In investigations, 2368
the commission shall comply with the fourth amendment to the 2369
United States Constitution relating to unreasonable searches and 2370
seizures. The commission or a member of the commission may issue 2371
subpoenas to compel access to or the production of premises, 2372
records, documents, and other evidence or possible sources of 2373

evidence or the appearance of individuals, and may issue 2374
interrogatories to a respondent, to the same extent and subject 2375
to the same limitations as would apply if the subpoenas or 2376
interrogatories were issued or served in aid of a civil action 2377
in a court of common pleas. 2378

(b) Upon written application by a party to a hearing under 2379
division (B) of section 4112.05 of the Revised Code, the 2380
commission shall issue subpoenas in its name to the same extent 2381
and subject to the same limitations as subpoenas issued by the 2382
commission. Subpoenas issued at the request of a party shall 2383
show on their face the name and address of the party and shall 2384
state that they were issued at the party's request. 2385

(c) Witnesses summoned by subpoena of the commission are 2386
entitled to the witness and mileage fees provided for under 2387
section 119.094 of the Revised Code. 2388

(d) Within five days after service of a subpoena upon any 2389
person, the person may petition the commission to revoke or 2390
modify the subpoena. The commission shall grant the petition if 2391
it finds that the subpoena requires an appearance or attendance 2392
at an unreasonable time or place, that it requires production of 2393
evidence that does not relate to any matter before the 2394
commission, that it does not describe with sufficient 2395
particularity the evidence to be produced, that compliance would 2396
be unduly onerous, or for other good reason. 2397

(e) In case of contumacy or refusal to obey a subpoena, 2398
the commission or person at whose request it was issued may 2399
petition for its enforcement in the court of common pleas in the 2400
county in which the person to whom the subpoena was addressed 2401
resides, was served, or transacts business. 2402

(4) Create local or statewide advisory agencies and 2403
conciliation councils to aid in effectuating the purposes of 2404
this chapter. The commission may itself, or it may empower these 2405
agencies and councils to, do either or both of the following: 2406

(a) Study the problems of discrimination in all or 2407
specific fields of human relationships when based on race, 2408
color, religion, sex, age, ancestry, national origin, familial 2409
status, disability, sexual orientation, gender identity or 2410
expression, or military status, familial status, national 2411
origin, disability, age, or ancestry; 2412

(b) Foster through community effort, or otherwise, good 2413
will among the groups and elements of the population of the 2414
state. 2415

The agencies and councils may make recommendations to the 2416
commission for the development of policies and procedures in 2417
general. They shall be composed of representative citizens who 2418
shall serve without pay, except that reimbursement for actual 2419
and necessary traveling expenses shall be made to citizens who 2420
serve on a statewide agency or council. 2421

(5) Issue any publications and the results of 2422
investigations and research that in its judgment will tend to 2423
promote good will and minimize or eliminate discrimination 2424
because of race, color, religion, sex, age, ancestry, national 2425
origin, familial status, disability, sexual orientation, gender 2426
identity or expression, or military status, familial status, 2427
national origin, disability, age, or ancestry. 2428

Sec. 4112.05. (A) The commission, as provided in this 2429
section, shall prevent any person from engaging in unlawful 2430
discriminatory practices, provided that, before instituting the 2431

formal hearing authorized by division (B) of this section, it 2432
shall attempt, by informal methods of conference, conciliation, 2433
mediation, and persuasion, to induce compliance with this 2434
chapter. 2435

(B) (1) Any person may file a charge with the commission 2436
alleging that another person has engaged or is engaging in an 2437
unlawful discriminatory practice. In the case of a charge 2438
alleging an unlawful discriminatory practice described in 2439
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2440
section 4112.02 or in section 4112.021 or 4112.022 of the 2441
Revised Code, the charge shall be in writing and under oath and 2442
shall be filed with the commission within six months after the 2443
alleged unlawful discriminatory practice was committed. In the 2444
case of a charge alleging an unlawful discriminatory practice 2445
described in division (H) of section 4112.02 of the Revised 2446
Code, the charge shall be in writing and under oath and shall be 2447
filed with the commission within one year after the alleged 2448
unlawful discriminatory practice was committed. 2449

(2) Upon receiving a charge, the commission may initiate a 2450
preliminary investigation to determine whether it is probable 2451
that an unlawful discriminatory practice has been or is being 2452
engaged in. The commission also may conduct, upon its own 2453
initiative and independent of the filing of any charges, a 2454
preliminary investigation relating to any of the unlawful 2455
discriminatory practices described in division (A), (B), (C), 2456
(D), (E), (F), (I), or (J) of section 4112.02 or in section 2457
4112.021 or 4112.022 of the Revised Code. Prior to a 2458
notification of a complainant under division (B) (4) of this 2459
section or prior to the commencement of informal methods of 2460
conference, conciliation, and persuasion under that division, 2461
the members of the commission and the officers and employees of 2462

the commission shall not make public in any manner and shall 2463
retain as confidential all information that was obtained as a 2464
result of or that otherwise pertains to a preliminary 2465
investigation other than one described in division (B) (3) of 2466
this section. 2467

(3) (a) Unless it is impracticable to do so and subject to 2468
its authority under division (B) (3) (d) of this section, the 2469
commission shall complete a preliminary investigation of a 2470
charge filed pursuant to division (B) (1) of this section that 2471
alleges an unlawful discriminatory practice described in 2472
division (H) of section 4112.02 of the Revised Code, and shall 2473
take one of the following actions, within one hundred days after 2474
the filing of the charge: 2475

(i) Notify the complainant and the respondent that it is 2476
not probable that an unlawful discriminatory practice described 2477
in division (H) of section 4112.02 of the Revised Code has been 2478
or is being engaged in and that the commission will not issue a 2479
complaint in the matter; 2480

(ii) Initiate a complaint and schedule it for informal 2481
methods of conference, conciliation, and persuasion; 2482

(iii) Initiate a complaint and refer it to the attorney 2483
general with a recommendation to seek a temporary or permanent 2484
injunction or a temporary restraining order. If this action is 2485
taken, the attorney general shall apply, as expeditiously as 2486
possible after receipt of the complaint, to the court of common 2487
pleas of the county in which the unlawful discriminatory 2488
practice allegedly occurred for the appropriate injunction or 2489
order, and the court shall hear and determine the application as 2490
expeditiously as possible. 2491

(b) If it is not practicable to comply with the requirements of division (B) (3) (a) of this section within the one-hundred-day period described in that division, the commission shall notify the complainant and the respondent in writing of the reasons for the noncompliance.

(c) Prior to the issuance of a complaint under division (B) (3) (a) (ii) or (iii) of this section or prior to a notification of the complainant and the respondent under division (B) (3) (a) (i) of this section, the members of the commission and the officers and employees of the commission shall not make public in any manner and shall retain as confidential all information that was obtained as a result of or that otherwise pertains to a preliminary investigation of a charge filed pursuant to division (B) (1) of this section that alleges an unlawful discriminatory practice described in division (H) of section 4112.05 of the Revised Code.

(d) Notwithstanding the types of action described in divisions (B) (3) (a) (ii) and (iii) of this section, prior to the issuance of a complaint or the referral of a complaint to the attorney general and prior to endeavoring to eliminate an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code by informal methods of conference, conciliation, and persuasion, the commission may seek a temporary or permanent injunction or a temporary restraining order in the court of common pleas of the county in which the unlawful discriminatory practice allegedly occurred.

(4) If the commission determines after a preliminary investigation other than one described in division (B) (3) of this section that it is not probable that an unlawful discriminatory practice has been or is being engaged in, it

shall notify any complainant under division (B) (1) of this 2522
section that it has so determined and that it will not issue a 2523
complaint in the matter. If the commission determines after a 2524
preliminary investigation other than the one described in 2525
division (B) (3) of this section that it is probable that an 2526
unlawful discriminatory practice has been or is being engaged 2527
in, it shall endeavor to eliminate the practice by informal 2528
methods of conference, conciliation, and persuasion. 2529

(5) Nothing said or done during informal methods of 2530
conference, conciliation, and persuasion under this section 2531
shall be disclosed by any member of the commission or its staff 2532
or be used as evidence in any subsequent hearing or other 2533
proceeding. If, after a preliminary investigation and the use of 2534
informal methods of conference, conciliation, and persuasion 2535
under this section, the commission is satisfied that any 2536
unlawful discriminatory practice will be eliminated, it may 2537
treat the charge involved as being conciliated and enter that 2538
disposition on the records of the commission. If the commission 2539
fails to effect the elimination of an unlawful discriminatory 2540
practice by informal methods of conference, conciliation, and 2541
persuasion under this section and to obtain voluntary compliance 2542
with this chapter, the commission shall issue and cause to be 2543
served upon any person, including the respondent against whom a 2544
complainant has filed a charge pursuant to division (B) (1) of 2545
this section, a complaint stating the charges involved and 2546
containing a notice of an opportunity for a hearing before the 2547
commission, a member of the commission, or a hearing examiner at 2548
a place that is stated in the notice and that is located within 2549
the county in which the alleged unlawful discriminatory practice 2550
has occurred or is occurring or in which the respondent resides 2551
or transacts business. The hearing shall be held not less than 2552

thirty days after the service of the complaint upon the complainant, the aggrieved persons other than the complainant on whose behalf the complaint is issued, and the respondent, unless the complainant, an aggrieved person, or the respondent elects to proceed under division (A) (2) of section 4112.051 of the Revised Code when that division is applicable. If a complaint pertains to an alleged unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint shall notify the complainant, an aggrieved person, and the respondent of the right of the complainant, an aggrieved person, or the respondent to elect to proceed with the administrative hearing process under this section or to proceed under division (A) (2) of section 4112.051 of the Revised Code.

(6) The attorney general shall represent the commission at any hearing held pursuant to division (B) (5) of this section and shall present the evidence in support of the complaint.

(7) Any complaint issued pursuant to division (B) (5) of this section after the filing of a charge under division (B) (1) of this section shall be so issued within one year after the complainant filed the charge with respect to an alleged unlawful discriminatory practice.

(C) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section, at any time prior to or during the hearing. The respondent has the right to file an answer or an amended answer to the original and amended complaints and to appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses.

(D) The complainant shall be a party to a hearing under

division (B) of this section, and any person who is an 2583
indispensable party to a complete determination or settlement of 2584
a question involved in the hearing shall be joined. Any 2585
aggrieved person who has or claims an interest in the subject of 2586
the hearing and in obtaining or preventing relief against the 2587
unlawful discriminatory practices complained of shall be 2588
permitted to appear only for the presentation of oral or written 2589
arguments, to present evidence, perform direct and cross- 2590
examination, and be represented by counsel. The commission shall 2591
adopt rules, in accordance with Chapter 119. of the Revised Code 2592
governing the authority granted under this division. 2593

(E) In any hearing under division (B) of this section, the 2594
commission, a member of the commission, or the hearing examiner 2595
shall not be bound by the Rules of Evidence but, in ascertaining 2596
the practices followed by the respondent, shall take into 2597
account all reliable, probative, and substantial statistical or 2598
other evidence produced at the hearing that may tend to prove 2599
the existence of a predetermined pattern of employment or 2600
membership, provided that nothing contained in this section 2601
shall be construed to authorize or require any person to observe 2602
the proportion that persons of any race, color, religion, sex, 2603
age, ancestry, national origin, familial status, disability, 2604
sexual orientation, gender identity or expression, or military 2605
status, ~~familial status, national origin, disability, age, or~~ 2606
~~ancestry~~ bear to the total population or in accordance with any 2607
criterion other than the individual qualifications of the 2608
applicant. 2609

(F) The testimony taken at a hearing under division (B) of 2610
this section shall be under oath and shall be reduced to writing 2611
and filed with the commission. Thereafter, in its discretion, 2612
the commission, upon the service of a notice upon the 2613

complainant and the respondent that indicates an opportunity to 2614
be present, may take further testimony or hear argument. 2615

(G) (1) If, upon all reliable, probative, and substantial 2616
evidence presented at a hearing under division (B) of this 2617
section, the commission determines that the respondent has 2618
engaged in, or is engaging in, any unlawful discriminatory 2619
practice, whether against the complainant or others, the 2620
commission shall state its findings of fact and conclusions of 2621
law and shall issue and, subject to the provisions of Chapter 2622
119. of the Revised Code, cause to be served on the respondent 2623
an order requiring the respondent to cease and desist from the 2624
unlawful discriminatory practice, requiring the respondent to 2625
take any further affirmative or other action that will 2626
effectuate the purposes of this chapter, including, but not 2627
limited to, hiring, reinstatement, or upgrading of employees 2628
with or without back pay, or admission or restoration to union 2629
membership, and requiring the respondent to report to the 2630
commission the manner of compliance. If the commission directs 2631
payment of back pay, it shall make allowance for interim 2632
earnings. If it finds a violation of division (H) of section 2633
4112.02 of the Revised Code, the commission additionally shall 2634
require the respondent to pay actual damages and reasonable 2635
attorney's fees, and may award to the complainant punitive 2636
damages as follows: 2637

(a) If division (G) (1) (b) or (c) of this section does not 2638
apply, punitive damages in an amount not to exceed ten thousand 2639
dollars; 2640

(b) If division (G) (1) (c) of this section does not apply 2641
and if the respondent has been determined by a final order of 2642
the commission or by a final judgment of a court to have 2643

committed one violation of division (H) of section 4112.02 of 2644
the Revised Code during the five-year period immediately 2645
preceding the date on which a complaint was issued pursuant to 2646
division (B) of this section, punitive damages in an amount not 2647
to exceed twenty-five thousand dollars; 2648

(c) If the respondent has been determined by a final order 2649
of the commission or by a final judgment of a court to have 2650
committed two or more violations of division (H) of section 2651
4112.02 of the Revised Code during the seven-year period 2652
immediately preceding the date on which a complaint was issued 2653
pursuant to division (B) of this section, punitive damages in an 2654
amount not to exceed fifty thousand dollars. 2655

(2) Upon the submission of reports of compliance, the 2656
commission may issue a declaratory order stating that the 2657
respondent has ceased to engage in particular unlawful 2658
discriminatory practices. 2659

(H) If the commission finds that no probable cause exists 2660
for crediting charges of unlawful discriminatory practices or 2661
if, upon all the evidence presented at a hearing under division 2662
(B) of this section on a charge, the commission finds that a 2663
respondent has not engaged in any unlawful discriminatory 2664
practice against the complainant or others, it shall state its 2665
findings of fact and shall issue and cause to be served on the 2666
complainant an order dismissing the complaint as to the 2667
respondent. A copy of the order shall be delivered in all cases 2668
to the attorney general and any other public officers whom the 2669
commission considers proper. 2670

(I) Until the time period for appeal set forth in division 2671
(H) of section 4112.06 of the Revised Code expires, the 2672
commission, subject to the provisions of Chapter 119. of the 2673

Revised Code, at any time, upon reasonable notice, and in the manner it considers proper, may modify or set aside, in whole or in part, any finding or order made by it under this section.

Sec. 4112.08. This chapter shall be construed liberally for the accomplishment of its purposes, and any law inconsistent with any provision of this chapter shall not apply. Nothing contained in this chapter shall be considered to repeal any of the provisions of any law of this state relating to discrimination because of race, color, religion, sex, age, ancestry, national origin, familial status, disability, sexual orientation, gender identity or expression, or military status, ~~familial status, disability, national origin, age, or ancestry,~~ except that any person filing a charge under division (B)(1) of section 4112.05 of the Revised Code, with respect to the unlawful discriminatory practices complained of, is barred from instituting a civil action under section 4112.14 or division (N) of section 4112.02 of the Revised Code. This chapter does not limit actions, procedures, and remedies afforded under federal law.

Sec. 4117.19. (A) Every employee organization that is certified or recognized as a representative of public employees under this chapter shall file with the state employment relations board a registration report that is signed by its president or other appropriate officer. The report shall be in a form prescribed by the board and accompanied by two copies of the employee organization's constitution and bylaws. The board shall accept a filing by a statewide, national, or international employee organization of its constitution and bylaws in lieu of a filing of the documents by each subordinate organization. The exclusive representative or other employee organization originally filing its constitution and bylaws shall report,

promptly, to the board all changes or amendments to its constitution and bylaws.

(B) Every employee organization shall file with the board an annual report. The report shall be in a form prescribed by the board and shall contain the following information:

(1) The names and addresses of the organization, any parent organization or organizations with which it is affiliated, and all organizationwide officers;

(2) The name and address of its local agent for service of process;

(3) A general description of the public employees the organization represents or seeks to represent;

(4) The amounts of the initiation fee and monthly dues members must pay;

(5) A pledge, in a form prescribed by the board, that the organization will comply with the laws of the state and that it will accept members without regard to ~~age, race, color, sex, religion, creed, sex, age, ancestry, creed, religion, ancestry,~~ or national origin, disability, sexual orientation, gender identity or expression, or military status as those terms are defined in section 4112.01 of the Revised Code, ~~military status as defined in that section,~~ ; or physical disability as provided by law~~;~~;

(6) A financial report.

(C) The constitution or bylaws of every employee organization shall do all of the following:

(1) Require that the organization keep accurate accounts of all income and expenses, prepare an annual financial report,

keep open for inspection by any member of the organization its 2733
accounts, and make loans to officers and agents only on terms 2734
and conditions available to all members; 2735

(2) Prohibit business or financial interests of its 2736
officers and agents, their spouses, minor children, parents, or 2737
otherwise, in conflict with the fiduciary obligation of such 2738
persons to the organization; 2739

(3) When specifically requested by the board, require 2740
every official who is designated as a fiscal officer of an 2741
employee organization and who is responsible for funds or other 2742
property of the organization or trust in which an organization 2743
is interested, or a subsidiary organization be bonded with the 2744
amount, scope, and form of the bond determined by the board; 2745

(4) Require periodic elections of officers by secret 2746
ballot subject to recognized safeguards concerning the equal 2747
right of all members to nominate, seek office, and vote in the 2748
elections, the right of individual members to participate in the 2749
affairs of the organization, and fair and equitable procedures 2750
in disciplinary actions. 2751

(D) The board shall prescribe rules necessary to govern 2752
the establishment and reporting of trusteeships over employee 2753
organizations. The establishment of trusteeships is permissible 2754
only if the constitution or bylaws of the organization set forth 2755
reasonable procedures. 2756

(E) The board may withhold certification of an employee 2757
organization that willfully refuses to register or file an 2758
annual report or that willfully refuses to comply with other 2759
provisions of this section. The board may revoke a certification 2760
of an employee organization for willfully failing to comply with 2761

this section. The board may enforce the prohibitions contained 2762
in this section by petitioning the court of common pleas of the 2763
county in which the violation occurs for an injunction. Persons 2764
complaining of a violation of this section shall file the 2765
complaint with the board. 2766

(F) Upon the written request to the board of any member of 2767
a certified employee organization and where the board determines 2768
the necessity for an audit, the board may require the employee 2769
organization to provide a certified audit of its financial 2770
records. 2771

(G) Any employee organization subject to the "Labor- 2772
Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2773
29 U.S.C.A., 401, as amended, may file copies with the board of 2774
all reports it is required to file under that act in lieu of 2775
compliance with all parts of this section other than division 2776
(A) of this section. The board shall accept a filing by a 2777
statewide, national, or international employee organization of 2778
its reports in lieu of a filing of such reports by each 2779
subordinate organization. 2780

Sec. 4735.16. (A) Every real estate broker licensed under 2781
this chapter shall erect or maintain a sign on the business 2782
premises plainly stating that the licensee is a real estate 2783
broker. If the real estate broker maintains one or more branch 2784
offices, the real estate broker shall erect or maintain a sign 2785
at each branch office plainly stating that the licensee is a 2786
real estate broker. 2787

(B) (1) Any licensed real estate broker or salesperson who 2788
advertises to buy, sell, exchange, or lease real estate, or to 2789
engage in any act regulated by this chapter, with respect to 2790
property the licensee does not own, shall be identified in the 2791

advertisement by name and indicate the name of the brokerage 2792
with which the licensee is affiliated. 2793

(2) Any licensed real estate broker or ~~sales person~~ 2794
salesperson who advertises to sell, exchange, or lease real 2795
estate, or to engage in any act regulated by this chapter, with 2796
respect to property that the licensee owns, shall be identified 2797
in the advertisement by name and indicate that the property is 2798
agent owned, and if the property is listed with a real estate 2799
brokerage, the advertisement shall also indicate the name of the 2800
brokerage with which the property is listed. 2801

(3) The name of the brokerage shall be displayed in equal 2802
prominence with the name of the salesperson in the 2803
advertisement. For purposes of this section, "brokerage" means 2804
the name the real estate company or sole broker is doing 2805
business as, or if the real estate company or sole broker does 2806
not use such a name, the name of the real estate company or sole 2807
broker as licensed. 2808

(4) A real estate broker who is representing a seller 2809
under an exclusive right to sell or lease listing agreement 2810
shall not advertise such property to the public as "for sale by 2811
owner" or otherwise mislead the public to believe that the 2812
seller is not represented by a real estate broker. 2813

(5) If any real estate broker or real estate salesperson 2814
advertises in a manner other than as provided in this section or 2815
the rules adopted under this section, that advertisement is 2816
prima-facie evidence of a violation under division (A) (21) of 2817
section 4735.18 of the Revised Code. 2818

When the superintendent determines that prima-facie 2819
evidence of a violation of division (A) (21) of section 4735.18 2820

of the Revised Code or any of the rules adopted thereunder 2821
exists, the superintendent may do either of the following: 2822

(a) Initiate disciplinary action under section 4735.051 of 2823
the Revised Code for a violation of division (A) (21) of section 2824
4735.18 of the Revised Code, in accordance with Chapter 119. of 2825
the Revised Code; 2826

(b) Personally, or by certified mail, serve a citation 2827
upon the licensee. 2828

(c) (1) Every citation served under this section shall give 2829
notice to the licensee of the alleged violation or violations 2830
charged and inform the licensee of the opportunity to request a 2831
hearing in accordance with Chapter 119. of the Revised Code. The 2832
citation also shall contain a statement of a fine of two hundred 2833
dollars per violation, not to exceed two thousand five hundred 2834
dollars per citation. All fines collected pursuant to this 2835
section shall be credited to the real estate recovery fund, 2836
created in the state treasury under section 4735.12 of the 2837
Revised Code. 2838

(2) If any licensee is cited three times within twelve 2839
consecutive months, the superintendent shall initiate 2840
disciplinary action pursuant to section 4735.051 of the Revised 2841
Code for any subsequent violation that occurs within the same 2842
twelve-month period. 2843

(3) If a licensee fails to request a hearing within thirty 2844
days of the date of service of the citation, or the licensee and 2845
the superintendent fail to reach an alternative agreement, the 2846
citation shall become final. 2847

(4) Unless otherwise indicated, the licensee named in a 2848
final citation must meet all requirements contained in the final 2849

citation within thirty days of the effective date of that 2850
citation. 2851

(5) The superintendent shall suspend automatically a 2852
licensee's license if the licensee fails to comply with division 2853
(C) (4) of this section. 2854

(D) A real estate broker or salesperson obtaining the 2855
signature of a party to a listing or other agreement involved in 2856
a real estate transaction shall furnish a copy of the listing or 2857
other agreement to the party immediately after obtaining the 2858
party's signature. Every broker's office shall prominently 2859
display in the same immediate area as licenses are displayed a 2860
statement that it is illegal to discriminate against any person 2861
because of race, color, religion, sex, ancestry, or national 2862
origin, or familial status as defined in section 4112.01 of the 2863
Revised Code, national origin, disability, sexual orientation, 2864
gender identity or expression, or military status as defined in 2865
that section, disability as defined in that section, or ancestry 2866
as those terms are defined in section 4112.01 of the Revised 2867
Code, in the sale or rental of housing or residential lots, in 2868
advertising the sale or rental of housing, in the financing of 2869
housing, or in the provision of real estate brokerage services 2870
and that blockbusting also is illegal. The statement shall bear 2871
the United States department of housing and urban development 2872
equal housing logo, shall contain the information that the 2873
broker and the broker's salespersons are licensed by the 2874
division of real estate and professional licensing and that the 2875
division can assist with any consumer complaints or inquiries, 2876
and shall explain the provisions of section 4735.12 of the 2877
Revised Code. The statement shall provide the division's address 2878
and telephone number. The Ohio real estate commission shall 2879
provide by rule for the wording and size of the statement. The 2880

pamphlet required under section 4735.03 of the Revised Code 2881
shall contain the same statement that is required on the 2882
statement displayed as provided in this section and shall be 2883
made available by real estate brokers and salespersons to their 2884
clients. The commission shall provide the wording and size of 2885
the pamphlet. 2886

Sec. 4735.55. (A) Each written agency agreement shall 2887
contain all of the following: 2888

(1) An expiration date; 2889

(2) A statement that it is illegal, pursuant to the Ohio 2890
fair housing law, division (H) of section 4112.02 of the Revised 2891
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 2892
amended, to refuse to sell, transfer, assign, rent, lease, 2893
sublease, or finance housing accommodations, refuse to negotiate 2894
for the sale or rental of housing accommodations, or otherwise 2895
deny or make unavailable housing accommodations because of race, 2896
color, religion, sex, ancestry, or national origin, or familial 2897
status as defined in section 4112.01 of the Revised Code, 2898
ancestry, disability, sexual orientation, gender identity or 2899
expression, or military status as defined in that section, 2900
disability as defined in that section, or national origin, as 2901
those terms are defined in section 4112.01 of the Revised Code, 2902
or to so discriminate in advertising the sale or rental of 2903
housing, in the financing of housing, or in the provision of 2904
real estate brokerage services; 2905

(3) A statement defining the practice known as 2906
"blockbusting" and stating that it is illegal; 2907

(4) A copy of the United States department of housing and 2908
urban development equal housing opportunity logotype, as set 2909

forth in 24 C.F.R. 109.30, as amended. 2910

(B) Each written agency agreement shall contain a place 2911
for the licensee and the client to sign and date the agreement. 2912

(C) A licensee shall furnish a copy of any written agency 2913
agreement to a client in a timely manner after the licensee and 2914
the client have signed and dated it. 2915

Sec. 4757.07. The counselor, social worker, and marriage 2916
and family therapist board and its professional standards 2917
committees shall not discriminate against any licensee, 2918
registrant, or applicant for a license or certificate of 2919
registration under this chapter because of the person's race, 2920
color, religion, sex, age, or national origin, ~~;~~ or disability, 2921
sexual orientation, or gender identity or expression as those 2922
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 2923
~~age~~. The board or committee, as appropriate, shall afford a 2924
hearing to any person who files with the board or committee a 2925
statement alleging discrimination based on any of those reasons. 2926

Sec. 4758.16. The chemical dependency professionals board 2927
shall not discriminate against any licensee, certificate holder, 2928
endorsement holder, or applicant for a license, certificate, or 2929
endorsement under this chapter because of the individual's race, 2930
color, religion, ~~gender sex,~~ age, or national origin, ~~;~~ or 2931
disability, sexual orientation, or gender identity or expression 2932
as those terms are defined in section 4112.01 of the Revised 2933
Code, ~~or age~~. The board shall afford a hearing to any individual 2934
who files with the board a statement alleging discrimination 2935
based on any of those reasons. 2936

Sec. 4765.18. The state board of emergency medical, fire, 2937
and transportation services may suspend or revoke a certificate 2938

of accreditation or a certificate of approval issued under	2939
section 4765.17 of the Revised Code for any of the following	2940
reasons:	2941
(A) Violation of this chapter or any rule adopted under	2942
it;	2943
(B) Furnishing of false, misleading, or incomplete	2944
information to the board;	2945
(C) The signing of an application or the holding of a	2946
certificate of accreditation by a person who has pleaded guilty	2947
to or has been convicted of a felony, or has pleaded guilty to	2948
or been convicted of a crime involving moral turpitude;	2949
(D) The signing of an application or the holding of a	2950
certificate of accreditation by a person who is addicted to the	2951
use of any controlled substance or has been adjudicated	2952
incompetent for that purpose by a court, as provided in section	2953
5122.301 of the Revised Code;	2954
(E) Violation of any commitment made in an application for	2955
a certificate of accreditation or certificate of approval;	2956
(F) Presentation to prospective students of misleading,	2957
false, or fraudulent information relating to the emergency	2958
medical services training program or emergency medical services	2959
continuing education program, employment opportunities, or	2960
opportunities for enrollment in accredited institutions of	2961
higher education after entering or completing courses offered by	2962
the operator of a program;	2963
(G) Failure to maintain in a safe and sanitary condition	2964
premises and equipment used in conducting courses of study;	2965
(H) Failure to maintain financial resources adequate for	2966

the satisfactory conduct of courses of study or to retain a 2967
sufficient number of certified instructors; 2968

(I) Discrimination in the acceptance of students upon the 2969
basis of race, color, religion, sex, or national origin; or 2970
sexual orientation or gender identity or expression as those 2971
terms are defined in section 4112.01 of the Revised Code. 2972

Sec. 5104.09. No administrator, licensee, or child-care 2973
staff member shall discriminate in the enrollment of children in 2974
a child day-care center upon the basis of race, color, religion, 2975
sex, or national origin; or sexual orientation or gender 2976
identity or expression as those terms are defined in section 2977
4112.01 of the Revised Code. 2978

Sec. 5107.26. (A) As used in this section, "transitional 2979
child care" means publicly funded child care provided under 2980
division (A) (3) of section 5104.34 of the Revised Code. 2981

(B) Except as provided in division (C) of this section: 2982

(1) Each member of an assistance group participating in 2983
Ohio works first is ineligible to participate in the program for 2984
six payment months if a county department of job and family 2985
services determines that a member of the assistance group 2986
terminated the member's employment. 2987

(2) Each person who, on the day prior to the day a 2988
recipient begins to receive transitional child care, was a 2989
member of the recipient's assistance group is ineligible to 2990
participate in Ohio works first for six payment months if a 2991
county department determines that the recipient terminated the 2992
recipient's employment. 2993

(C) No assistance group member shall lose or be denied 2994
eligibility to participate in Ohio works first pursuant to 2995

division (B) of this section if the termination of employment 2996
was because an assistance group member or recipient of 2997
transitional child care secured comparable or better employment 2998
or the county department of job and family services certifies 2999
that the member or recipient terminated the employment with just 3000
cause. 3001

Just cause includes the following: 3002

(1) Discrimination by an employer based on ~~age, race, sex,~~ 3003
~~color, handicap, religious beliefs, or sex, age, national~~ 3004
origin, or handicap; or sexual orientation or gender identity or 3005
expression as those terms are defined in section 4112.01 of the 3006
Revised Code; 3007

(2) Work demands or conditions that render continued 3008
employment unreasonable, such as working without being paid on 3009
schedule; 3010

(3) Employment that has become unsuitable due to any of 3011
the following: 3012

(a) The wage is less than the federal minimum wage; 3013

(b) The work is at a site subject to a strike or lockout, 3014
unless the strike has been enjoined under section 208 of the 3015
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 3016
U.S.C.A. 178, as amended, an injunction has been issued under 3017
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 3018
U.S.C.A. 160, as amended, or an injunction has been issued under 3019
section 4117.16 of the Revised Code; 3020

(c) The documented degree of risk to the member or 3021
recipient's health and safety is unreasonable; 3022

(d) The member or recipient is physically or mentally 3023

unfit to perform the employment, as documented by medical 3024
evidence or by reliable information from other sources. 3025

(4) Documented illness of the member or recipient or of 3026
another assistance group member of the member or recipient 3027
requiring the presence of the member or recipient; 3028

(5) A documented household emergency; 3029

(6) Lack of adequate child care for children of the member 3030
or recipient who are under six years of age. 3031

Sec. 5123.351. The director of developmental disabilities, 3032
with respect to the eligibility for state reimbursement of 3033
expenses incurred by facilities and programs established and 3034
operated under Chapter 5126. of the Revised Code for persons 3035
with mental retardation or a developmental disability, shall do 3036
all of the following: 3037

(A) Make rules that may be necessary to carry out the 3038
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3039
5123.36 of the Revised Code; 3040

(B) Define minimum standards for qualifications of 3041
personnel, professional services, and in-service training and 3042
educational leave programs; 3043

(C) Review and evaluate community programs and make 3044
recommendations for needed improvements to county boards of 3045
developmental disabilities and to program directors; 3046

(D) Withhold state reimbursement, in whole or in part, 3047
from any county or combination of counties for failure to comply 3048
with Chapter 5126. or section 5123.35 or 5123.351 of the Revised 3049
Code or rules of the department of developmental disabilities; 3050

(E) Withhold state funds from an agency, corporation, or 3051

association denying or rendering service on the basis of race, 3052
color, ~~sex~~, religion, sex, ancestry, or national origin, ~~;~~ 3053
disability, sexual orientation, or gender identity or expression 3054
as those terms are defined in section 4112.01 of the Revised 3055
Code, ~~;~~ or inability to pay; 3056

(F) Provide consultative staff service to communities to 3057
assist in ascertaining needs and in planning and establishing 3058
programs. 3059

Sec. 5126.07. No county board of developmental 3060
disabilities or any agency, corporation, or association under 3061
contract with a county board of developmental disabilities shall 3062
discriminate in the provision of services under its authority or 3063
contract on the basis of race, color, ~~sex~~, creed, sex, national 3064
origin, or disability, ~~national origin~~, ~~;~~ sexual orientation or 3065
gender identity or expression as those terms are defined in 3066
section 4112.01 of the Revised Code; or the inability to pay. 3067

Each county board of developmental disabilities shall 3068
provide a plan of affirmative action describing its goals and 3069
methods for the provision of equal employment opportunities for 3070
all persons under its authority and shall ensure 3071
nondiscrimination in employment under its authority or contract 3072
on the basis of race, color, ~~sex~~, creed, sex, national origin, 3073
or disability, ~~or national origin~~; or sexual orientation or 3074
gender identity or expression as those terms are defined in 3075
section 4112.01 of the Revised Code. 3076

Sec. 5165.08. (A) As used in this section: 3077

"Bed need" means the number of long-term care beds a 3078
county needs as determined by the director of health pursuant to 3079
division (B) (3) of section 3702.593 of the Revised Code. 3080

"Bed need excess" means that a county's bed need is such that one or more long-term care beds may be relocated from the county according to the director's determination of the county's bed need.

(B) Every provider agreement with a nursing facility provider shall do both of the following:

(1) Permit the provider to exclude one or more parts of the nursing facility from the provider agreement, even though those parts meet federal and state standards for medicaid certification, if all of the following apply:

(a) The nursing facility initially obtained both its nursing home license under Chapter 3721. of the Revised Code and medicaid certification on or after January 1, 2008.

(b) The nursing facility is located in a county that has a bed need excess at the time the provider excludes the parts from the provider agreement.

(c) Federal law permits the provider to exclude the parts from the provider agreement.

(d) The provider gives the department of medicaid written notice of the exclusion not less than forty-five days before the first day of the calendar quarter in which the exclusion is to occur.

(2) Prohibit the provider from doing either of the following:

(a) Discriminating against a resident on the basis of race, color, sex, creed, or national origin; or sexual orientation or gender identity or expression as those terms are defined in section 4112.01 of the Revised Code;

(b) Subject to division (D) of this section, failing or 3109
refusing to do either of the following: 3110

(i) Except as otherwise prohibited under section 5165.82 3111
of the Revised Code, admit as a resident of the nursing facility 3112
an individual because the individual is, or may (as a resident 3113
of the nursing facility) become, a medicaid recipient unless at 3114
least twenty-five per cent of the nursing facility's medicaid- 3115
certified beds are occupied by medicaid recipients at the time 3116
the person would otherwise be admitted; 3117

(ii) Retain as a resident of the nursing facility an 3118
individual because the individual is, or may (as a resident of 3119
the nursing facility) become, a medicaid recipient. 3120

(C) For the purpose of division (B) (2) (b) (ii) of this 3121
section, a medicaid recipient who is a resident of a nursing 3122
facility shall be considered a resident of the nursing facility 3123
during any hospital stays totaling less than twenty-five days 3124
during any twelve-month period. 3125

(D) Nothing in this section shall bar a provider from 3126
doing any of the following: 3127

(1) If the provider is a religious organization operating 3128
a religious or denominational nursing facility from giving 3129
preference to persons of the same religion or denomination; 3130

(2) Giving preference to persons with whom the provider 3131
has contracted to provide continuing care; 3132

(3) If the nursing facility is a county home organized 3133
under Chapter 5155. of the Revised Code, admitting residents 3134
exclusively from the county in which the county home is located; 3135

(4) Retaining residents who have resided in the provider's 3136

nursing facility for not less than one year as private pay 3137
patients and who subsequently become medicaid recipients, but 3138
refusing to accept as a resident any person who is, or may (as a 3139
resident of the nursing facility) become a medicaid recipient, 3140
if all of the following apply: 3141

(a) The provider does not refuse to retain any resident 3142
who has resided in the provider's nursing facility for not less 3143
than one year as a private pay resident because the resident 3144
becomes a medicaid recipient, except as necessary to comply with 3145
division (D) (4) (b) of this section; 3146

(b) The number of medicaid recipients retained under 3147
division (D) (4) of this section does not at any time exceed ten 3148
per cent of all the residents in the nursing facility; 3149

(c) On July 1, 1980, all the residents in the nursing 3150
facility were private pay residents. 3151

(E) No provider shall violate the provider agreement 3152
obligations imposed by this section. 3153

(F) A nursing facility provider who excludes one or more 3154
parts of the nursing facility from a provider agreement pursuant 3155
to division (B) (1) of this section does not violate division (C) 3156
of section 3702.53 of the Revised Code. 3157

Sec. 5515.08. (A) The department of transportation may 3158
contract to sell commercial advertising space within or on the 3159
outside surfaces of any building located within a roadside rest 3160
area under its jurisdiction in exchange for cash payment. Money 3161
the department receives under this section shall be deposited in 3162
the state treasury to the credit of the highway operating fund. 3163

(B) Advertising placed under this section shall comply 3164
with all of the following: 3165

- (1) It shall not be libelous or obscene and shall not promote any illegal product or service. 3166
3167
- (2) It shall not promote illegal discrimination on the basis of the race, religion, age, ancestry, national origin, or handicap, age, or ancestry or sexual orientation or gender identity or expression as those terms are defined in section 4112.01 of the Revised Code, of any person. 3168
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- (3) It shall not support or oppose any candidate for political office or any political cause, issue, or organization. 3173
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- (4) It shall comply with any controlling federal or state regulations or restrictions. 3175
3176
- (5) To the extent physically and technically practical, it shall state that the advertisement is a paid commercial advertisement and that the state does not endorse the product or service promoted by the advertisement or make any representation about the accuracy of the advertisement or the quality or performance of the product or service promoted by the advertisement. 3177
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- (6) It shall conform to all applicable rules adopted by the director of transportation under division (E) of this section. 3184
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- (C) Contracts entered into under this section shall be awarded only to the qualified bidder who submits the highest responsive bid or according to uniformly applied rate classes. 3187
3188
3189
- (D) No person, except an advertiser alleging a breach of contract or the improper awarding of a contract, has a cause of action against the state with respect to any contract or advertising authorized by this section. Under no circumstances is the state liable for consequential or noneconomic damages 3190
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with respect to any contract or advertising authorized under 3195
this section. 3196

(E) The director, in accordance with Chapter 119. of the 3197
Revised Code, shall adopt rules to implement this section. The 3198
rules shall be consistent with the policy of protecting the 3199
safety of the traveling public and consistent with the national 3200
policy governing the use and control of such roadside rest 3201
areas. The rules shall regulate the awarding of contracts and 3202
may regulate the content, display, and other aspects of the 3203
commercial advertising authorized by this section. 3204

Sec. 5709.832. The legislative authority of a county, 3205
township, or municipal corporation that grants an exemption from 3206
taxation under Chapter 725. or 1728. or section 3735.67, 3207
5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 3208
5709.78 of the Revised Code shall develop policies to ensure 3209
that the recipient of the exemption practices nondiscriminatory 3210
hiring in its operations. As used in this section, 3211
"nondiscriminatory hiring" means that no individual may be 3212
denied employment solely on the basis of race, color, religion, 3213
sex, ancestry, national origin, or disability, ~~color, national-~~ 3214
~~origin, or ancestry;~~ or sexual orientation or gender identity or 3215
expression as those terms are defined in section 4112.01 of the 3216
Revised Code. 3217

Section 2. That existing sections 9.03, 124.93, 125.111, 3218
153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 3219
2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3220
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 3221
4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 3222
4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, 3223
and 5709.832 of the Revised Code are hereby repealed. 3224

Section 3. Section 4112.04 of the Revised Code is 3225
presented in this act as a composite of the section as amended 3226
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3227
Sub. H.B. 1 of the 128th General Assembly. Section 5104.09 of 3228
the Revised Code is presented in this act as a composite of the 3229
section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 3230
316 of the 129th General Assembly. The General Assembly, 3231
applying the principle stated in division (B) of section 1.52 of 3232
the Revised Code that amendments are to be harmonized if 3233
reasonably capable of simultaneous operation, finds that the 3234
composites are the resulting versions of the sections in effect 3235
prior to the effective date of the sections as presented in this 3236
act. 3237

Section 4. (A) The legislature finds both the following: 3238

(1) Lesbian, gay, bisexual, and transgender individuals 3239
are too often the victims of discrimination. They may be fired 3240
from jobs, denied access to housing and educational 3241
institutions, refused credit, and excluded from public 3242
accommodations because of their sexual orientation or gender 3243
identity or expression. 3244

(2) It is essential that the State of Ohio protect the 3245
civil rights of all its residents. 3246

(B) The Ohio Fairness Act is enacted to protect civil 3247
rights by prohibiting discrimination against lesbian, gay, 3248
bisexual, and transgender individuals. 3249

This act upholds existing religious exemptions currently 3250
in Ohio law. 3251