

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 160**

**Representative Antonio**

**Cosponsors: Representatives Strahorn, Celebrezze, Sykes, Bishoff, Boggs, Boyd, Clyde, Kelly, Craig, Kent, Leland, Lepore-Hagan, Ramos, Sheehy, Smith, K., West, Miller**

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**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's 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  
watercraft 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) The director shall draft a statement of intent 452

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

The director shall publish the statement of intent in at 470  
least three daily newspapers of general circulation in the state 471  
at least once each week for four consecutive weeks. The director 472  
then shall accept proposals in response to the statement of 473  
intent for at least thirty days following the final publication 474  
of the statement. At the end of the period during which 475  
proposals may be submitted under this division, the director 476  
shall select the proposal that the director determines best 477  
complies with the statement of intent and may negotiate a lease 478  
and contract with the person that submitted that proposal. 479

(C) Any lease and contract negotiated under this section 480  
shall include in its terms and conditions all of the following: 481

(1) The legal description of the leasehold; 482

(2) The duration of the lease and contract, which shall	483
not exceed forty years, and a requirement that the lease and	484
contract be nonrenewable;	485
(3) A requirement that the lessee maintain in full force	486
and effect during the term of the lease and contract	487
comprehensive liability insurance for injury, death, or loss to	488
persons or property and fire casualty insurance for the public	489
service facility and all its structures in an amount established	490
by the director and naming the department as an additional	491
insured;	492
(4) A requirement that the lessee maintain in full force	493
and effect suitable performance bonds or other adequate security	494
pertaining to the construction and operation of the public	495
service facility;	496
(5) Detailed plans and specifications controlling the	497
construction of the public service facility that shall include	498
all of the following:	499
(a) The size and capacity of the facility;	500
(b) The type and quality of construction;	501
(c) Other criteria that the department considers necessary	502
and advisable.	503
(6) The manner of rental payment;	504
(7) A stipulation that the director shall have control and	505
supervision over all of the following:	506
(a) The operating season of the public service facility;	507
(b) The facility's hours of operation;	508
(c) The maximum rates to be charged guests using the	509

facility;	510
(d) The facility's sanitary conditions;	511
(e) The quality of food and service furnished the guests of the facility;	512 513
(f) The lessee's general and structural maintenance responsibilities at the facility.	514 515
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	516 517
(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</u> national origin <del>7</del> ; or <u>disability, sexual orientation, or gender identity or expression</u> as <u>those terms are</u> defined in section 4112.01 of the Revised Code;	518 519 520 521 522 523
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	524 525 526
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	527 528
(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.	529 530 531
<b>Sec. 1751.18.</b> (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 designated under rules adopted by the superintendent of	532 533 534 535 536 537

insurance. 538

(2) Unless otherwise required by state or federal law, no 539  
health insuring corporation, or health care facility or provider 540  
through which the health insuring corporation has made 541  
arrangements to provide health care services, shall discriminate 542  
against any individual with regard to enrollment, disenrollment, 543  
or the quality of health care services rendered, on the basis of 544  
the individual's race, color, sex, religion, age, religion, ; or 545  
sexual orientation, gender identity or expression, or military 546  
status as those terms are defined in section 4112.01 of the 547  
Revised Code, or the individual's status as a recipient of 548  
medicare or medicaid, or any health status-related factor in 549  
relation to the individual. However, a health insuring 550  
corporation shall not be required to accept a recipient of 551  
medicare or medical assistance, if an agreement has not been 552  
reached on appropriate payment mechanisms between the health 553  
insuring corporation and the governmental agency administering 554  
these programs. Further, except for open enrollment coverage 555  
under sections 3923.58 and 3923.581 of the Revised Code and 556  
except as provided in section 1751.65 of the Revised Code, a 557  
health insuring corporation may reject an applicant for nongroup 558  
enrollment on the basis of any health status-related factor in 559  
relation to the applicant. 560

(B) A health insuring corporation may cancel or decide not 561  
to renew the coverage of an enrollee if the enrollee has 562  
performed an act or practice that constitutes fraud or 563  
intentional misrepresentation of material fact under the terms 564  
of the coverage and if the cancellation or nonrenewal is not 565  
based, either directly or indirectly, on any health status- 566  
related factor in relation to the enrollee. 567

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

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

(1) Health status;

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

(3) Claims experience;

(4) Receipt of health care;

(5) Medical history;

(6) Genetic information;

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

(8) Disability.

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

(1) Any person because of race, color, religion, sex,

~~ancestry, or national origin; or familial status as defined in~~ 595  
~~section 4112.01 of the Revised Code, national origin, military~~ 596  
~~status as defined in that section, disability as defined in that~~ 597  
~~section, sexual orientation, gender identity or expression, or~~ 598  
~~ancestry military status as those terms are defined in section~~ 599  
4112.01 of the Revised Code, and because that person is or has 600  
been selling, purchasing, renting, financing, occupying, 601  
contracting, or negotiating for the sale, purchase, rental, 602  
financing, or occupation of any housing accommodations, or 603  
applying for or participating in any service, organization, or 604  
facility relating to the business of selling or renting housing 605  
accommodations; 606

(2) Any person because that person is or has been doing, 607  
or in order to intimidate that person or any other person or any 608  
class of persons from doing, either of the following: 609

(a) Participating, without discrimination on account of 610  
race, color, religion, sex, ancestry, or national origin, or 611  
~~familial status as defined in section 4112.01 of the Revised~~ 612  
~~Code, national origin, military status as defined in that~~ 613  
~~section, disability as defined in that section, sexual~~ 614  
orientation, gender identity or expression, or ancestry, 615  
military status as those terms are defined in section 4112.01 of 616  
the Revised Code, in any of the activities, services, 617  
organizations, or facilities described in division (A) (1) of 618  
this section; 619

(b) Affording another person or class of persons 620  
opportunity or protection so to participate. 621

(3) Any person because that person is or has been, or in 622  
order to discourage that person or any other person from, 623  
lawfully aiding or encouraging other persons to participate, 624

without discrimination on account of race, color, religion, sex, 625  
~~ancestry, or national origin, or familial status as defined in~~ 626  
~~section 4112.01 of the Revised Code, national origin, military~~ 627  
~~status as defined in that section, disability as defined in that~~ 628  
~~section, sexual orientation, gender identity or expression, or~~ 629  
~~ancestry, military status as those terms are defined in section~~ 630  
4112.01 of the Revised Code, in any of the activities, services, 631  
organizations, or facilities described in division (A)(1) of 632  
this section, or participating lawfully in speech or peaceful 633  
assembly opposing any denial of the opportunity to so 634  
participate. 635

(B) Whoever violates division (A) of this section is 636  
guilty of a misdemeanor of the first degree. 637

**Sec. 3113.36.** (A) To qualify for funds under section 638  
3113.35 of the Revised Code, a shelter for victims of domestic 639  
violence shall meet all of the following requirements: 640

(1) Be incorporated in this state as a nonprofit 641  
corporation; 642

(2) Have trustees who represent the racial, ethnic, and 643  
socioeconomic diversity of the community to be served, including 644  
at least one person who is or has been a victim of domestic 645  
violence; 646

(3) Receive at least twenty-five per cent of its funds 647  
from sources other than funds distributed pursuant to section 648  
3113.35 of the Revised Code. These other sources may be public 649  
or private, and may include funds distributed pursuant to 650  
section 3113.37 of the Revised Code, and contributions of goods 651  
or services, including materials, commodities, transportation, 652  
office space, or other types of facilities or personal services. 653

(4) Provide residential service or facilities for children 654  
when accompanied by a parent, guardian, or custodian who is a 655  
victim of domestic violence and who is receiving temporary 656  
residential service at the shelter; 657

(5) Require persons employed by or volunteering services 658  
to the shelter to maintain the confidentiality of any 659  
information that would identify individuals served by the 660  
shelter. 661

(B) A shelter for victims of domestic violence does not 662  
qualify for funds if it discriminates in its admissions or 663  
provision of services on the basis of race, ~~religion,~~ color, 664  
religion, age, ancestry, national origin, or marital status, 665  
~~national origin, or ancestry; or sexual orientation or gender~~ 666  
identity or expression as those terms are defined in section 667  
4112.01 of the Revised Code. A shelter does not qualify for 668  
funds in the second half of any year if its application projects 669  
the provision of residential service and such service has not 670  
been provided in the first half of that year; such a shelter 671  
does not qualify for funds in the following year. 672

**Sec. 3301.53.** (A) The state board of education, in 673  
consultation with the director of job and family services, shall 674  
formulate and prescribe by rule adopted under Chapter 119. of 675  
the Revised Code minimum standards to be applied to preschool 676  
programs operated by school district boards of education, county 677  
boards of developmental disabilities, community schools, or 678  
eligible nonpublic schools. The rules shall include the 679  
following: 680

(1) Standards ensuring that the preschool program is 681  
located in a safe and convenient facility that accommodates the 682  
enrollment of the program, is of the quality to support the 683

growth and development of the children according to the program 684  
objectives, and meets the requirements of section 3301.55 of the 685  
Revised Code; 686

(2) Standards ensuring that supervision, discipline, and 687  
programs will be administered according to established 688  
objectives and procedures; 689

(3) Standards ensuring that preschool staff members and 690  
nonteaching employees are recruited, employed, assigned, 691  
evaluated, and provided inservice education without 692  
discrimination on the basis of race, color, sex, age, eolor, or 693  
national origin, race, or sex; or sexual orientation or gender 694  
identity or expression as those terms are defined in section 695  
4112.01 of the Revised Code; and that preschool staff members 696  
and nonteaching employees are assigned responsibilities in 697  
accordance with written position descriptions commensurate with 698  
their training and experience; 699

(4) A requirement that boards of education intending to 700  
establish a preschool program demonstrate a need for a preschool 701  
program prior to establishing the program; 702

(5) Requirements that children participating in preschool 703  
programs have been immunized to the extent considered 704  
appropriate by the state board to prevent the spread of 705  
communicable disease; 706

(6) Requirements that the parents of preschool children 707  
complete the emergency medical authorization form specified in 708  
section 3313.712 of the Revised Code. 709

(B) The state board of education in consultation with the 710  
director of job and family services shall ensure that the rules 711  
adopted by the state board under sections 3301.52 to 3301.58 of 712

the Revised Code are consistent with and meet or exceed the 713  
requirements of Chapter 5104. of the Revised Code with regard to 714  
child day-care centers. The state board and the director of job 715  
and family services shall review all such rules at least once 716  
every five years. 717

(C) The state board of education, in consultation with the 718  
director of job and family services, shall adopt rules for 719  
school child programs that are consistent with and meet or 720  
exceed the requirements of the rules adopted for school-age 721  
child care centers under Chapter 5104. of the Revised Code. 722

**Sec. 3304.15.** (A) There is hereby created the 723  
opportunities for Ohioans with disabilities agency. The agency 724  
is the designated state unit authorized under the 725  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 726  
amended, to provide vocational rehabilitation to eligible 727  
persons with disabilities. 728

(B) The governor shall appoint an executive director of 729  
the opportunities for Ohioans with disabilities agency to serve 730  
at the pleasure of the governor and shall fix the executive 731  
director's compensation. The executive director shall devote the 732  
executive director's entire time to the duties of the executive 733  
director's office, shall hold no other office or position of 734  
trust and profit, and shall engage in no other business during 735  
the executive director's term of office. The governor may grant 736  
the executive director the authority to appoint, remove, and 737  
discipline without regard to sex, race, ~~ereed,~~ color, creed, 738  
age, or national origin, or sexual orientation or gender 739  
identity or expression as those terms are defined in section 740  
4112.01 of the Revised Code, such other professional, 741  
administrative, and clerical staff members as are necessary to 742

carry out the functions and duties of the agency.	743
The executive director of the opportunities for Ohioans	744
with disabilities agency is the executive and administrative	745
officer of the agency. Whenever the Revised Code imposes a duty	746
on or requires an action of the agency, the executive director	747
shall perform the duty or action on behalf of the agency. The	748
executive director may establish procedures for all of the	749
following:	750
(1) The governance of the agency;	751
(2) The conduct of agency employees and officers;	752
(3) The performance of agency business;	753
(4) The custody, use, and preservation of agency records,	754
papers, books, documents, and property.	755
(C) The executive director shall have exclusive authority	756
to administer the daily operation and provision of vocational	757
rehabilitation services under this chapter. In exercising that	758
authority, the executive director may do all of the following:	759
(1) Adopt rules in accordance with Chapter 119. of the	760
Revised Code;	761
(2) Prepare and submit an annual report to the governor;	762
(3) Certify any disbursement of funds available to the	763
agency for vocational rehabilitation activities;	764
(4) Take appropriate action to guarantee rights of	765
services to people with disabilities;	766
(5) Consult with and advise other state agencies and	767
coordinate programs for persons with disabilities;	768
(6) Comply with the requirements for match as part of	769

budget submission;	770
(7) Establish research and demonstration projects;	771
(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation;	772 773
(9) For the purposes of the business enterprise program administered under sections 3304.28 to 3304.35 of the Revised Code:	774 775 776
(a) Establish and manage small business entities owned or operated by visually impaired persons;	777 778
(b) Purchase insurance;	779
(c) Accept computers.	780
(10) Enter into contracts and other agreements for the provision of services.	781 782
(D) The executive director shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50.	783 784 785
<b>Sec. 3304.50.</b> The Ohio independent living council	786
established and appointed by the governor under the authority of	787
section 107.18 of the Revised Code and pursuant to the	788
"Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29	789
U.S.C.A. 796d, shall appoint an executive director to serve at	790
the pleasure of the council and shall fix <del>his</del> <u>the executive</u>	791
<u>director's</u> compensation. The executive director shall not be	792
considered a public employee for purposes of Chapter 4117. of	793
the Revised Code. The council may delegate to the executive	794
director the authority to appoint, remove, and discipline,	795
without regard to sex, race, <del>creed</del> , color, <u>creed</u> , age, or	796
national origin, <u>or sexual orientation or gender identity or</u>	797

expression as those terms are defined in section 4112.01 of the 798  
Revised Code, such other professional, administrative, and 799  
clerical staff members as are necessary to carry out the 800  
functions and duties of the council. 801

**Sec. 3314.06.** The governing authority of each community 802  
school established under this chapter shall adopt admission 803  
procedures that specify the following: 804

(A) That, except as otherwise provided in this section, 805  
admission to the school shall be open to any individual age five 806  
to twenty-two entitled to attend school pursuant to section 807  
3313.64 or 3313.65 of the Revised Code in a school district in 808  
the state. 809

Additionally, except as otherwise provided in this 810  
section, admission to the school may be open on a tuition basis 811  
to any individual age five to twenty-two who is not a resident 812  
of this state. The school shall not receive state funds under 813  
section 3314.08 of the Revised Code for any student who is not a 814  
resident of this state. 815

An individual younger than five years of age may be 816  
admitted to the school in accordance with division (A)(2) of 817  
section 3321.01 of the Revised Code. The school shall receive 818  
funds for an individual admitted under that division in the 819  
manner provided under section 3314.08 of the Revised Code. 820

If the school operates a program that uses the Montessori 821  
method endorsed by the American Montessori society, the 822  
Montessori accreditation council for teacher education, or the 823  
association Montessori internationale as its primary method of 824  
instruction, admission to the school may be open to individuals 825  
younger than five years of age, but the school shall not receive 826

funds under this chapter for those individuals. Notwithstanding 827  
anything to the contrary in this chapter, individuals younger 828  
than five years of age who are enrolled in a Montessori program 829  
shall be offered at least four hundred fifty-five hours of 830  
learning opportunities per school year. 831

If the school operates a preschool program that is 832  
licensed by the department of education under sections 3301.52 833  
to 3301.59 of the Revised Code, admission to the school may be 834  
open to individuals who are younger than five years of age, but 835  
the school shall not receive funds under this chapter for those 836  
individuals. 837

(B) (1) That admission to the school may be limited to 838  
students who have attained a specific grade level or are within 839  
a specific age group; to students that meet a definition of "at- 840  
risk," as defined in the contract; to residents of a specific 841  
geographic area within the district, as defined in the contract; 842  
or to separate groups of autistic students and nondisabled 843  
students, as authorized in section 3314.061 of the Revised Code 844  
and as defined in the contract. 845

(2) For purposes of division (B) (1) of this section, "at- 846  
risk" students may include those students identified as gifted 847  
students under section 3324.03 of the Revised Code. 848

(C) Whether enrollment is limited to students who reside 849  
in the district in which the school is located or is open to 850  
residents of other districts, as provided in the policy adopted 851  
pursuant to the contract. 852

(D) (1) That there will be no discrimination in the 853  
admission of students to the school on the basis of race, ~~creed,~~ 854  
color, creed, sex, or disability, or ~~sex~~ sexual orientation or 855

gender identity or expression as those terms are defined in 856  
section 4112.01 of the Revised Code, except that: 857

(a) The governing authority may do either of the following 858  
for the purpose described in division (G) of this section: 859

(i) Establish a single-gender school for either sex; 860

(ii) Establish single-gender schools for each sex under 861  
the same contract, provided substantially equal facilities and 862  
learning opportunities are offered for both boys and girls. Such 863  
facilities and opportunities may be offered for each sex at 864  
separate locations. 865

(b) The governing authority may establish a school that 866  
simultaneously serves a group of students identified as autistic 867  
and a group of students who are not disabled, as authorized in 868  
section 3314.061 of the Revised Code. However, unless the total 869  
capacity established for the school has been filled, no student 870  
with any disability shall be denied admission on the basis of 871  
that disability. 872

(2) That upon admission of any student with a disability, 873  
the community school will comply with all federal and state laws 874  
regarding the education of students with disabilities. 875

(E) That the school may not limit admission to students on 876  
the basis of intellectual ability, measures of achievement or 877  
aptitude, or athletic ability, except that a school may limit 878  
its enrollment to students as described in division (B) of this 879  
section. 880

(F) That the community school will admit the number of 881  
students that does not exceed the capacity of the school's 882  
programs, classes, grade levels, or facilities. 883

(G) That the purpose of single-gender schools that are 884  
established shall be to take advantage of the academic benefits 885  
some students realize from single-gender instruction and 886  
facilities and to offer students and parents residing in the 887  
district the option of a single-gender education. 888

(H) That, except as otherwise provided under division (B) 889  
of this section or section 3314.061 of the Revised Code, if the 890  
number of applicants exceeds the capacity restrictions of 891  
division (F) of this section, students shall be admitted by lot 892  
from all those submitting applications, except preference shall 893  
be given to students attending the school the previous year and 894  
to students who reside in the district in which the school is 895  
located. Preference may be given to siblings of students 896  
attending the school the previous year. Preference also may be 897  
given to students who are the children of full-time staff 898  
members employed by the school, provided the total number of 899  
students receiving this preference is less than five per cent of 900  
the school's total enrollment. 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, or 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, intellectual disability, organic brain syndrome, 1419  
emotional or mental illness, and specific learning disabilities; 1420

(iii) Diseases and conditions, including, but not limited 1421  
to, orthopedic, visual, speech, and hearing impairments, 1422  
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1423  
sclerosis, cancer, heart disease, diabetes, human 1424  
immunodeficiency virus infection, intellectual disability, 1425  
emotional illness, drug addiction, and alcoholism. 1426

(b) "Physical or mental impairment" does not include any 1427  
of the following: 1428

(i) ~~Homosexuality and bisexuality;~~ 1429

~~(ii) Transvestism, transsexualism, pedophiliaPedophilia,~~ 1430  
~~exhibitionism, voyeurism, gender identity disorders not~~ 1431

~~resulting from physical impairments,~~ or other sexual behavior 1432  
disorders with corresponding criminal behavior; 1433

~~(iii)~~ (ii) Compulsive gambling, kleptomania, or pyromania; 1434

~~(iv)~~ (iii) Psychoactive substance use disorders resulting 1435  
from the current illegal use of a controlled substance or the 1436  
current use of alcoholic beverages. 1437

(17) "Dwelling unit" means a single unit of residence for 1438  
a family of one or more persons. 1439

(18) "Common use areas" means rooms, spaces, or elements 1440  
inside or outside a building that are made available for the use 1441  
of residents of the building or their guests, and includes, but 1442  
is not limited to, hallways, lounges, lobbies, laundry rooms, 1443  
refuse rooms, mail rooms, recreational areas, and passageways 1444  
among and between buildings. 1445

(19) "Public use areas" means interior or exterior rooms 1446  
or spaces of a privately or publicly owned building that are 1447  
made available to the general public. 1448

(20) "Controlled substance" has the same meaning as in 1449  
section 3719.01 of the Revised Code. 1450

(21) "Disabled tenant" means a tenant or prospective 1451  
tenant who is a person with a disability. 1452

(22) "Military status" means a person's status in "service 1453  
in the uniformed services" as defined in section 5923.05 of the 1454  
Revised Code. 1455

(23) "Aggrieved person" includes both of the following: 1456

(a) Any person who claims to have been injured by any 1457  
unlawful discriminatory practice described in division (H) of 1458

section 4112.02 of the Revised Code; 1459

(b) Any person who believes that the person will be 1460  
injured by, any unlawful discriminatory practice described in 1461  
division (H) of section 4112.02 of the Revised Code that is 1462  
about to occur. 1463

(24) "Sexual orientation" means actual or perceived, 1464  
heterosexuality, homosexuality, or bisexuality. 1465

(25) "Gender identity or expression" means the gender- 1466  
related identity, appearance, or mannerisms or other gender- 1467  
related characteristics of an individual, without regard to the 1468  
individual's designated sex at birth. 1469

(B) For the purposes of divisions (A) to (F) of section 1470  
4112.02 of the Revised Code, the terms "because of sex" and "on 1471  
the basis of sex" include, but are not limited to, because of or 1472  
on the basis of pregnancy, any illness arising out of and 1473  
occurring during the course of a pregnancy, childbirth, or 1474  
related medical conditions. Women affected by pregnancy, 1475  
childbirth, or related medical conditions shall be treated the 1476  
same for all employment-related purposes, including receipt of 1477  
benefits under fringe benefit programs, as other persons not so 1478  
affected but similar in their ability or inability to work, and 1479  
nothing in division (B) of section 4111.17 of the Revised Code 1480  
shall be interpreted to permit otherwise. This division shall 1481  
not be construed to require an employer to pay for health 1482  
insurance benefits for abortion, except where the life of the 1483  
mother would be endangered if the fetus were carried to term or 1484  
except where medical complications have arisen from the 1485  
abortion, provided that nothing in this division precludes an 1486  
employer from providing abortion benefits or otherwise affects 1487  
bargaining agreements in regard to abortion. 1488

<b>Sec. 4112.02.</b> It shall be an unlawful discriminatory	1489
practice:	1490
(A) For any employer, because of the race, color,	1491
religion, sex, <u>age, ancestry, national origin, disability,</u>	1492
<u>sexual orientation, gender identity or expression, or military</u>	1493
<u>status, national origin, disability, age, or ancestry</u> of any	1494
person, to discharge without just cause, to refuse to hire, or	1495
otherwise to discriminate against that person with respect to	1496
hire, tenure, terms, conditions, or privileges of employment, or	1497
any matter directly or indirectly related to employment.	1498
(B) For an employment agency or personnel placement	1499
service, because of race, color, religion, sex, <u>age, ancestry,</u>	1500
<u>national origin, disability, sexual orientation, gender identity</u>	1501
<u>or expression, or military status, national origin, disability,</u>	1502
<u>age, or ancestry,</u> to do any of the following:	1503
(1) Refuse or fail to accept, register, classify properly,	1504
or refer for employment, or otherwise discriminate against any	1505
person;	1506
(2) Comply with a request from an employer for referral of	1507
applicants for employment if the request directly or indirectly	1508
indicates that the employer fails to comply with the provisions	1509
of sections 4112.01 to 4112.07 of the Revised Code.	1510
(C) For any labor organization to do any of the following:	1511
(1) Limit or classify its membership on the basis of race,	1512
color, religion, sex, <u>age, ancestry, national origin,</u>	1513
<u>disability, sexual orientation, gender identity or expression,</u>	1514
<u>or military status, national origin, disability, age, or</u>	1515
<u>ancestry;</u>	1516
(2) Discriminate against, limit the employment	1517

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

(D) For any employer, labor organization, or joint labor- 1524  
management committee controlling apprentice training programs to 1525  
discriminate against any person because of race, color, 1526  
religion, sex, ancestry, national origin, disability, sexual 1527  
orientation, gender identity or expression, or military status, ~~1528  
national origin, disability, or ancestry~~ in admission to, or 1529  
employment in, any program established to provide apprentice 1530  
training. 1531

(E) Except where based on a bona fide occupational 1532  
qualification certified in advance by the commission, for any 1533  
employer, employment agency, personnel placement service, or 1534  
labor organization, prior to employment or admission to 1535  
membership, to do any of the following: 1536

(1) Elicit or attempt to elicit any information concerning 1537  
the race, color, religion, sex, age, ancestry, national origin, 1538  
disability, sexual orientation, gender identity or expression, 1539  
or military status,~~national origin, disability, age, or~~ 1540  
~~ancestry~~ of an applicant for employment or membership; 1541

(2) Make or keep a record of the race, color, religion, 1542  
sex, age, ancestry, national origin, disability, sexual 1543  
orientation, gender identity or expression, or military status, ~~1544  
national origin, disability, age, or ancestry~~ of any applicant 1545  
for employment or membership; 1546

(3) Use any form of application for employment, or 1547  
personnel or membership blank, seeking to elicit information 1548  
regarding race, color, religion, sex, age, ancestry, national 1549  
origin, disability, sexual orientation, gender identity or 1550  
expression, or military status,~~national origin, disability,~~ 1551  
~~age, or ancestry;~~ but an employer holding a contract containing 1552  
a nondiscrimination clause with the government of the United 1553  
States, or any department or agency of that government, may 1554  
require an employee or applicant for employment to furnish 1555  
documentary proof of United States citizenship and may retain 1556  
that proof in the employer's personnel records and may use 1557  
photographic or fingerprint identification for security 1558  
purposes; 1559

(4) Print or publish or cause to be printed or published 1560  
any notice or advertisement relating to employment or membership 1561  
indicating any preference, limitation, specification, or 1562  
discrimination, based upon race, color, religion, sex, age, 1563  
ancestry, national origin, disability, sexual orientation, 1564  
gender identity or expression, or military status,~~national~~ 1565  
~~origin, disability, age, or ancestry;~~ 1566

(5) Announce or follow a policy of denying or limiting, 1567  
through a quota system or otherwise, employment or membership 1568  
opportunities of any group because of the race, color, religion, 1569  
sex, age, ancestry, national origin, disability, sexual 1570  
orientation, gender identity or expression, or military status,~~—~~ 1571  
~~national origin, disability, age, or ancestry~~ of that group; 1572

(6) Utilize in the recruitment or hiring of persons any 1573  
employment agency, personnel placement service, training school 1574  
or center, labor organization, or any other employee-referring 1575  
source known to discriminate against persons because of their 1576

race, color, religion, sex, age, ancestry, national origin, 1577  
disability, sexual orientation, gender identity or expression, 1578  
or military status,~~national origin, disability, age, or~~ 1579  
~~ancestry.~~ 1580

(F) For any person seeking employment to publish or cause 1581  
to be published any advertisement that specifies or in any 1582  
manner indicates that person's race, color, religion, sex, age, 1583  
ancestry, national origin, disability, sexual orientation, 1584  
gender identity or expression, or military status,~~national~~ 1585  
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1586  
or preference as to the race, color, religion, sex, age, 1587  
ancestry, national origin, disability, sexual orientation, 1588  
gender identity or expression, or military status,~~national~~ 1589  
~~origin, disability, age, or ancestry~~ of any prospective 1590  
employer. 1591

(G) For any proprietor or any employee, keeper, or manager 1592  
of a place of public accommodation to deny to any person, except 1593  
for reasons applicable alike to all persons regardless of race, 1594  
color, religion, sex, age, ancestry, national origin, 1595  
disability, sexual orientation, gender identity or expression, 1596  
or military status,~~national origin, disability, age, or~~ 1597  
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1598  
facilities, or privileges of the place of public accommodation. 1599

(H) Subject to section 4112.024 of the Revised Code, for 1600  
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 racial, religious, 1736  
~~racial, sexual, familial status, sexual orientation, gender~~ 1737  
identity or expression, military status, familial status, or 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, age, 1742  
ancestry, national origin, familial status, disability, sexual 1743  
orientation, gender identity or expression, or military status, 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) Nothing in divisions (A) to (E) of this section shall 1887  
be construed to require a person with a disability to be 1888  
employed or trained under circumstances that would significantly 1889  
increase the occupational hazards affecting either the person 1890  
with a disability, other employees, the general public, or the 1891  
facilities in which the work is to be performed, or to require 1892  
the employment or training of a person with a disability in a 1893  
job that requires the person with a disability routinely to 1894  
undertake any task, the performance of which is substantially 1895  
and inherently impaired by the person's disability. 1896

(L) An aggrieved individual may enforce the individual's 1897  
rights relative to discrimination on the basis of age as 1898  
provided for in this section by instituting a civil action, 1899  
within one hundred eighty days after the alleged unlawful 1900

discriminatory practice occurred, in any court with jurisdiction 1901  
for any legal or equitable relief that will effectuate the 1902  
individual's rights. 1903

A person who files a civil action under this division is 1904  
barred, with respect to the practices complained of, from 1905  
instituting a civil action under section 4112.14 of the Revised 1906  
Code and from filing a charge with the commission under section 1907  
4112.05 of the Revised Code. 1908

(M) With regard to age, it shall not be an unlawful 1909  
discriminatory practice and it shall not constitute a violation 1910  
of division (A) of section 4112.14 of the Revised Code for any 1911  
employer, employment agency, joint labor-management committee 1912  
controlling apprenticeship training programs, or labor 1913  
organization to do any of the following: 1914

(1) Establish bona fide employment qualifications 1915  
reasonably related to the particular business or occupation that 1916  
may include standards for skill, aptitude, physical capability, 1917  
intelligence, education, maturation, and experience; 1918

(2) Observe the terms of a bona fide seniority system or 1919  
any bona fide employee benefit plan, including, but not limited 1920  
to, a retirement, pension, or insurance plan, that is not a 1921  
subterfuge to evade the purposes of this section. However, no 1922  
such employee benefit plan shall excuse the failure to hire any 1923  
individual, and no such seniority system or employee benefit 1924  
plan shall require or permit the involuntary retirement of any 1925  
individual, because of the individual's age except as provided 1926  
for in the "Age Discrimination in Employment Act Amendment of 1927  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 1928  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1929  
3342, 29 U.S.C.A. 623, as amended. 1930

(3) Retire an employee who has attained sixty-five years 1931  
of age who, for the two-year period immediately before 1932  
retirement, is employed in a bona fide executive or a high 1933  
policymaking position, if the employee is entitled to an 1934  
immediate nonforfeitable annual retirement benefit from a 1935  
pension, profit-sharing, savings, or deferred compensation plan, 1936  
or any combination of those plans, of the employer of the 1937  
employee, which equals, in the aggregate, at least forty-four 1938  
thousand dollars, in accordance with the conditions of the "Age 1939  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 1940  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 1941  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1942  
631, as amended; 1943

(4) Observe the terms of any bona fide apprenticeship 1944  
program if the program is registered with the Ohio 1945  
apprenticeship council pursuant to sections 4139.01 to 4139.06 1946  
of the Revised Code and is approved by the federal committee on 1947  
apprenticeship of the United States department of labor. 1948

(N) Nothing in this chapter prohibiting age discrimination 1949  
and nothing in division (A) of section 4112.14 of the Revised 1950  
Code shall be construed to prohibit the following: 1951

(1) The designation of uniform age the attainment of which 1952  
is necessary for public employees to receive pension or other 1953  
retirement benefits pursuant to Chapter 145., 742., 3307., 1954  
3309., or 5505. of the Revised Code; 1955

(2) The mandatory retirement of uniformed patrol officers 1956  
of the state highway patrol as provided in section 5505.16 of 1957  
the Revised Code; 1958

(3) The maximum age requirements for appointment as a 1959

patrol officer in the state highway patrol established by 1960  
section 5503.01 of the Revised Code; 1961

(4) The maximum age requirements established for original 1962  
appointment to a police department or fire department in 1963  
sections 124.41 and 124.42 of the Revised Code; 1964

(5) Any maximum age not in conflict with federal law that 1965  
may be established by a municipal charter, municipal ordinance, 1966  
or resolution of a board of township trustees for original 1967  
appointment as a police officer or firefighter; 1968

(6) Any mandatory retirement provision not in conflict 1969  
with federal law of a municipal charter, municipal ordinance, or 1970  
resolution of a board of township trustees pertaining to police 1971  
officers and firefighters; 1972

(7) Until January 1, 1994, the mandatory retirement of any 1973  
employee who has attained seventy years of age and who is 1974  
serving under a contract of unlimited tenure, or similar 1975  
arrangement providing for unlimited tenure, at an institution of 1976  
higher education as defined in the "Education Amendments of 1977  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 1978

(O) (1) (a) Except as provided in division (O) (1) (b) of this 1979  
section, for purposes of divisions (A) to (E) of this section, a 1980  
disability does not include any physiological disorder or 1981  
condition, mental or psychological disorder, or disease or 1982  
condition caused by an illegal use of any controlled substance 1983  
by an employee, applicant, or other person, if an employer, 1984  
employment agency, personnel placement service, labor 1985  
organization, or joint labor-management committee acts on the 1986  
basis of that illegal use. 1987

(b) Division (O) (1) (a) of this section does not apply to 1988

an employee, applicant, or other person who satisfies any of the following:	1989 1990
(i) The employee, applicant, or other person has successfully completed a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance, or the employee, applicant, or other person otherwise successfully has been rehabilitated and no longer is engaging in that illegal use.	1991 1992 1993 1994 1995 1996
(ii) The employee, applicant, or other person is participating in a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance.	1997 1998 1999 2000
(iii) The employee, applicant, or other person is erroneously regarded as engaging in the illegal use of any controlled substance, but the employee, applicant, or other person is not engaging in that illegal use.	2001 2002 2003 2004
(2) Divisions (A) to (E) of this section do not prohibit an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee from doing any of the following:	2005 2006 2007 2008
(a) Adopting or administering reasonable policies or procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual described in division (0) (1) (b) (i) or (ii) of this section no longer is engaging in the illegal use of any controlled substance;	2009 2010 2011 2012 2013 2014
(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees;	2015 2016
(c) Requiring that employees not be under the influence of	2017

alcohol or not be engaged in the illegal use of any controlled substance at the workplace; 2018  
2019

(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; 2020  
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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; 2023  
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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. 2031  
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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. 2036  
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(4) Division (O) 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. 2039  
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(P) This section does not apply to a religious corporation, association, educational institution, or society 2045  
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with respect to the employment of an individual of a particular 2047  
religion to perform work connected with the carrying on by that 2048  
religious corporation, association, educational institution, or 2049  
society of its activities. 2050

The unlawful discriminatory practices defined in this 2051  
section do not make it unlawful for a person or an appointing 2052  
authority administering an examination under section 124.23 of 2053  
the Revised Code to obtain information about an applicant's 2054  
military status for the purpose of determining if the applicant 2055  
is eligible for the additional credit that is available under 2056  
that section. 2057

(Q) It shall be an unlawful discriminatory practice for 2058  
any employer, employment agency, or labor organization to limit, 2059  
segregate, or classify its employees or applicants for 2060  
employment in any way that would deprive or tend to deprive any 2061  
individual of employment or otherwise adversely affect the 2062  
status of the individual as an employee because of the 2063  
individual's sexual orientation or gender identity or 2064  
expression. 2065

**Sec. 4112.021.** (A) As used in this section: 2066

(1) "Credit" means the right granted by a creditor to a 2067  
person to defer payment of a debt, to incur debt and defer its 2068  
payment, or to purchase property or services and defer payment 2069  
for the property or services. 2070

(2) "Creditor" means any person who regularly extends, 2071  
renews, or continues credit, any person who regularly arranges 2072  
for the extension, renewal, or continuation of credit, or any 2073  
assignee of an original creditor who participates in the 2074  
decision to extend, renew, or continue credit, whether or not 2075

any interest or finance charge is required. 2076

(3) "Credit reporting agency" means any person who, for 2077  
monetary fees or dues or on a cooperative nonprofit basis, 2078  
regularly assembles or evaluates credit information for the 2079  
purpose of furnishing credit reports to creditors. 2080

(4) "Age" means any age of eighteen years or older. 2081

(B) It shall be an unlawful discriminatory practice: 2082

(1) For any creditor to do any of the following: 2083

(a) Discriminate against any applicant for credit in the 2084  
granting, withholding, extending, or renewing of credit, or in 2085  
the fixing of the rates, terms, or conditions of any form of 2086  
credit, on the basis of race, color, religion, sex, age,~~sex~~ 2087  
ancestry, national origin, marital status, disability, sexual 2088  
orientation, gender identity or expression, or military status, 2089  
~~marital status, national origin, disability, or ancestry,~~ except 2090  
that this division shall not apply with respect to age in any 2091  
real estate transaction between a financial institution, a 2092  
dealer in intangibles, or an insurance company as defined in 2093  
section 5725.01 of the Revised Code and its customers; 2094

(b) Use or make any inquiry as to race, color, religion, 2095  
sex, age,~~sex~~ ancestry, national origin, marital status, 2096  
disability, sexual orientation, gender identity or expression, 2097  
or military status,~~marital status, national origin, disability,~~ 2098  
~~or ancestry~~ for the purpose of limiting or specifying those 2099  
persons to whom credit will be granted, except that an inquiry 2100  
of marital status does not constitute discrimination for the 2101  
purposes of this section if the inquiry is made for the purpose 2102  
of ascertaining the creditor's rights and remedies applicable to 2103  
the particular extension of credit, and except that creditors 2104

are excepted from this division with respect to any inquiry, 2105  
elicitation of information, record, or form of application 2106  
required of a particular creditor by any instrumentality or 2107  
agency of the United States, or required of a particular 2108  
creditor by any agency or instrumentality to enforce the "Civil 2109  
Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 2110

(c) Refuse to consider the sources of income of an 2111  
applicant for credit, or disregard or ignore the income of an 2112  
applicant, in whole or in part, on the basis of race, color, 2113  
religion, sex, age, ~~sex~~, ancestry, national origin, marital 2114  
status, disability, sexual orientation, gender identity or 2115  
expression, or military status, marital status, disability, 2116  
national origin, or ancestry; 2117

(d) Refuse to grant credit to an individual in any name 2118  
that individual customarily uses, if it has been determined in 2119  
the normal course of business that the creditor will grant 2120  
credit to the individual; 2121

(e) Impose any special requirements or conditions, 2122  
including, but not limited to, a requirement for co-obligors or 2123  
reapplication, upon any applicant or class of applicants on the 2124  
basis of race, color, religion, sex, age, ~~sex~~, ancestry, national 2125  
origin, marital status, disability, sexual orientation, gender 2126  
identity or expression, or military status, marital status, 2127  
national origin, disability, or ancestry in circumstances where 2128  
similar requirements or conditions are not imposed on other 2129  
applicants similarly situated, unless the special requirements 2130  
or conditions that are imposed with respect to age are the 2131  
result of a real estate transaction exempted under division (B) 2132  
(1) (a) of this section or are the result of programs that grant 2133  
preferences to certain age groups administered by 2134

instrumentalities or agencies of the United States, a state, or 2135  
a political subdivision of a state; 2136

(f) Fail or refuse to provide an applicant for credit a 2137  
written statement of the specific reasons for rejection of the 2138  
application if requested in writing by the applicant within 2139  
sixty days of the rejection. The creditor shall provide the 2140  
written statement of the specific reason for rejection within 2141  
thirty days after receipt of a request of that nature. For 2142  
purposes of this section, a statement that the applicant was 2143  
rejected solely on the basis of information received from a 2144  
credit reporting agency or because the applicant failed to meet 2145  
the standards required by the creditor's credit scoring system, 2146  
uniformly applied, shall constitute a specific reason for 2147  
rejection. 2148

(g) Fail or refuse to print on or firmly attach to each 2149  
application for credit, in a type size no smaller than that used 2150  
throughout most of the application form, the following notice: 2151  
"The Ohio laws against discrimination require that all creditors 2152  
make credit equally available to all credit worthy customers, 2153  
and that credit reporting agencies maintain separate credit 2154  
histories on each individual upon request. The Ohio civil rights 2155  
commission administers compliance with this law." This notice is 2156  
not required to be included in applications that have a multi- 2157  
state distribution if the notice is mailed to the applicant with 2158  
the notice of acceptance or rejection of the application. 2159

(h) Fail or refuse on the basis of race, color, religion, 2160  
sex, age, ~~sex~~ ancestry, national origin, marital status, 2161  
disability, sexual orientation, gender identity or expression, 2162  
or military status, ~~marital status, national origin, disability,~~ 2163  
or ancestry to maintain, upon the request of the individual, a 2164

separate account for each individual to whom credit is extended; 2165

(i) Fail or refuse on the basis of race, color, religion, 2166  
sex, age, ~~sex~~ ancestry, national origin, marital status, 2167  
disability, sexual orientation, gender identity or expression, 2168  
or military status, marital status, national origin, disability, 2169  
or ancestry to maintain records on any account established after 2170  
November 1, 1976, to furnish information on the accounts to 2171  
credit reporting agencies in a manner that clearly designates 2172  
the contractual liability for repayment as indicated on the 2173  
application for the account, and, if more than one individual is 2174  
contractually liable for repayment, to maintain records and 2175  
furnish information in the name of each individual. This 2176  
division does not apply to individuals who are contractually 2177  
liable only if the primary party defaults on the account. 2178

(2) For any credit reporting agency to do any of the 2179  
following: 2180

(a) Fail or refuse on the basis of race, color, religion, 2181  
sex, age, ~~sex~~ ancestry, national origin, marital status, 2182  
disability, sexual orientation, gender identity or expression, 2183  
or military status, marital status, national origin, disability, 2184  
or ancestry to maintain, upon the request of the individual, a 2185  
separate file on each individual about whom information is 2186  
assembled or evaluated; 2187

(b) Fail or refuse on the basis of race, color, religion, 2188  
sex, age, ~~sex~~ ancestry, national origin, marital status, 2189  
disability, sexual orientation, gender identity or expression, 2190  
or military status, marital status, national origin, disability, 2191  
or ancestry to clearly note, maintain, and report any 2192  
information furnished it under division (B) (1) (i) of this 2193  
section. 2194

(C) This section does not prohibit a creditor from 2195  
requesting the signature of both spouses to create a valid lien, 2196  
pass clear title, or waive inchoate rights to property. 2197

(D) The rights granted by this section may be enforced by 2198  
aggrieved individuals by filing a civil action in a court of 2199  
common pleas within one hundred eighty days after the alleged 2200  
unlawful discriminatory practice occurred. Upon application by 2201  
the plaintiff and in circumstances that the court considers 2202  
just, the court in which a civil action under this section is 2203  
brought may appoint an attorney for the plaintiff and may 2204  
authorize the commencement of a civil action upon proper showing 2205  
without the payment of costs. If the court finds that an 2206  
unlawful discriminatory practice prohibited by this section 2207  
occurred or is about to occur, the court may grant relief that 2208  
it considers appropriate, including a permanent or temporary 2209  
injunction, temporary restraining order, or other order, and may 2210  
award to the plaintiff compensatory and punitive damages of not 2211  
less than one hundred dollars, together with attorney's fees and 2212  
court costs. 2213

(E) Nothing contained in this section shall bar a creditor 2214  
from reviewing an application for credit on the basis of 2215  
established criteria used in the normal course of business for 2216  
the determination of the credit worthiness of the individual 2217  
applicant for credit, including the credit history of the 2218  
applicant. 2219

**Sec. 4112.04.** (A) The commission shall do all of the 2220  
following: 2221

(1) Establish and maintain a principal office in the city 2222  
of Columbus and any other offices within the state that it 2223  
considers necessary; 2224

- (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 2254  
cooperation with the department of education, for the students 2255  
of the primary and secondary public schools of this state and 2256  
for all other residents of this state that is designed to 2257  
eliminate prejudice on the basis of race, color, religion, sex, 2258  
military status, familial status, national origin, disability, 2259  
age, ~~or~~ ancestry, sexual orientation, or gender identity or 2260  
expression in this state, to further good will among those 2261  
groups, and to emphasize the origin of prejudice against those 2262  
groups and discrimination, its their harmful effects, and ~~its~~ 2263  
their incompatibility with American principles of equality and 2264  
fair play; 2265

(10) Receive progress reports from agencies, 2266  
instrumentalities, institutions, boards, commissions, and other 2267  
entities of this state or any of its political subdivisions and 2268  
their agencies, instrumentalities, institutions, boards, 2269  
commissions, and other entities regarding affirmative action 2270  
programs for the employment of persons against whom 2271  
discrimination is prohibited by this chapter, or regarding any 2272  
affirmative housing accommodations programs developed to 2273  
eliminate or reduce an imbalance of race, color, religion, sex, 2274  
ancestry, national origin, familial status, disability, sexual 2275  
orientation, gender identity or expression, or military status, 2276  
~~familial status, national origin, disability, or ancestry.~~ All 2277  
agencies, instrumentalities, institutions, boards, commissions, 2278  
and other entities of this state or its political subdivisions, 2279  
and all political subdivisions, that have undertaken affirmative 2280  
action programs pursuant to a conciliation agreement with the 2281  
commission, an executive order of the governor, any federal 2282  
statute or rule, or an executive order of the president of the 2283  
United States shall file progress reports with the commission 2284

annually on or before the first day of November. The commission 2285  
shall analyze and evaluate the progress reports and report its 2286  
findings annually to the general assembly on or before the 2287  
thirtieth day of January of the year immediately following the 2288  
receipt of the reports. 2289

(B) The commission may do any of the following: 2290

(1) Meet and function at any place within the state; 2291

(2) Initiate and undertake on its own motion 2292  
investigations of problems of employment or housing 2293  
accommodations discrimination; 2294

(3) Hold hearings, subpoena witnesses, compel their 2295  
attendance, administer oaths, take the testimony of any person 2296  
under oath, require the production for examination of any books 2297  
and papers relating to any matter under investigation or in 2298  
question before the commission, and make rules as to the 2299  
issuance of subpoenas by individual commissioners. 2300

(a) In conducting a hearing or investigation, the 2301  
commission shall have access at all reasonable times to 2302  
premises, records, documents, individuals, and other evidence or 2303  
possible sources of evidence and may examine, record, and copy 2304  
the premises, records, documents, and other evidence or possible 2305  
sources of evidence and take and record the testimony or 2306  
statements of the individuals as reasonably necessary for the 2307  
furtherance of the hearing or investigation. In investigations, 2308  
the commission shall comply with the fourth amendment to the 2309  
United States Constitution relating to unreasonable searches and 2310  
seizures. The commission or a member of the commission may issue 2311  
subpoenas to compel access to or the production of premises, 2312  
records, documents, and other evidence or possible sources of 2313

evidence or the appearance of individuals, and may issue 2314  
interrogatories to a respondent, to the same extent and subject 2315  
to the same limitations as would apply if the subpoenas or 2316  
interrogatories were issued or served in aid of a civil action 2317  
in a court of common pleas. 2318

(b) Upon written application by a party to a hearing under 2319  
division (B) of section 4112.05 of the Revised Code, the 2320  
commission shall issue subpoenas in its name to the same extent 2321  
and subject to the same limitations as subpoenas issued by the 2322  
commission. Subpoenas issued at the request of a party shall 2323  
show on their face the name and address of the party and shall 2324  
state that they were issued at the party's request. 2325

(c) Witnesses summoned by subpoena of the commission are 2326  
entitled to the witness and mileage fees provided for under 2327  
section 119.094 of the Revised Code. 2328

(d) Within five days after service of a subpoena upon any 2329  
person, the person may petition the commission to revoke or 2330  
modify the subpoena. The commission shall grant the petition if 2331  
it finds that the subpoena requires an appearance or attendance 2332  
at an unreasonable time or place, that it requires production of 2333  
evidence that does not relate to any matter before the 2334  
commission, that it does not describe with sufficient 2335  
particularity the evidence to be produced, that compliance would 2336  
be unduly onerous, or for other good reason. 2337

(e) In case of contumacy or refusal to obey a subpoena, 2338  
the commission or person at whose request it was issued may 2339  
petition for its enforcement in the court of common pleas in the 2340  
county in which the person to whom the subpoena was addressed 2341  
resides, was served, or transacts business. 2342

(4) Create local or statewide advisory agencies and 2343  
conciliation councils to aid in effectuating the purposes of 2344  
this chapter. The commission may itself, or it may empower these 2345  
agencies and councils to, do either or both of the following: 2346

(a) Study the problems of discrimination in all or 2347  
specific fields of human relationships when based on race, 2348  
color, religion, sex, age, ancestry, national origin, familial 2349  
status, disability, sexual orientation, gender identity or 2350  
expression, or military status, familial status, national 2351  
origin, disability, age, or ancestry; 2352

(b) Foster through community effort, or otherwise, good 2353  
will among the groups and elements of the population of the 2354  
state. 2355

The agencies and councils may make recommendations to the 2356  
commission for the development of policies and procedures in 2357  
general. They shall be composed of representative citizens who 2358  
shall serve without pay, except that reimbursement for actual 2359  
and necessary traveling expenses shall be made to citizens who 2360  
serve on a statewide agency or council. 2361

(5) Issue any publications and the results of 2362  
investigations and research that in its judgment will tend to 2363  
promote good will and minimize or eliminate discrimination 2364  
because of race, color, religion, sex, age, ancestry, national 2365  
origin, familial status, disability, sexual orientation, gender 2366  
identity or expression, or military status, familial status, 2367  
national origin, disability, age, or ancestry. 2368

**Sec. 4112.05.** (A) (1) The commission, as provided in this 2369  
section, shall prevent any person from engaging in unlawful 2370  
discriminatory practices. 2371

(2) The commission may at any time attempt to resolve 2372  
allegations of unlawful discriminatory practices by the use of 2373  
alternative dispute resolution, provided that, before 2374  
instituting the formal hearing authorized by division (B) of 2375  
this section, it shall attempt, by informal methods of 2376  
conference, conciliation, mediation, and persuasion, to induce 2377  
compliance with this chapter. 2378

(B)(1) Any person may file a charge with the commission 2379  
alleging that another person has engaged or is engaging in an 2380  
unlawful discriminatory practice. In the case of a charge 2381  
alleging an unlawful discriminatory practice described in 2382  
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2383  
section 4112.02 or in section 4112.021 or 4112.022 of the 2384  
Revised Code, the charge shall be in writing and under oath and 2385  
shall be filed with the commission within six months after the 2386  
alleged unlawful discriminatory practice was committed. In the 2387  
case of a charge alleging an unlawful discriminatory practice 2388  
described in division (H) of section 4112.02 of the Revised 2389  
Code, the charge shall be in writing and under oath and shall be 2390  
filed with the commission within one year after the alleged 2391  
unlawful discriminatory practice was committed. 2392

(a) An oath under this chapter may be made in any form of 2393  
affirmation the person deems binding on the person's conscience. 2394  
Acceptable forms include, but are not limited to, declarations 2395  
made under penalty of perjury. 2396

(b) Any charge timely received, via facsimile, postal 2397  
mail, electronic mail, or otherwise, may be signed under oath 2398  
after the limitations period for filing set forth under division 2399  
(B)(1) of this section and will relate back to the original 2400  
filing date. 2401

(2) Upon receiving a charge, the commission may initiate a preliminary investigation to determine whether it is probable that an unlawful discriminatory practice has been or is being engaged in. The commission also may conduct, upon its own initiative and independent of the filing of any charges, a preliminary investigation relating to any of the unlawful discriminatory practices described in division (A), (B), (C), (D), (E), (F), (I), or (J) of section 4112.02 or in section 4112.021 or 4112.022 of the Revised Code. Prior to a notification of a complainant under division (B)(4) of this section or prior to the commencement of informal methods of conference, conciliation, mediation, and persuasion, or alternative dispute resolution, under that division, 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 other than one described in division (B)(3) of this section.

(3)(a) Unless it is impracticable to do so and subject to its authority under division (B)(3)(d) of this section, the commission shall complete 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 4112.02 of the Revised Code, and shall take one of the following actions, within one hundred days after the filing of the charge:

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

(ii) Initiate a complaint and schedule it for informal 2433  
methods of conference, conciliation, mediation, and persuasion, 2434  
or alternative dispute resolution; 2435

(iii) Initiate a complaint and refer it to the attorney 2436  
general with a recommendation to seek a temporary or permanent 2437  
injunction or a temporary restraining order. If this action is 2438  
taken, the attorney general shall apply, as expeditiously as 2439  
possible after receipt of the complaint, to the court of common 2440  
pleas of the county in which the unlawful discriminatory 2441  
practice allegedly occurred for the appropriate injunction or 2442  
order, and the court shall hear and determine the application as 2443  
expeditiously as possible. 2444

(b) If it is not practicable to comply with the 2445  
requirements of division (B) (3) (a) of this section within the 2446  
one-hundred-day period described in that division, the 2447  
commission shall notify the complainant and the respondent in 2448  
writing of the reasons for the noncompliance. 2449

(c) Prior to the issuance of a complaint under division 2450  
(B) (3) (a) (ii) or (iii) of this section or prior to a 2451  
notification of the complainant and the respondent under 2452  
division (B) (3) (a) (i) of this section, the members of the 2453  
commission and the officers and employees of the commission 2454  
shall not make public in any manner and shall retain as 2455  
confidential all information that was obtained as a result of or 2456  
that otherwise pertains to a preliminary investigation of a 2457  
charge filed pursuant to division (B) (1) of this section that 2458  
alleges an unlawful discriminatory practice described in 2459  
division (H) of section 4112.02 of the Revised Code. 2460

(d) Notwithstanding the types of action described in 2461  
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 2462

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, mediation, and persuasion, or by alternative dispute resolution, 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 section that it has so determined and that it will not issue a complaint in the matter. If the commission determines after a preliminary investigation other than the one described in division (B)(3) of this section that it is probable that an unlawful discriminatory practice has been or is being engaged in, it shall endeavor to eliminate the practice by informal methods of conference, conciliation, mediation, and persuasion, or by alternative dispute resolution.

(5) Nothing said or done during informal methods of conference, conciliation, mediation, and persuasion, or during alternative dispute resolution, under this section shall be disclosed by any member of the commission or its staff or be used as evidence in any subsequent hearing or other proceeding. If, after a preliminary investigation and the use of informal methods of conference, conciliation, mediation, and persuasion, or alternative dispute resolution, under this section, the commission is satisfied that any unlawful discriminatory

practice will be eliminated, it may treat the charge involved as 2494  
being conciliated and enter that disposition on the records of 2495  
the commission. If the commission fails to effect the 2496  
elimination of an unlawful discriminatory practice by informal 2497  
methods of conference, conciliation, mediation, and persuasion, 2498  
or by alternative dispute resolution under this section and to 2499  
obtain voluntary compliance with this chapter, the commission 2500  
shall issue and cause to be served upon any person, including 2501  
the respondent against whom a complainant has filed a charge 2502  
pursuant to division (B)(1) of this section, a complaint stating 2503  
the charges involved and containing a notice of an opportunity 2504  
for a hearing before the commission, a member of the commission, 2505  
or a hearing examiner at a place that is stated in the notice 2506  
and that is located within the county in which the alleged 2507  
unlawful discriminatory practice has occurred or is occurring or 2508  
in which the respondent resides or transacts business. The 2509  
hearing shall be held not less than thirty days after the 2510  
service of the complaint upon the complainant, the aggrieved 2511  
persons other than the complainant on whose behalf the complaint 2512  
is issued, and the respondent, unless the complainant, an 2513  
aggrieved person, or the respondent elects to proceed under 2514  
division (A)(2) of section 4112.051 of the Revised Code when 2515  
that division is applicable. If a complaint pertains to an 2516  
alleged unlawful discriminatory practice described in division 2517  
(H) of section 4112.02 of the Revised Code, the complaint shall 2518  
notify the complainant, an aggrieved person, and the respondent 2519  
of the right of the complainant, an aggrieved person, or the 2520  
respondent to elect to proceed with the administrative hearing 2521  
process under this section or to proceed under division (A)(2) 2522  
of section 4112.051 of the Revised Code. 2523

(6) The attorney general shall represent the commission at 2524

any hearing held pursuant to division (B)(5) of this section and 2525  
shall present the evidence in support of the complaint. 2526

(7) Any complaint issued pursuant to division (B)(5) of 2527  
this section after the filing of a charge under division (B)(1) 2528  
of this section shall be so issued within one year after the 2529  
complainant filed the charge with respect to an alleged unlawful 2530  
discriminatory practice. 2531

(C)(1) Any complaint issued pursuant to division (B) of 2532  
this section may be amended by the commission, a member of the 2533  
commission, or the hearing examiner conducting a hearing under 2534  
division (B) of this section. 2535

(a) Except as provided in division (C)(1)(b) of this 2536  
section, a complaint issued pursuant to division (B) of this 2537  
section may be amended at any time prior to or during the 2538  
hearing. 2539

(b) If a complaint issued pursuant to division (B) of this 2540  
section alleges an unlawful discriminatory practice described in 2541  
division (H) of section 4112.02 of the Revised Code, the 2542  
complaint may be amended at any time up to seven days prior to 2543  
the hearing and not thereafter. 2544

(2) The respondent has the right to file an answer or an 2545  
amended answer to the original and amended complaints and to 2546  
appear at the hearing in person, by attorney, or otherwise to 2547  
examine and cross-examine witnesses. 2548

(D) The complainant shall be a party to a hearing under 2549  
division (B) of this section, and any person who is an 2550  
indispensable party to a complete determination or settlement of 2551  
a question involved in the hearing shall be joined. Any 2552  
aggrieved person who has or claims an interest in the subject of 2553

the hearing and in obtaining or preventing relief against the 2554  
unlawful discriminatory practices complained of shall be 2555  
permitted to appear only for the presentation of oral or written 2556  
arguments, to present evidence, perform direct and cross- 2557  
examination, and be represented by counsel. The commission shall 2558  
adopt rules, in accordance with Chapter 119. of the Revised Code 2559  
governing the authority granted under this division. 2560

(E) In any hearing under division (B) of this section, the 2561  
commission, a member of the commission, or the hearing examiner 2562  
shall not be bound by the Rules of Evidence but, in ascertaining 2563  
the practices followed by the respondent, shall take into 2564  
account all reliable, probative, and substantial statistical or 2565  
other evidence produced at the hearing that may tend to prove 2566  
the existence of a predetermined pattern of employment or 2567  
membership, provided that nothing contained in this section 2568  
shall be construed to authorize or require any person to observe 2569  
the proportion that persons of any race, color, religion, sex, 2570  
age, ancestry, national origin, familial status, disability, 2571  
sexual orientation, gender identity or expression, or military 2572  
status, familial status, national origin, disability, age, or 2573  
ancestry bear to the total population or in accordance with any 2574  
criterion other than the individual qualifications of the 2575  
applicant. 2576

(F) The testimony taken at a hearing under division (B) of 2577  
this section shall be under oath and shall be reduced to writing 2578  
and filed with the commission. Thereafter, in its discretion, 2579  
the commission, upon the service of a notice upon the 2580  
complainant and the respondent that indicates an opportunity to 2581  
be present, may take further testimony or hear argument. 2582

(G) (1) (a) If, upon all reliable, probative, and 2583

substantial evidence presented at a hearing under division (B) 2584  
of this section, the commission determines that the respondent 2585  
has engaged in, or is engaging in, any unlawful discriminatory 2586  
practice, whether against the complainant or others, the 2587  
commission shall state its findings of fact and conclusions of 2588  
law and shall issue and, subject to the provisions of Chapter 2589  
119. of the Revised Code, cause to be served on the respondent 2590  
an order requiring the respondent to do all of the following: 2591

(1) Cease and desist from the unlawful discriminatory 2592  
practice; 2593

(ii) Take any further affirmative or other action that 2594  
will effectuate the purposes of this chapter, including, but not 2595  
limited to, hiring, reinstatement, or upgrading of employees 2596  
with or without back pay, or admission or restoration to union 2597  
membership; 2598

(iii) Report to the commission the manner of compliance. 2599

If the commission directs payment of back pay, it shall 2600  
make allowance for interim earnings. 2601

(b) If the commission finds a violation of division (H) of 2602  
section 4112.02 of the Revised Code, in addition to the action 2603  
described in division (G) (1) (a) of this section, the commission 2604  
additionally may require the respondent to undergo 2605  
recommendation in the form of a class, seminar, or any other 2606  
type of remediation approved by the commission, may require the 2607  
responded to pay actual damages and reasonable attorney's fees, 2608  
and may, vindicate the public interest, assess a civil penalty 2609  
against the respondent as follows: 2610

(i) If division (G) (1) (b) (ii) or (iii) of this section 2611  
does not apply, a civil penalty in an amount not to exceed ten 2612

thousand dollars; 2613

(ii) If division (G) (1) (b) (iii) of this section does not 2614  
apply and if the respondent has been determined by a final order 2615  
of the commission or by a final judgment of a court to have 2616  
committed one violation of division (H) of section 4112.02 of 2617  
the Revised Code during the five-year period immediately 2618  
preceding the date on which a complaint was issued pursuant to 2619  
division (B) of this section, a civil penalty in an amount not 2620  
to exceed twenty-five thousand dollars; 2621

(iii) If the respondent has been determined by a final 2622  
order of the commission or by a final judgment of a court to 2623  
have committed two or more violations of division (H) of section 2624  
4112.02 of the Revised Code during the seven-year period 2625  
immediately preceding the date on which a complaint was issued 2626  
pursuant to division (B) of this section, a civil penalty 2627  
damages in an amount not to exceed fifty thousand dollars. 2628

(2) Upon the submission of reports of compliance, the 2629  
commission may issue a declaratory order stating that the 2630  
respondent has ceased to engage in particular unlawful 2631  
discriminatory practices. 2632

(H) If the commission finds that no probable cause exists 2633  
for crediting charges of unlawful discriminatory practices or 2634  
if, upon all the evidence presented at a hearing under division 2635  
(B) of this section on a charge, the commission finds that a 2636  
respondent has not engaged in any unlawful discriminatory 2637  
practice against the complainant or others, it shall state its 2638  
findings of fact and shall issue and cause to be served on the 2639  
complainant an order dismissing the complaint as to the 2640  
respondent. A copy of the order shall be delivered in all cases 2641  
to the attorney general and any other public officers whom the 2642

commission considers proper. 2643

If, upon all the evidence presented at a hearing under 2644  
division (B) of this section on a charge, the commission finds 2645  
that a respondent has not engaged in any unlawful discriminatory 2646  
practice against the complainant or others, it may award to the 2647  
respondent reasonable attorney's fees to the extent provided in 2648  
5 U.S.C. 504 and accompanying regulations. 2649

(I) Until the time period for appeal set forth in division 2650  
(H) of section 4112.06 of the Revised Code expires, the 2651  
commission, subject to the provisions of Chapter 119. of the 2652  
Revised Code, at any time, upon reasonable notice, and in the 2653  
manner it considers proper, may modify or set aside, in whole or 2654  
in part, any finding or order made by it under this section. 2655

**Sec. 4112.08.** This chapter shall be construed liberally 2656  
for the accomplishment of its purposes, and any law inconsistent 2657  
with any provision of this chapter shall not apply. Nothing 2658  
contained in this chapter shall be considered to repeal any of 2659  
the provisions of any law of this state relating to 2660  
discrimination because of race, color, religion, sex, age, 2661  
ancestry, national origin, familial status, disability, sexual 2662  
orientation, gender identity or expression, or military status, 2663  
~~familial status, disability, national origin, age, or ancestry,~~ 2664  
except that any person filing a charge under division (B) (1) of 2665  
section 4112.05 of the Revised Code, with respect to the 2666  
unlawful discriminatory practices complained of, is barred from 2667  
instituting a civil action under section 4112.14 or division (L) 2668  
of section 4112.02 of the Revised Code. This chapter does not 2669  
limit actions, procedures, and remedies afforded under federal 2670  
law. 2671

**Sec. 4117.19.** (A) Every employee organization that is 2672

certified or recognized as a representative of public employees 2673  
under this chapter shall file with the state employment 2674  
relations board a registration report that is signed by its 2675  
president or other appropriate officer. The report shall be in a 2676  
form prescribed by the board and accompanied by two copies of 2677  
the employee organization's constitution and bylaws. The board 2678  
shall accept a filing by a statewide, national, or international 2679  
employee organization of its constitution and bylaws in lieu of 2680  
a filing of the documents by each subordinate organization. The 2681  
exclusive representative or other employee organization 2682  
originally filing its constitution and bylaws shall report, 2683  
promptly, to the board all changes or amendments to its 2684  
constitution and bylaws. 2685

(B) Every employee organization shall file with the board 2686  
an annual report. The report shall be in a form prescribed by 2687  
the board and shall contain the following information: 2688

(1) The names and addresses of the organization, any 2689  
parent organization or organizations with which it is 2690  
affiliated, and all organizationwide officers; 2691

(2) The name and address of its local agent for service of 2692  
process; 2693

(3) A general description of the public employees the 2694  
organization represents or seeks to represent; 2695

(4) The amounts of the initiation fee and monthly dues 2696  
members must pay; 2697

(5) A pledge, in a form prescribed by the board, that the 2698  
organization will comply with the laws of the state and that it 2699  
will accept members without regard to ~~age, race, color, sex,~~ 2700  
~~creed,~~ religion, creed, sex, age, ancestry, or national origin, 2701

; disability, sexual orientation, gender identity or expression, 2702  
or military status as those terms are defined in section 4112.01 2703  
of the Revised Code, ~~military status as defined in that section,~~ 2704  
; or physical disability as provided by law+; 2705

(6) A financial report. 2706

(C) The constitution or bylaws of every employee 2707  
organization shall do all of the following: 2708

(1) Require that the organization keep accurate accounts 2709  
of all income and expenses, prepare an annual financial report, 2710  
keep open for inspection by any member of the organization its 2711  
accounts, and make loans to officers and agents only on terms 2712  
and conditions available to all members; 2713

(2) Prohibit business or financial interests of its 2714  
officers and agents, their spouses, minor children, parents, or 2715  
otherwise, in conflict with the fiduciary obligation of such 2716  
persons to the organization; 2717

(3) When specifically requested by the board, require 2718  
every official who is designated as a fiscal officer of an 2719  
employee organization and who is responsible for funds or other 2720  
property of the organization or trust in which an organization 2721  
is interested, or a subsidiary organization be bonded with the 2722  
amount, scope, and form of the bond determined by the board; 2723

(4) Require periodic elections of officers by secret 2724  
ballot subject to recognized safeguards concerning the equal 2725  
right of all members to nominate, seek office, and vote in the 2726  
elections, the right of individual members to participate in the 2727  
affairs of the organization, and fair and equitable procedures 2728  
in disciplinary actions. 2729

(D) The board shall prescribe rules necessary to govern 2730

the establishment and reporting of trusteeships over employee 2731  
organizations. The establishment of trusteeships is permissible 2732  
only if the constitution or bylaws of the organization set forth 2733  
reasonable procedures. 2734

(E) The board may withhold certification of an employee 2735  
organization that willfully refuses to register or file an 2736  
annual report or that willfully refuses to comply with other 2737  
provisions of this section. The board may revoke a certification 2738  
of an employee organization for willfully failing to comply with 2739  
this section. The board may enforce the prohibitions contained 2740  
in this section by petitioning the court of common pleas of the 2741  
county in which the violation occurs for an injunction. Persons 2742  
complaining of a violation of this section shall file the 2743  
complaint with the board. 2744

(F) Upon the written request to the board of any member of 2745  
a certified employee organization and where the board determines 2746  
the necessity for an audit, the board may require the employee 2747  
organization to provide a certified audit of its financial 2748  
records. 2749

(G) Any employee organization subject to the "Labor- 2750  
Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2751  
29 U.S.C.A., 401, as amended, may file copies with the board of 2752  
all reports it is required to file under that act in lieu of 2753  
compliance with all parts of this section other than division 2754  
(A) of this section. The board shall accept a filing by a 2755  
statewide, national, or international employee organization of 2756  
its reports in lieu of a filing of such reports by each 2757  
subordinate organization. 2758

**Sec. 4735.16.** (A) Every real estate broker licensed under 2759  
this chapter shall erect or maintain a sign on the business 2760

premises plainly stating that the licensee is a real estate 2761  
broker. If the real estate broker maintains one or more branch 2762  
offices, the real estate broker shall erect or maintain a sign 2763  
at each branch office plainly stating that the licensee is a 2764  
real estate broker. 2765

(B) (1) Any licensed real estate broker or salesperson who 2766  
advertises to buy, sell, exchange, or lease real estate, or to 2767  
engage in any act regulated by this chapter, with respect to 2768  
property the licensee does not own, shall be identified in the 2769  
advertisement by name and indicate the name of the brokerage 2770  
with which the licensee is affiliated. 2771

(2) Any licensed real estate broker or ~~sales person~~ 2772  
salesperson who advertises to sell, exchange, or lease real 2773  
estate, or to engage in any act regulated by this chapter, with 2774  
respect to property that the licensee owns, shall be identified 2775  
in the advertisement by name and indicate that the property is 2776  
agent owned, and if the property is listed with a real estate 2777  
brokerage, the advertisement shall also indicate the name of the 2778  
brokerage with which the property is listed. 2779

(3) The name of the brokerage shall be displayed in equal 2780  
prominence with the name of the salesperson in the 2781  
advertisement. For purposes of this section, "brokerage" means 2782  
the name the real estate company or sole broker is doing 2783  
business as, or if the real estate company or sole broker does 2784  
not use such a name, the name of the real estate company or sole 2785  
broker as licensed. 2786

(4) A real estate broker who is representing a seller 2787  
under an exclusive right to sell or lease listing agreement 2788  
shall not advertise such property to the public as "for sale by 2789  
owner" or otherwise mislead the public to believe that the 2790

seller is not represented by a real estate broker. 2791

(5) If any real estate broker or real estate salesperson 2792  
advertises in a manner other than as provided in this section or 2793  
the rules adopted under this section, that advertisement is 2794  
prima-facie evidence of a violation under division (A) (21) of 2795  
section 4735.18 of the Revised Code. 2796

When the superintendent determines that prima-facie 2797  
evidence of a violation of division (A) (21) of section 4735.18 2798  
of the Revised Code or any of the rules adopted thereunder 2799  
exists, the superintendent may do either of the following: 2800

(a) Initiate disciplinary action under section 4735.051 of 2801  
the Revised Code for a violation of division (A) (21) of section 2802  
4735.18 of the Revised Code, in accordance with Chapter 119. of 2803  
the Revised Code; 2804

(b) Personally, or by certified mail, serve a citation 2805  
upon the licensee. 2806

(C) (1) Every citation served under this section shall give 2807  
notice to the licensee of the alleged violation or violations 2808  
charged and inform the licensee of the opportunity to request a 2809  
hearing in accordance with Chapter 119. of the Revised Code. The 2810  
citation also shall contain a statement of a fine of two hundred 2811  
dollars per violation, not to exceed two thousand five hundred 2812  
dollars per citation. All fines collected pursuant to this 2813  
section shall be credited to the real estate recovery fund, 2814  
created in the state treasury under section 4735.12 of the 2815  
Revised Code. 2816

(2) If any licensee is cited three times within twelve 2817  
consecutive months, the superintendent shall initiate 2818  
disciplinary action pursuant to section 4735.051 of the Revised 2819

Code for any subsequent violation that occurs within the same 2820  
twelve-month period. 2821

(3) If a licensee fails to request a hearing within thirty 2822  
days of the date of service of the citation, or the licensee and 2823  
the superintendent fail to reach an alternative agreement, the 2824  
citation shall become final. 2825

(4) Unless otherwise indicated, the licensee named in a 2826  
final citation must meet all requirements contained in the final 2827  
citation within thirty days of the effective date of that 2828  
citation. 2829

(5) The superintendent shall suspend automatically a 2830  
licensee's license if the licensee fails to comply with division 2831  
(C) (4) of this section. 2832

(D) A real estate broker or salesperson obtaining the 2833  
signature of a party to a listing or other agreement involved in 2834  
a real estate transaction shall furnish a copy of the listing or 2835  
other agreement to the party immediately after obtaining the 2836  
party's signature. Every broker's office shall prominently 2837  
display in the same immediate area as licenses are displayed a 2838  
statement that it is illegal to discriminate against any person 2839  
because of race, color, religion, sex, ancestry, or national 2840  
origin, or familial status as defined in section 4112.01 of the 2841  
Revised Code, national origin, disability, sexual orientation, 2842  
gender identity or expression, or military status as defined in 2843  
that section, disability as defined in that section, or ancestry 2844  
as those terms are defined in section 4112.01 of the Revised 2845  
Code, in the sale or rental of housing or residential lots, in 2846  
advertising the sale or rental of housing, in the financing of 2847  
housing, or in the provision of real estate brokerage services 2848  
and that blockbusting also is illegal. The statement shall bear 2849

the United States department of housing and urban development 2850  
equal housing logo, shall contain the information that the 2851  
broker and the broker's salespersons are licensed by the 2852  
division of real estate and professional licensing and that the 2853  
division can assist with any consumer complaints or inquiries, 2854  
and shall explain the provisions of section 4735.12 of the 2855  
Revised Code. The statement shall provide the division's address 2856  
and telephone number. The Ohio real estate commission shall 2857  
provide by rule for the wording and size of the statement. The 2858  
pamphlet required under section 4735.03 of the Revised Code 2859  
shall contain the same statement that is required on the 2860  
statement displayed as provided in this section and shall be 2861  
made available by real estate brokers and salespersons to their 2862  
clients. The commission shall provide the wording and size of 2863  
the pamphlet. 2864

**Sec. 4735.55.** (A) Each written agency agreement shall 2865  
contain all of the following: 2866

(1) An expiration date; 2867

(2) A statement that it is illegal, pursuant to the Ohio 2868  
fair housing law, division (H) of section 4112.02 of the Revised 2869  
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 2870  
amended, to refuse to sell, transfer, assign, rent, lease, 2871  
sublease, or finance housing accommodations, refuse to negotiate 2872  
for the sale or rental of housing accommodations, or otherwise 2873  
deny or make unavailable housing accommodations because of race, 2874  
color, religion, sex, ancestry, or national origin, or familial 2875  
status as defined in section 4112.01 of the Revised Code, 2876  
ancestry, disability, sexual orientation, gender identity or 2877  
expression, or military status as defined in that section, 2878  
disability as defined in that section, or national origin, as 2879

those terms are defined in section 4112.01 of the Revised Code, 2880  
or to so discriminate in advertising the sale or rental of 2881  
housing, in the financing of housing, or in the provision of 2882  
real estate brokerage services; 2883

(3) A statement defining the practice known as 2884  
"blockbusting" and stating that it is illegal; 2885

(4) A copy of the United States department of housing and 2886  
urban development equal housing opportunity logotype, as set 2887  
forth in 24 C.F.R. 109.30, as amended. 2888

(B) Each written agency agreement shall contain a place 2889  
for the licensee and the client to sign and date the agreement. 2890

(C) A licensee shall furnish a copy of any written agency 2891  
agreement to a client in a timely manner after the licensee and 2892  
the client have signed and dated it. 2893

**Sec. 4757.07.** The counselor, social worker, and marriage 2894  
and family therapist board and its professional standards 2895  
committees shall not discriminate against any licensee, 2896  
registrant, or applicant for a license or certificate of 2897  
registration under this chapter because of the person's race, 2898  
color, religion, sex, age, or national origin,~~;~~ or disability, 2899  
sexual orientation, or gender identity or expression as those 2900  
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 2901  
~~age.~~ The board or committee, as appropriate, shall afford a 2902  
hearing to any person who files with the board or committee a 2903  
statement alleging discrimination based on any of those reasons. 2904

**Sec. 4758.16.** The chemical dependency professionals board 2905  
shall not discriminate against any licensee, certificate holder, 2906  
endorsement holder, or applicant for a license, certificate, or 2907  
endorsement under this chapter because of the individual's race, 2908

color, religion, ~~gender, sex, age, or national origin,~~; or 2909  
disability, sexual orientation, or gender identity or expression 2910  
as those terms are defined in section 4112.01 of the Revised 2911  
Code, ~~or age~~. The board shall afford a hearing to any individual 2912  
who files with the board a statement alleging discrimination 2913  
based on any of those reasons. 2914

**Sec. 4765.18.** The state board of emergency medical, fire, 2915  
and transportation services may suspend or revoke a certificate 2916  
of accreditation or a certificate of approval issued under 2917  
section 4765.17 of the Revised Code for any of the following 2918  
reasons: 2919

(A) Violation of this chapter or any rule adopted under 2920  
it; 2921

(B) Furnishing of false, misleading, or incomplete 2922  
information to the board; 2923

(C) The signing of an application or the holding of a 2924  
certificate of accreditation by a person who has pleaded guilty 2925  
to or has been convicted of a felony, or has pleaded guilty to 2926  
or been convicted of a crime involving moral turpitude; 2927

(D) The signing of an application or the holding of a 2928  
certificate of accreditation by a person who is addicted to the 2929  
use of any controlled substance or has been adjudicated 2930  
incompetent for that purpose by a court, as provided in section 2931  
5122.301 of the Revised Code; 2932

(E) Violation of any commitment made in an application for 2933  
a certificate of accreditation or certificate of approval; 2934

(F) Presentation to prospective students of misleading, 2935  
false, or fraudulent information relating to the emergency 2936  
medical services training program or emergency medical services 2937

continuing education program, employment opportunities, or 2938  
opportunities for enrollment in accredited institutions of 2939  
higher education after entering or completing courses offered by 2940  
the operator of a program; 2941

(G) Failure to maintain in a safe and sanitary condition 2942  
premises and equipment used in conducting courses of study; 2943

(H) Failure to maintain financial resources adequate for 2944  
the satisfactory conduct of courses of study or to retain a 2945  
sufficient number of certified instructors; 2946

(I) Discrimination in the acceptance of students upon the 2947  
basis of race, color, religion, sex, or national origin; or 2948  
sexual orientation or gender identity or expression as those 2949  
terms are defined in section 4112.01 of the Revised Code. 2950

**Sec. 5104.09.** No administrator, licensee, or child-care 2951  
staff member shall discriminate in the enrollment of children in 2952  
a child day-care center upon the basis of race, color, religion, 2953  
sex, or national origin; or sexual orientation or gender 2954  
identity or expression as those terms are defined in section 2955  
4112.01 of the Revised Code. 2956

**Sec. 5107.26.** (A) As used in this section, "transitional 2957  
child care" means publicly funded child care provided under 2958  
division (A) (3) of section 5104.34 of the Revised Code. 2959

(B) Except as provided in division (C) of this section: 2960

(1) Each member of an assistance group participating in 2961  
Ohio works first is ineligible to participate in the program for 2962  
six payment months if a county department of job and family 2963  
services determines that a member of the assistance group 2964  
terminated the member's employment. 2965

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

(C) No assistance group member shall lose or be denied eligibility to participate in Ohio works first pursuant to division (B) of this section if the termination of employment was because an assistance group member or recipient of transitional child care secured comparable or better employment or the county department of job and family services certifies that the member or recipient terminated the employment with just cause.

Just cause includes the following:

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

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

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

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

(b) The work is at a site subject to a strike or lockout, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29

U.S.C.A. 178, as amended, an injunction has been issued under 2995  
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 2996  
U.S.C.A. 160, as amended, or an injunction has been issued under 2997  
section 4117.16 of the Revised Code; 2998

(c) The documented degree of risk to the member or 2999  
recipient's health and safety is unreasonable; 3000

(d) The member or recipient is physically or mentally 3001  
unfit to perform the employment, as documented by medical 3002  
evidence or by reliable information from other sources. 3003

(4) Documented illness of the member or recipient or of 3004  
another assistance group member of the member or recipient 3005  
requiring the presence of the member or recipient; 3006

(5) A documented household emergency; 3007

(6) Lack of adequate child care for children of the member 3008  
or recipient who are under six years of age. 3009

**Sec. 5123.351.** The director of developmental disabilities, 3010  
with respect to the eligibility for state reimbursement of 3011  
expenses incurred by facilities and programs established and 3012  
operated under Chapter 5126. of the Revised Code for persons 3013  
with developmental disabilities, shall do all of the following: 3014

(A) Make rules that may be necessary to carry out the 3015  
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3016  
5123.36 of the Revised Code; 3017

(B) Define minimum standards for qualifications of 3018  
personnel, professional services, and in-service training and 3019  
educational leave programs; 3020

(C) Review and evaluate community programs and make 3021  
recommendations for needed improvements to county boards of 3022

developmental disabilities and to program directors; 3023

(D) Withhold state reimbursement, in whole or in part, 3024  
from any county or combination of counties for failure to comply 3025  
with Chapter 5126. or section 5123.35 or 5123.351 of the Revised 3026  
Code or rules of the department of developmental disabilities; 3027

(E) Withhold state funds from an agency, corporation, or 3028  
association denying or rendering service on the basis of race, 3029  
color, ~~sex~~, religion, sex, ancestry, or national origin; 3030  
disability, sexual orientation, or gender identity or expression 3031  
as those terms are defined in section 4112.01 of the Revised 3032  
Code; or inability to pay; 3033

(F) Provide consultative staff service to communities to 3034  
assist in ascertaining needs and in planning and establishing 3035  
programs. 3036

**Sec. 5126.07.** No county board of developmental 3037  
disabilities or any agency, corporation, or association under 3038  
contract with a county board of developmental disabilities shall 3039  
discriminate in the provision of services under its authority or 3040  
contract on the basis of race, color, ~~sex~~, creed, sex, national 3041  
origin, or disability, national origin, ; sexual orientation or 3042  
gender identity or expression as those terms are defined in 3043  
section 4112.01 of the Revised Code; or the inability to pay. 3044

Each county board of developmental disabilities shall 3045  
provide a plan of affirmative action describing its goals and 3046  
methods for the provision of equal employment opportunities for 3047  
all persons under its authority and shall ensure 3048  
nondiscrimination in employment under its authority or contract 3049  
on the basis of race, color, ~~sex~~, creed, sex, national origin, 3050  
or disability, or national origin; or sexual orientation or 3051

gender identity or expression as those terms are defined in 3052  
section 4112.01 of the Revised Code. 3053

**Sec. 5165.08.** (A) As used in this section: 3054

"Bed need" means the number of long-term care beds a 3055  
county needs as determined by the director of health pursuant to 3056  
division (B) (3) of section 3702.593 of the Revised Code. 3057

"Bed need excess" means that a county's bed need is such 3058  
that one or more long-term care beds may be relocated from the 3059  
county according to the director's determination of the county's 3060  
bed need. 3061

(B) Every provider agreement with a nursing facility 3062  
provider shall do both of the following: 3063

(1) Permit the provider to exclude one or more parts of 3064  
the nursing facility from the provider agreement, even though 3065  
those parts meet federal and state standards for medicaid 3066  
certification, if all of the following apply: 3067

(a) The nursing facility initially obtained both its 3068  
nursing home license under Chapter 3721. of the Revised Code and 3069  
medicaid certification on or after January 1, 2008. 3070

(b) The nursing facility is located in a county that has a 3071  
bed need excess at the time the provider excludes the parts from 3072  
the provider agreement. 3073

(c) Federal law permits the provider to exclude the parts 3074  
from the provider agreement. 3075

(d) The provider gives the department of medicaid written 3076  
notice of the exclusion not less than forty-five days before the 3077  
first day of the calendar quarter in which the exclusion is to 3078  
occur. 3079

(2) Prohibit the provider from doing either of the following: 3080  
3081

(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; 3082  
3083  
3084  
3085

(b) Subject to division (D) of this section, failing or refusing to do either of the following: 3086  
3087

(i) Except as otherwise prohibited under section 5165.82 of the Revised Code, admit as a resident of the nursing facility an individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient unless at least twenty-five per cent of the nursing facility's medicaid-certified beds are occupied by medicaid recipients at the time the person would otherwise be admitted; 3088  
3089  
3090  
3091  
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(ii) Retain as a resident of the nursing facility an individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient. 3095  
3096  
3097

(C) For the purpose of division (B) (2) (b) (ii) of this section, a medicaid recipient who is a resident of a nursing facility shall be considered a resident of the nursing facility during any hospital stays totaling less than twenty-five days during any twelve-month period. 3098  
3099  
3100  
3101  
3102

(D) Nothing in this section shall bar a provider from doing any of the following: 3103  
3104

(1) If the provider is a religious organization operating a religious or denominational nursing facility from giving preference to persons of the same religion or denomination; 3105  
3106  
3107

- (2) Giving preference to persons with whom the provider  
has contracted to provide continuing care; 3108  
3109
- (3) If the nursing facility is a county home organized 3110  
under Chapter 5155. of the Revised Code, admitting residents 3111  
exclusively from the county in which the county home is located; 3112
- (4) Retaining residents who have resided in the provider's 3113  
nursing facility for not less than one year as private pay 3114  
patients and who subsequently become medicaid recipients, but 3115  
refusing to accept as a resident any person who is, or may (as 3116  
a resident of the nursing facility) become a medicaid recipient, 3117  
if all of the following apply: 3118
- (a) The provider does not refuse to retain any resident 3119  
who has resided in the provider's nursing facility for not less 3120  
than one year as a private pay resident because the resident 3121  
becomes a medicaid recipient, except as necessary to comply with 3122  
division (D) (4) (b) of this section; 3123
- (b) The number of medicaid recipients retained under 3124  
division (D) (4) of this section does not at any time exceed ten 3125  
per cent of all the residents in the nursing facility; 3126
- (c) On July 1, 1980, all the residents in the nursing 3127  
facility were private pay residents. 3128
- (E) No provider shall violate the provider agreement 3129  
obligations imposed by this section. 3130
- (F) A nursing facility provider who excludes one or more 3131  
parts of the nursing facility from a provider agreement pursuant 3132  
to division (B) (1) of this section does not violate division (C) 3133  
of section 3702.53 of the Revised Code. 3134
- Sec. 5515.08.** (A) The department of transportation may 3135

contract to sell commercial advertising space within or on the 3136  
outside surfaces of any building located within a roadside rest 3137  
area under its jurisdiction in exchange for cash payment. Money 3138  
the department receives under this section shall be deposited in 3139  
the state treasury to the credit of the highway operating fund. 3140

(B) Advertising placed under this section shall comply 3141  
with all of the following: 3142

(1) It shall not be libelous or obscene and shall not 3143  
promote any illegal product or service. 3144

(2) It shall not promote illegal discrimination on the 3145  
basis of the race, religion, age, ancestry, national origin, or 3146  
handicap, age, or ancestry or sexual orientation or gender 3147  
identity or expression as those terms are defined in section 3148  
4112.01 of the Revised Code, of any person. 3149

(3) It shall not support or oppose any candidate for 3150  
political office or any political cause, issue, or organization. 3151

(4) It shall comply with any controlling federal or state 3152  
regulations or restrictions. 3153

(5) To the extent physically and technically practical, it 3154  
shall state that the advertisement is a paid commercial 3155  
advertisement and that the state does not endorse the product or 3156  
service promoted by the advertisement or make any representation 3157  
about the accuracy of the advertisement or the quality or 3158  
performance of the product or service promoted by the 3159  
advertisement. 3160

(6) It shall conform to all applicable rules adopted by 3161  
the director of transportation under division (E) of this 3162  
section. 3163

(C) Contracts entered into under this section shall be 3164  
awarded only to the qualified bidder who submits the highest 3165  
responsive bid or according to uniformly applied rate classes. 3166

(D) No person, except an advertiser alleging a breach of 3167  
contract or the improper awarding of a contract, has a cause of 3168  
action against the state with respect to any contract or 3169  
advertising authorized by this section. Under no circumstances 3170  
is the state liable for consequential or noneconomic damages 3171  
with respect to any contract or advertising authorized under 3172  
this section. 3173

(E) The director, in accordance with Chapter 119. of the 3174  
Revised Code, shall adopt rules to implement this section. The 3175  
rules shall be consistent with the policy of protecting the 3176  
safety of the traveling public and consistent with the national 3177  
policy governing the use and control of such roadside rest 3178  
areas. The rules shall regulate the awarding of contracts and 3179  
may regulate the content, display, and other aspects of the 3180  
commercial advertising authorized by this section. 3181

**Sec. 5709.832.** The legislative authority of a county, 3182  
township, or municipal corporation that grants an exemption from 3183  
taxation under Chapter 725. or 1728. or section 3735.67, 3184  
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 3185  
or 5709.78 of the Revised Code shall develop policies to ensure 3186  
that the recipient of the exemption practices nondiscriminatory 3187  
hiring in its operations. As used in this section, 3188  
"nondiscriminatory hiring" means that no individual may be 3189  
denied employment solely on the basis of race, color, religion, 3190  
sex, ancestry, national origin, or disability, ~~color, national~~ 3191  
~~origin, or ancestry;~~ or sexual orientation or gender identity or 3192  
expression as those terms are defined in section 4112.01 of the 3193

Revised Code. 3194

**Section 2.** That existing sections 9.03, 124.93, 125.111, 3195  
153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 3196  
2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3197  
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 3198  
4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 3199  
4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, 3200  
and 5709.832 of the Revised Code are hereby repealed. 3201

**Section 3.** Section 4112.04 of the Revised Code is 3202  
presented in this act as a composite of the section as amended 3203  
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3204  
Sub. H.B. 1 of the 128th General Assembly. Section 5104.09 of 3205  
the Revised Code is presented in this act as a composite of the 3206  
section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 3207  
316 of the 129th General Assembly. The General Assembly, 3208  
applying the principle stated in division (B) of section 1.52 of 3209  
the Revised Code that amendments are to be harmonized if 3210  
reasonably capable of simultaneous operation, finds that the 3211  
composites are the resulting versions of the sections in effect 3212  
prior to the effective date of the sections as presented in this 3213  
act. 3214

**Section 4.** (A) The legislature finds both the following: 3215

(1) Lesbian, gay, bisexual, and transgender individuals 3216  
are too often the victims of discrimination. They may be fired 3217  
from jobs, denied access to housing and educational 3218  
institutions, refused credit, and excluded from public 3219  
accommodations because of their sexual orientation or gender 3220  
identity or expression. 3221

(2) It is essential that the State of Ohio protect the 3222

civil rights of all its residents. 3223

(B) The Ohio Fairness Act is enacted to protect civil 3224  
rights by prohibiting discrimination against lesbian, gay, 3225  
bisexual, and transgender individuals. 3226

This act upholds existing religious exemptions currently 3227  
in Ohio law. 3228