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Representative Antonio

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

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 7 ; 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
Sec. 1751.18. (A) (1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the subscriber or enrollee, the subscriber's or enrollee's requirements for health care services, or for any other reason 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
Sec. 3304.50. 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 his <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, creed , 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

Sec. 4112.02. 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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2022

(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
2037
2038

(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
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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
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(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
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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