

As Introduced

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S. B. No. 318

Senators Skindell, Tavares

**Cosponsors: Senators Schiavoni, Brown, Thomas, Yuko, Cafaro, Williams,
Sawyer**

A BILL

To amend sections 9.03, 124.93, 125.111, 153.59, 1
153.591, 340.12, 511.03, 717.01, 1501.012, 2
1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3
3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4
4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 5
4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 6
4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 7
5123.351, 5126.07, 5165.08, 5515.08, and 8
5709.832 of the Revised Code to prohibit 9
discrimination on the basis of sexual 10
orientation or gender identity or expression, to 11
add mediation to the list of informal methods by 12
which the Ohio Civil Rights Commission must 13
attempt to induce compliance with Ohio's Civil 14
Rights Law before instituting a formal hearing, 15
and to eliminate certain religious exemptions 16
from the Ohio Civil Rights Law. 17

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

Section 1. That sections 9.03, 124.93, 125.111, 153.59, 18

153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 19
3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 20
3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 21
4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 22
5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 23
5709.832 of the Revised Code be amended to read as follows: 24

Sec. 9.03. (A) As used in this section: 25

(1) "Political subdivision" means any body corporate and 26
politic, except a municipal corporation that has adopted a 27
charter under Section 7 of Article XVIII, Ohio Constitution, and 28
except a county that has adopted a charter under Sections 3 and 29
4 of Article X, Ohio Constitution, to which both of the 30
following apply: 31

(a) It is responsible for governmental activities only in 32
a geographic area smaller than the state. 33

(b) It is subject to the sovereign immunity of the state. 34

(2) "Cigarettes" and "tobacco product" have the same 35
meanings as in section 5743.01 of the Revised Code. 36

(3) "Transaction" has the same meaning as in section 37
1315.51 of the Revised Code. 38

(4) "Campaign committee," "campaign fund," "candidate," 39
"legislative campaign fund," "political action committee," 40
"political committee," "political party," and "separate 41
segregated fund" have the same meanings as in section 3517.01 of 42
the Revised Code. 43

(B) Except as otherwise provided in division (C) of this 44
section, the governing body of a political subdivision may use 45
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 commercial in nature;	103 104
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	105 106 107 108
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	109 110
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	111 112
Sec. 124.93. (A) As used in this section, "physician" means any person who holds a valid certificate to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code.	113 114 115 116
(B) No health insuring corporation that, on or after July 1, 1993, enters into or renews a contract with the department of administrative services under section 124.82 of the Revised Code, because of a physician's race, color, religion, sex, <u>age, ancestry, or national origin</u> , or <u>disability, sexual orientation, gender identity or expression</u> , or military status as <u>those terms are</u> defined in section 4112.01 of the Revised Code, age, or ancestry , shall refuse to contract with that physician for the provision of health care services under section 124.82 of the Revised Code.	117 118 119 120 121 122 123 124 125 126
Any health insuring corporation that violates this division is deemed to have engaged in an unlawful discriminatory practice as defined in section 4112.02 of the Revised Code and is subject to Chapter 4112. of the Revised Code.	127 128 129 130

(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 160

behalf of any contractor or subcontractor, in any manner, shall 161
discriminate against, intimidate, or retaliate against any 162
employee hired for the performance of work under the contract on 163
account of race, color, religion, sex, age, ancestry, or 164
national origin; or disability, sexual orientation, gender 165
identity or expression, or military status as those terms are 166
defined in section 4112.01 of the Revised Code, ~~national origin,~~ 167
~~or ancestry.~~ 168

(B) All contractors from whom the state or any of its 169
political subdivisions make purchases shall have a written 170
affirmative action program for the employment and effective 171
utilization of economically disadvantaged persons, as referred 172
to in division (E) (1) of section 122.71 of the Revised Code. 173
Annually, each such contractor shall file a description of the 174
affirmative action program and a progress report on its 175
implementation with the equal employment opportunity office of 176
the department of administrative services. 177

Sec. 153.59. Every contract for or on behalf of the state, 178
or any township, county, or municipal corporation of the state, 179
for the construction, alteration, or repair of any public 180
building or public work in the state shall contain provisions by 181
which the contractor agrees to both of the following: 182

(A) That, in the hiring of employees for the performance 183
of work under the contract or any subcontract, no contractor, 184
subcontractor, or any person acting on a contractor's or 185
subcontractor's behalf, by reason of race, color, creed, or sex; 186
or disability, sexual orientation, gender identity or 187
expression, or military status as those terms are defined in 188
section 4112.01 of the Revised Code, ~~or color,~~ shall 189
discriminate against any citizen of the state in the employment 190

of labor or workers who is qualified and available to perform 191
the work to which the 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 or military status as those terms 208
are defined in section 4112.01 of the Revised Code, ~~national-~~ 209
~~origin, or ancestry.~~ 210

In awarding contracts for capital improvement projects, 211
the department shall ensure that equal consideration be given to 212
contractors, subcontractors, or joint venturers who qualify as a 213
minority business enterprise. As used in this section, "minority 214
business enterprise" means a business enterprise that is owned 215
or controlled by one or more socially or economically 216
disadvantaged persons who are residents of this state. "Socially 217
or economically disadvantaged persons" means persons, regardless 218
of marital status, who are members of groups whose disadvantage 219
may arise from discrimination on the basis of race, religion, 220

sex, ancestry, or national origin; or disability, sexual 221
orientation, gender identity or expression, or military status 222
as those terms are defined in section 4112.01 of the Revised 223
Code, ~~national origin, ancestry, ;~~ or other similar cause. 224

Sec. 153.591. Any provision of a hiring hall contract or 225
agreement which obligates a contractor to hire, if available, 226
only employees referred to the contractor by a labor 227
organization shall be void as against public policy and 228
unenforceable with respect to employment under any public works 229
contract unless ~~at~~ both of the following apply: 230

(A) At the date of execution of the hiring hall contract 231
or agreement, or within thirty days thereafter, the labor 232
organization has in effect procedures for referring qualified 233
employees for hire without regard to race, color, religion, sex, 234
ancestry, or national origin; or sexual orientation, gender 235
identity or expression, or military status as defined in section 236
4112.01 of the Revised Code, ~~or ancestry and unless the~~. 237

(B) The labor organization includes in its apprentice and 238
journeyperson's membership, or otherwise has available for job 239
referral without discrimination, qualified employees, both 240
whites and non-whites (including ~~African Americans~~ African 241
Americans). 242

Sec. 340.12. No board of alcohol, drug addiction, and 243
mental health services or any addiction or mental health 244
services provider under contract with such a board shall 245
discriminate in the provision of services under its authority, 246
in employment, or contract on the basis of race, color, creed, 247
sex, national origin, or disability; or sexual orientation or 248
gender identity or expression as those terms are defined in 249
section 4112.01 of the Revised Code. 250

Each board and each community addiction or mental health 251
services provider shall have a written affirmative action 252
program. The affirmative action program shall include goals for 253
the employment and effective utilization of, including contracts 254
with, members of economically disadvantaged groups as defined in 255
division (E) (1) of section 122.71 of the Revised Code in 256
percentages reflecting as nearly as possible the composition of 257
the alcohol, drug addiction, and mental health service district 258
served by the board. Each board and provider shall file a 259
description of the affirmative action program and a progress 260
report on its implementation with the department of mental 261
health and addiction services. 262

Sec. 511.03. After an affirmative vote in an election held 263
under sections 511.01 and 511.02 of the Revised Code, the board 264
of township trustees may make all contracts necessary for the 265
purchase of a site, and the erection, improvement, or 266
enlargement of such building. The board shall have control of 267
any town hall belonging to the township, and it may rent or 268
lease all or part of any hall, lodge, or recreational facility 269
belonging to the township, to any person or organization under 270
terms the board considers proper, for which all rent shall be 271
paid in advance or fully secured. In establishing the terms of 272
any rental agreement or lease pursuant to this section, the 273
board of township trustees may give preference to persons who 274
are residents of or organizations that are headquartered in the 275
township or that are charitable or fraternal in nature. All 276
persons or organizations shall be treated on a like or similar 277
basis, and no differentiation shall be made on the basis of 278
race, color, religion, ~~national origin,~~ sex, national origin, or 279
political affiliation; or sexual orientation or gender identity 280
or expression as those terms are defined in section 4112.01 of 281

the Revised Code. The rents received for such facilities may be 282
used for their repair or improvement, and any balance shall be 283
used for general township purposes. 284

Sec. 717.01. Each municipal corporation may do any of the 285
following: 286

(A) Acquire by purchase or condemnation real estate with 287
or without buildings on it, and easements or interests in real 288
estate; 289

(B) Extend, enlarge, reconstruct, repair, equip, furnish, 290
or improve a building or improvement that it is authorized to 291
acquire or construct; 292

(C) Erect a crematory or provide other means for disposing 293
of garbage or refuse, and erect public comfort stations; 294

(D) Purchase turnpike roads and make them free; 295

(E) Construct wharves and landings on navigable waters; 296

(F) Construct infirmaries, workhouses, prisons, police 297
stations, houses of refuge and correction, market houses, public 298
halls, public offices, municipal garages, repair shops, storage 299
houses, and warehouses; 300

(G) Construct or acquire waterworks for supplying water to 301
the municipal corporation and its inhabitants and extend the 302
waterworks system outside of the municipal corporation limits; 303

(H) Construct or purchase gas works or works for the 304
generation and transmission of electricity, for the supplying of 305
gas or electricity to the municipal corporation and its 306
inhabitants; 307

(I) Provide grounds for cemeteries or crematories, enclose 308

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

manufacturing ice for the citizens of a municipal corporation;	335
(U) Construct subways under any street or boulevard or elsewhere;	336 337
(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.	338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355
(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 airport facility and pay the portion of the expense of the surveys, appraisals, and examinations as set forth in the agreement;	356 357 358 359 360 361 362
(X) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for	363 364

the acquisition, construction, maintenance, or operation of any 365
airport or airport facility owned or to be owned and operated by 366
the regional airport authority or owned or to be owned and 367
operated by the municipal corporation and pay the portion of the 368
expense of it as set forth in the agreement; 369

(Y) Acquire by gift, purchase, lease, or condemnation, 370
land, forest, and water rights necessary for conservation of 371
forest reserves, water parks, or reservoirs, either within or 372
without the limits of the municipal corporation, and improve and 373
equip the forest and water parks with structures, equipment, and 374
reforestation necessary or appropriate for any purpose for the 375
utilization of any of the forest and water benefits that may 376
properly accrue therefrom to the municipal corporation; 377

(Z) Acquire real property by purchase, gift, or devise and 378
construct and maintain on it public swimming pools, either 379
within or outside the limits of the municipal corporation; 380

(AA) Construct or rehabilitate, equip, maintain, operate, 381
and lease facilities for housing of elderly persons and for 382
persons of low and moderate income, and appurtenant facilities. 383
No municipal corporation shall deny housing accommodations to or 384
withhold housing accommodations from elderly persons or persons 385
of low and moderate income because of race, color, religion, 386
sex, ancestry, or national origin; or familial status~~as defined~~ 387
~~in section 4112.01 of the Revised Code, military status as~~ 388
~~defined in that section, disability as defined in that section,~~ 389
ancestry, or national origin, sexual orientation, gender 390
identity or expression, or military status as those terms are 391
defined in section 4112.01 of the Revised Code. Any elderly 392
person or person of low or moderate income who is denied housing 393
accommodations or has them withheld by a municipal corporation 394

because of race, color, religion, sex, ancestry, or national 395
origin, or familial status as defined in section 4112.01 of the 396
Revised Code, military status as defined in that section, 397
disability as defined in that section, ancestry, or national 398
origin, sexual orientation, gender identity or expression, or 399
military status as those terms are defined in section 4112.01 of 400
the Revised Code, may file a charge with the Ohio civil rights 401
commission as provided in Chapter 4112. of the Revised Code. 402

(BB) Acquire, rehabilitate, and develop rail property or 403
rail service, and enter into agreements with the Ohio rail 404
development commission, boards of county commissioners, boards 405
of township trustees, legislative authorities of other municipal 406
corporations, with other governmental agencies or organizations, 407
and with private agencies or organizations in order to achieve 408
those purposes; 409

(CC) Appropriate and contribute money to a soil and water 410
conservation district for use under Chapter 1515. of the Revised 411
Code; 412

(DD) Authorize the board of county commissioners, pursuant 413
to a contract authorizing the action, to contract on the 414
municipal corporation's behalf for the administration and 415
enforcement within its jurisdiction of the state building code 416
by another county or another municipal corporation located 417
within or outside the county. The contract for administration 418
and enforcement shall provide for obtaining certification 419
pursuant to division (E) of section 3781.10 of the Revised Code 420
for the exercise of administration and enforcement authority 421
within the municipal corporation seeking those services and 422
shall specify which political subdivision is responsible for 423
securing that certification. 424

(EE) Expend money for providing and maintaining services 425
and facilities for senior citizens. 426

"Airport," "landing field," and "air navigation facility," 427
as defined in section 4561.01 of the Revised Code, apply to 428
division (V) of this section. 429

As used in divisions (W) and (X) of this section, 430
"airport" and "airport facility" have the same meanings as in 431
section 308.01 of the Revised Code. 432

As used in division (BB) of this section, "rail property" 433
and "rail service" have the same meanings as in section 4981.01 434
of the Revised Code. 435

Sec. 1501.012. (A) The director of natural resources may 436
lease lands in state parks, as defined in section 1501.07 of the 437
Revised Code, and contract for the construction and operation of 438
public service facilities, as mentioned in that section, and for 439
major renovation or remodeling of existing public service 440
facilities by the lessees on those lands. If the director 441
determines that doing so would be consistent with long-range 442
planning of the department of natural resources and in the best 443
interests of the department and the division of parks and 444
recreation in the department, the director shall negotiate and 445
execute a lease and contract for those purposes in accordance 446
with this chapter except as otherwise provided in this section. 447

(B) With the approval of the recreation and resources 448
council created under section 1501.04 of the Revised Code, the 449
director shall draft a statement of intent describing any public 450
service facility that the department wishes to have constructed 451
in accordance with this section and establishing a procedure for 452
the submission of proposals for providing the facility, 453

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

The director shall publish the statement of intent in at 468
least three daily newspapers of general circulation in the state 469
at least once each week for four consecutive weeks. The director 470
then shall accept proposals in response to the statement of 471
intent for at least thirty days following the final publication 472
of the statement. At the end of the period during which 473
proposals may be submitted under this division, the director 474
shall select the proposal that the director determines best 475
complies with the statement of intent and may negotiate a lease 476
and contract with the person that submitted that proposal. 477

(C) Any lease and contract negotiated under this section 478
shall include in its terms and conditions all of the following: 479

(1) The legal description of the leasehold; 480

(2) The duration of the lease and contract, which shall 481
not exceed forty years, and a requirement that the lease and 482
contract be nonrenewable; 483

(3) A requirement that the lessee maintain in full force	484
and effect during the term of the lease and contract	485
comprehensive liability insurance for injury, death, or loss to	486
persons or property and fire casualty insurance for the public	487
service facility and all its structures in an amount established	488
by the director and naming the department as an additional	489
insured;	490
(4) A requirement that the lessee maintain in full force	491
and effect suitable performance bonds or other adequate security	492
pertaining to the construction and operation of the public	493
service facility;	494
(5) Detailed plans and specifications controlling the	495
construction of the public service facility that shall include	496
all of the following:	497
(a) The size and capacity of the facility;	498
(b) The type and quality of construction;	499
(c) Other criteria that the department considers necessary	500
and advisable.	501
(6) The manner of rental payment;	502
(7) A stipulation that the director shall have control and	503
supervision over all of the following:	504
(a) The operating season of the public service facility;	505
(b) The facility's hours of operation;	506
(c) The maximum rates to be charged guests using the	507
facility;	508
(d) The facility's sanitary conditions;	509
(e) The quality of food and service furnished the guests	510

of the facility;	511
(f) The lessee's general and structural maintenance responsibilities at the facility.	512 513
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	514 515
(9) A requirement that the public service facility be available to all members of the public without regard to sex, race, color, creed, ancestry, <u>or national origin</u> , ; <u>or disability, sexual orientation, or gender identity or expression</u> as <u>those terms are</u> defined in section 4112.01 of the Revised Code;	516 517 518 519 520 521
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	522 523 524
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	525 526
(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.	527 528 529
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 insurance.	530 531 532 533 534 535 536
(2) Unless otherwise required by state or federal law, no health insuring corporation, or health care facility or provider	537 538

through which the health insuring corporation has made 539
arrangements to provide health care services, shall discriminate 540
against any individual with regard to enrollment, disenrollment, 541
or the quality of health care services rendered, on the basis of 542
~~the~~ any of the following: 543

(a) The individual's race, color, sex, religion, or age, 544
~~religion, military status;~~ or sexual orientation, gender 545
identity or expression, or military status as those terms are 546
defined in section 4112.01 of the Revised Code, ~~or status;~~ 547

(b) The individual's status as a recipient of medicare or 548
medicaid, ~~or any;~~ 549

(c) Any health status-related factor in relation to the 550
individual. ~~However~~ 551

However, a health insuring corporation shall not be 552
required to accept a recipient of medicare or medical 553
assistance, if an agreement has not been reached on appropriate 554
payment mechanisms between the health insuring corporation and 555
the governmental agency administering these programs. Further, 556
except for open enrollment coverage under sections 3923.58 and 557
3923.581 of the Revised Code, a health insuring corporation may 558
reject an applicant for nongroup enrollment on the basis of any 559
health status-related factor in 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, military 615
status as those terms are defined in section 4112.01 of the 616
Revised Code, in any of the activities, services, organizations, 617
or facilities described in division (A) (1) of this section; 618

(b) Affording another person or class of persons 619
opportunity or protection so to participate. 620

(3) Any person because that person is or has been, or in 621
order to discourage that person or any other person from, 622
lawfully aiding or encouraging other persons to participate, 623
without discrimination on account of race, color, religion, sex, 624

~~ancestry, or national origin, or familial status as defined in~~ 625
~~section 4112.01 of the Revised Code, national origin, military~~ 626
~~status as defined in that section, disability as defined in that~~ 627
~~section, sexual orientation, gender identity or expression, or~~ 628
~~ancestry, military status as those terms are defined in section~~ 629
4112.01 of the Revised Code, in any of the activities, services, 630
organizations, or facilities described in division (A)(1) of 631
this section, or participating lawfully in speech or peaceful 632
assembly opposing any denial of the opportunity to so 633
participate. 634

(B) Whoever violates division (A) of this section is 635
guilty of a misdemeanor of the first degree. 636

Sec. 3113.36. (A) To qualify for funds under section 637
3113.35 of the Revised Code, a shelter for victims of domestic 638
violence shall meet all of the following requirements: 639

(1) Be incorporated in this state as a nonprofit 640
corporation; 641

(2) Have trustees who represent the racial, ethnic, and 642
socioeconomic diversity of the community to be served, including 643
at least one person who is or has been a victim of domestic 644
violence; 645

(3) Receive at least twenty-five per cent of its funds 646
from sources other than funds distributed pursuant to section 647
3113.35 of the Revised Code. These other sources may be public 648
or private, and may include funds distributed pursuant to 649
section 3113.37 of the Revised Code, and contributions of goods 650
or services, including materials, commodities, transportation, 651
office space, or other types of facilities or personal services. 652

(4) Provide residential service or facilities for children 653

when accompanied by a parent, guardian, or custodian who is a 654
victim of domestic violence and who is receiving temporary 655
residential service at the shelter; 656

(5) Require persons employed by or volunteering services 657
to the shelter to maintain the confidentiality of any 658
information that would identify individuals served by the 659
shelter. 660

(B) A shelter for victims of domestic violence does not 661
qualify for funds if it discriminates in its admissions or 662
provision of services on the basis of race, ~~religion,~~ color, 663
religion, age, ancestry, national origin, or marital status, 664
national origin, or ancestry; or sexual orientation or gender 665
identity or expression as those terms are defined in section 666
4112.01 of the Revised Code. A shelter does not qualify for 667
funds in the second half of any year if its application projects 668
the provision of residential service and such service has not 669
been provided in the first half of that year; such a shelter 670
does not qualify for funds in the following year. 671

Sec. 3301.53. (A) The state board of education, in 672
consultation with the director of job and family services, shall 673
formulate and prescribe by rule adopted under Chapter 119. of 674
the Revised Code minimum standards to be applied to preschool 675
programs operated by school district boards of education, county 676
DD boards, or eligible nonpublic schools. The rules shall 677
include the following: 678

(1) Standards ensuring that the preschool program is 679
located in a safe and convenient facility that accommodates the 680
enrollment of the program, is of the quality to support the 681
growth and development of the children according to the program 682
objectives, and meets the requirements of section 3301.55 of the 683

Revised Code; 684

(2) Standards ensuring that supervision, discipline, and 685
programs will be administered according to established 686
objectives and procedures; 687

(3) Standards ensuring that preschool staff members and 688
nonteaching employees are recruited, employed, assigned, 689
evaluated, and provided inservice education without 690
discrimination on the basis of race, color, sex, age, color, or 691
national origin, race, or sex; or sexual orientation or gender 692
identity or expression as those terms are defined in section 693
4112.01 of the Revised Code; and that preschool staff members 694
and nonteaching employees are assigned responsibilities in 695
accordance with written position descriptions commensurate with 696
their training and experience; 697

(4) A requirement that boards of education intending to 698
establish a preschool program demonstrate a need for a preschool 699
program prior to establishing the program; 700

(5) Requirements that children participating in preschool 701
programs have been immunized to the extent considered 702
appropriate by the state board to prevent the spread of 703
communicable disease; 704

(6) Requirements that the parents of preschool children 705
complete the emergency medical authorization form specified in 706
section 3313.712 of the Revised Code. 707

(B) The state board of education in consultation with the 708
director of job and family services shall ensure that the rules 709
adopted by the state board under sections 3301.52 to 3301.58 of 710
the Revised Code are consistent with and meet or exceed the 711
requirements of Chapter 5104. of the Revised Code with regard to 712

child day-care centers. The state board and the director of job 713
and family services shall review all such rules at least once 714
every five years. 715

(C) The state board of education, in consultation with the 716
director of job and family services, shall adopt rules for 717
school child programs that are consistent with and meet or 718
exceed the requirements of the rules adopted for school-age 719
child care centers under Chapter 5104. of the Revised Code. 720

Sec. 3304.15. (A) There is hereby created the 721
opportunities for Ohioans with disabilities agency. The agency 722
is the designated state unit authorized under the 723
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 724
amended, to provide vocational rehabilitation to eligible 725
persons with disabilities. 726

(B) The governor shall appoint an executive director of 727
the opportunities for Ohioans with disabilities agency to serve 728
at the pleasure of the governor and shall fix the executive 729
director's compensation. The executive director shall devote the 730
executive director's entire time to the duties of the executive 731
director's office, shall hold no other office or position of 732
trust and profit, and shall engage in no other business during 733
the executive director's term of office. The governor may grant 734
the executive director the authority to appoint, remove, and 735
discipline without regard to ~~sex, race, creed, color, creed,~~ 736
sex, age, or national origin, or sexual orientation or gender 737
identity or expression as those terms are defined in section 738
4112.01 of the Revised Code, such other professional, 739
administrative, and clerical staff members as are necessary to 740
carry out the functions and duties of the agency. 741

The executive director of the opportunities for Ohioans 742

with disabilities agency is the executive and administrative officer of the agency. Whenever the Revised Code imposes a duty on or requires an action of the agency, the executive director shall perform the duty or action on behalf of the agency. The executive director may establish procedures for all of the following:

- (1) The governance of the agency;
- (2) The conduct of agency employees and officers;
- (3) The performance of agency business;
- (4) The custody, use, and preservation of agency records, papers, books, documents, and property.

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

- (1) Adopt rules in accordance with Chapter 119. of the Revised Code;
- (2) Prepare and submit an annual report to the governor;
- (3) Certify any disbursement of funds available to the agency for vocational rehabilitation activities;
- (4) Take appropriate action to guarantee rights of services to people with disabilities;
- (5) Consult with and advise other state agencies and coordinate programs for persons with disabilities;
- (6) Comply with the requirements for match as part of budget submission;
- (7) Establish research and demonstration projects;

(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation;	770 771
(9) For the purposes of the business enterprise program administered under sections 3304.28 to 3304.35 of the Revised Code:	772 773 774
(a) Establish and manage small business entities owned or operated by visually impaired persons;	775 776
(b) Purchase insurance;	777
(c) Accept computers.	778
(10) Enter into contracts and other agreements for the provision of services.	779 780
(D) The executive director shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50.	781 782 783
Sec. 3304.50. The Ohio independent living council established and appointed by the governor under the authority of section 107.18 of the Revised Code and pursuant to the "Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29 U.S.C.A. 796d, shall appoint an executive director to serve at the pleasure of the council and shall fix his <u>the executive director's</u> compensation. The executive director shall not be considered a public employee for purposes of Chapter 4117. of the Revised Code. The council may delegate to the executive director the authority to appoint, remove, and discipline, without regard to sex, race, creed, <u>color, creed, sex,</u> age, or national origin, <u>or sexual orientation or gender identity or expression as those terms are defined in section 4112.01 of the Revised Code,</u> such other professional, administrative, and clerical staff members as are necessary to carry out the	784 785 786 787 788 789 790 791 792 793 794 795 796 797 798

functions and duties of the council. 799

Sec. 3314.06. The governing authority of each community 800
school established under this chapter shall adopt admission 801
procedures that specify the following: 802

(A) That, except as otherwise provided in this section, 803
admission to the school shall be open to any individual age five 804
to twenty-two entitled to attend school pursuant to section 805
3313.64 or 3313.65 of the Revised Code in a school district in 806
the state. 807

Additionally, except as otherwise provided in this 808
section, admission to the school may be open on a tuition basis 809
to any individual age five to twenty-two who is not a resident 810
of this state. The school shall not receive state funds under 811
section 3314.08 of the Revised Code for any student who is not a 812
resident of this state. 813

An individual younger than five years of age may be 814
admitted to the school in accordance with division (A) (2) of 815
section 3321.01 of the Revised Code. The school shall receive 816
funds for an individual admitted under that division in the 817
manner provided under section 3314.08 of the Revised Code. 818

If the school operates a program that uses the Montessori 819
method endorsed by the American Montessori society or the 820
association Montessori internationale as its primary method of 821
instruction, admission to the school may be open to individuals 822
younger than five years of age, but the school shall not receive 823
funds under this chapter for those individuals. 824

(B) (1) That admission to the school may be limited to 825
students who have attained a specific grade level or are within 826
a specific age group; to students that meet a definition of "at- 827

risk," as defined in the contract; to residents of a specific 828
geographic area within the district, as defined in the contract; 829
or to separate groups of autistic students and nondisabled 830
students, as authorized in section 3314.061 of the Revised Code 831
and as defined in the contract. 832

(2) For purposes of division (B) (1) of this section, "at- 833
risk" students may include those students identified as gifted 834
students under section 3324.03 of the Revised Code. 835

(C) Whether enrollment is limited to students who reside 836
in the district in which the school is located or is open to 837
residents of other districts, as provided in the policy adopted 838
pursuant to the contract. 839

(D) (1) That there will be no discrimination in the 840
admission of students to the school on the basis of race, ~~creed,~~ 841
color, creed, sex, or disability, or sex, or sexual 842
orientation or gender identity or expression as those terms are 843
defined in section 4112.01 of the Revised Code, except that: 844

(a) The governing authority may do either of the following 845
for the purpose described in division (G) of this section: 846

(i) Establish a single-gender school for either ~~sex~~ 847
gender; 848

(ii) Establish single-gender schools for each sex under 849
the same contract, provided substantially equal facilities and 850
learning opportunities are offered for both boys and girls. Such 851
facilities and opportunities may be offered for each sex at 852
separate locations. 853

(b) The governing authority may establish a school that 854
simultaneously serves a group of students identified as autistic 855
and a group of students who are not disabled, as authorized in 856

section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

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

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

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

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

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

Notwithstanding divisions (A) to (H) of this section, in 886
the event the racial composition of the enrollment of the 887
community school is violative of a federal desegregation order, 888
the community school shall take any and all corrective measures 889
to comply with the desegregation order. 890

Sec. 3332.09. The state board of career colleges and 891
schools may limit, suspend, revoke, or refuse to issue or renew 892
a certificate of registration or program authorization or may 893
impose a penalty pursuant to section 3332.091 of the Revised 894
Code for any one or combination of the following causes: 895

(A) Violation of any provision of sections 3332.01 to 896
3332.09 of the Revised Code, the board's minimum standards, or 897
any rule made by the board; 898

(B) Furnishing of false, misleading, deceptive, altered, 899
or incomplete information or documents to the board; 900

(C) The signing of an application or the holding of a 901
certificate of registration by a person who has pleaded guilty 902
or has been found guilty of a felony or has pleaded guilty or 903
been found guilty of a crime involving moral turpitude; 904

(D) The signing of an application or the holding of a 905
certificate of registration by a person who is addicted to the 906
use of any controlled substance, or who is found to be mentally 907
incompetent; 908

(E) Violation of any commitment made in an application for 909
a certificate of registration or program authorization; 910

(F) Presenting to prospective students, either at the time 911
of solicitation or enrollment, or through advertising, mail 912
circulars, or phone solicitation, misleading, deceptive, false, 913
or fraudulent information relating to any program, employment 914

opportunity, or opportunities for enrollment in accredited	915
institutions of higher education after entering or completing	916
programs offered by the holder of a certificate of registration;	917
(G) Failure to provide or maintain premises or equipment	918
for offering programs in a safe and sanitary condition;	919
(H) Refusal by an agent to display the agent's permit upon	920
demand of a prospective student or other interested person;	921
(I) Failure to maintain financial resources adequate for	922
the satisfactory conduct of programs as presented in the plan of	923
operation or to retain a sufficient number and qualified staff	924
of instruction, except that nothing in this chapter requires an	925
instructor to be licensed by the state board of education or to	926
hold any type of post-high school degree;	927
(J) Offering training or programs other than those	928
presented in the application, except that schools may offer	929
special courses adapted to the needs of individual students when	930
the special courses are in the subject field specified in the	931
application;	932
(K) Discrimination in the acceptance of students upon the	933
basis of race, color, religion, sex, or national origin; <u>or</u>	934
<u>sexual orientation or gender identity or expression as those</u>	935
<u>terms are defined in section 4112.01 of the Revised Code;</u>	936
(L) Accepting the services of an agent not holding a valid	937
permit issued under section 3332.10 or 3332.11 of the Revised	938
Code;	939
(M) The use of monetary or other valuable consideration by	940
the school's agents or representatives to induce prospective	941
students to enroll in the school, or the practice of awarding	942
monetary or other valuable considerations without board approval	943

to students in exchange for procuring the enrollment of others;	944
(N) Failure to provide at the request of the board, any	945
information, records, or files pertaining to the operation of	946
the school or recruitment and enrollment of students.	947
If the board modifies or adopts additional minimum	948
standards or rules pursuant to section 3332.031 of the Revised	949
Code, all schools and agents shall have sixty days from the	950
effective date of the modifications or additional standards or	951
rules to comply with such modifications or additions.	952
Sec. 3721.13. (A) The rights of residents of a home shall	953
include, but are not limited to, the following:	954
(1) The right to a safe and clean living environment	955
pursuant to the medicare and medicaid programs and applicable	956
state laws and rules adopted by the director of health;	957
(2) The right to be free from physical, verbal, mental,	958
and emotional abuse and to be treated at all times with	959
courtesy, respect, and full recognition of dignity and	960
individuality;	961
(3) Upon admission and thereafter, the right to adequate	962
and appropriate medical treatment and nursing care and to other	963
ancillary services that comprise necessary and appropriate care	964
consistent with the program for which the resident contracted.	965
This care shall be provided without regard to considerations	966
such as race, color, religion, <u>age, national origin, age,;</u>	967
<u>sexual orientation or gender identity or expression as those</u>	968
<u>terms are defined in section 4112.01 of the Revised Code; or</u>	969
source of payment for care.	970
(4) The right to have all reasonable requests and	971
inquiries responded to promptly;	972

(5) The right to have clothes and bed sheets changed as	973
the need arises, to ensure the resident's comfort or sanitation;	974
(6) The right to obtain from the home, upon request, the	975
name and any specialty of any physician or other person	976
responsible for the resident's care or for the coordination of	977
care;	978
(7) The right, upon request, to be assigned, within the	979
capacity of the home to make the assignment, to the staff	980
physician of the resident's choice, and the right, in accordance	981
with the rules and written policies and procedures of the home,	982
to select as the attending physician a physician who is not on	983
the staff of the home. If the cost of a physician's services is	984
to be met under a federally supported program, the physician	985
shall meet the federal laws and regulations governing such	986
services.	987
(8) The right to participate in decisions that affect the	988
resident's life, including the right to communicate with the	989
physician and employees of the home in planning the resident's	990
treatment or care and to obtain from the attending physician	991
complete and current information concerning medical condition,	992
prognosis, and treatment plan, in terms the resident can	993
reasonably be expected to understand; the right of access to all	994
information in the resident's medical record; and the right to	995
give or withhold informed consent for treatment after the	996
consequences of that choice have been carefully explained. When	997
the attending physician finds that it is not medically advisable	998
to give the information to the resident, the information shall	999
be made available to the resident's sponsor on the resident's	1000
behalf, if the sponsor has a legal interest or is authorized by	1001
the resident to receive the information. The home is not liable	1002

for a violation of this division if the violation is found to be 1003
the result of an act or omission on the part of a physician 1004
selected by the resident who is not otherwise affiliated with 1005
the home. 1006

(9) The right to withhold payment for physician visitation 1007
if the physician did not visit the resident; 1008

(10) The right to confidential treatment of personal and 1009
medical records, and the right to approve or refuse the release 1010
of these records to any individual outside the home, except in 1011
case of transfer to another home, hospital, or health care 1012
system, as required by law or rule, or as required by a third- 1013
party payment contract; 1014

(11) The right to privacy during medical examination or 1015
treatment and in the care of personal or bodily needs; 1016

(12) The right to refuse, without jeopardizing access to 1017
appropriate medical care, to serve as a medical research 1018
subject; 1019

(13) The right to be free from physical or chemical 1020
restraints or prolonged isolation except to the minimum extent 1021
necessary to protect the resident from injury to self, others, 1022
or to property and except as authorized in writing by the 1023
attending physician for a specified and limited period of time 1024
and documented in the resident's medical record. Prior to 1025
authorizing the use of a physical or chemical restraint on any 1026
resident, the attending physician shall make a personal 1027
examination of the resident and an individualized determination 1028
of the need to use the restraint on that resident. 1029

Physical or chemical restraints or isolation may be used 1030
in an emergency situation without authorization of the attending 1031

physician only to protect the resident from injury to self or 1032
others. Use of the physical or chemical restraints or isolation 1033
shall not be continued for more than twelve hours after the 1034
onset of the emergency without personal examination and 1035
authorization by the attending physician. The attending 1036
physician or a staff physician may authorize continued use of 1037
physical or chemical restraints for a period not to exceed 1038
thirty days, and at the end of this period and any subsequent 1039
period may extend the authorization for an additional period of 1040
not more than thirty days. The use of physical or chemical 1041
restraints shall not be continued without a personal examination 1042
of the resident and the written authorization of the attending 1043
physician stating the reasons for continuing the restraint. 1044

If physical or chemical restraints are used under this 1045
division, the home shall ensure that the restrained resident 1046
receives a proper diet. In no event shall physical or chemical 1047
restraints or isolation be used for punishment, incentive, or 1048
convenience. 1049

(14) The right to the pharmacist of the resident's choice 1050
and the right to receive pharmaceutical supplies and services at 1051
reasonable prices not exceeding applicable and normally accepted 1052
prices for comparably packaged pharmaceutical supplies and 1053
services within the community; 1054

(15) The right to exercise all civil rights, unless the 1055
resident has been adjudicated incompetent pursuant to Chapter 1056
2111. of the Revised Code and has not been restored to legal 1057
capacity, as well as the right to the cooperation of the home's 1058
administrator in making arrangements for the exercise of the 1059
right to vote; 1060

(16) The right of access to opportunities that enable the 1061

resident, at the resident's own expense or at the expense of a 1062
third-party payer, to achieve the resident's fullest potential, 1063
including educational, vocational, social, recreational, and 1064
habilitation programs; 1065

(17) The right to consume a reasonable amount of alcoholic 1066
beverages at the resident's own expense, unless not medically 1067
advisable as documented in the resident's medical record by the 1068
attending physician or unless contradictory to written admission 1069
policies; 1070

(18) The right to use tobacco at the resident's own 1071
expense under the home's safety rules and under applicable laws 1072
and rules of the state, unless not medically advisable as 1073
documented in the resident's medical record by the attending 1074
physician or unless contradictory to written admission policies; 1075

(19) The right to retire and rise in accordance with the 1076
resident's reasonable requests, if the resident does not disturb 1077
others or the posted meal schedules and upon the home's request 1078
remains in a supervised area, unless not medically advisable as 1079
documented by the attending physician; 1080

(20) The right to observe religious obligations and 1081
participate in religious activities; the right to maintain 1082
individual and cultural identity; and the right to meet with and 1083
participate in activities of social and community groups at the 1084
resident's or the group's initiative; 1085

(21) The right upon reasonable request to private and 1086
unrestricted communications with the resident's family, social 1087
worker, and any other person, unless not medically advisable as 1088
documented in the resident's medical record by the attending 1089
physician, except that communications with public officials or 1090

with the resident's attorney or physician shall not be 1091
restricted. Private and unrestricted communications shall 1092
include, but are not limited to, the right to: 1093

(a) Receive, send, and mail sealed, unopened 1094
correspondence; 1095

(b) Reasonable access to a telephone for private 1096
communications; 1097

(c) Private visits at any reasonable hour. 1098

(22) The right to assured privacy for visits by the 1099
spouse, or if both are residents of the same home, the right to 1100
share a room within the capacity of the home, unless not 1101
medically advisable as documented in the resident's medical 1102
record by the attending physician; 1103

(23) The right upon reasonable request to have room doors 1104
closed and to have them not opened without knocking, except in 1105
the case of an emergency or unless not medically advisable as 1106
documented in the resident's medical record by the attending 1107
physician; 1108

(24) The right to retain and use personal clothing and a 1109
reasonable amount of possessions, in a reasonably secure manner, 1110
unless to do so would infringe on the rights of other residents 1111
or would not be medically advisable as documented in the 1112
resident's medical record by the attending physician; 1113

(25) The right to be fully informed, prior to or at the 1114
time of admission and during the resident's stay, in writing, of 1115
the basic rate charged by the home, of services available in the 1116
home, and of any additional charges related to such services, 1117
including charges for services not covered under the medicare or 1118
medicaid program. The basic rate shall not be changed unless 1119

thirty days' notice is given to the resident or, if the resident 1120
is unable to understand this information, to the resident's 1121
sponsor. 1122

(26) The right of the resident and person paying for the 1123
care to examine and receive a bill at least monthly for the 1124
resident's care from the home that itemizes charges not included 1125
in the basic rates; 1126

(27) (a) The right to be free from financial exploitation; 1127

(b) The right to manage the resident's own personal 1128
financial affairs, or, if the resident has delegated this 1129
responsibility in writing to the home, to receive upon written 1130
request at least a quarterly accounting statement of financial 1131
transactions made on the resident's behalf. The statement shall 1132
include: 1133

(i) A complete record of all funds, personal property, or 1134
possessions of a resident from any source whatsoever, that have 1135
been deposited for safekeeping with the home for use by the 1136
resident or the resident's sponsor; 1137

(ii) A listing of all deposits and withdrawals transacted, 1138
which shall be substantiated by receipts which shall be 1139
available for inspection and copying by the resident or sponsor. 1140

(28) The right of the resident to be allowed unrestricted 1141
access to the resident's property on deposit at reasonable 1142
hours, unless requests for access to property on deposit are so 1143
persistent, continuous, and unreasonable that they constitute a 1144
nuisance; 1145

(29) The right to receive reasonable notice before the 1146
resident's room or roommate is changed, including an explanation 1147
of the reason for either change. 1148

(30) The right not to be transferred or discharged from 1149
the home unless the transfer is necessary because of one of the 1150
following: 1151

(a) The welfare and needs of the resident cannot be met in 1152
the home. 1153

(b) The resident's health has improved sufficiently so 1154
that the resident no longer needs the services provided by the 1155
home. 1156

(c) The safety of individuals in the home is endangered. 1157

(d) The health of individuals in the home would otherwise 1158
be endangered. 1159

(e) The resident has failed, after reasonable and 1160
appropriate notice, to pay or to have the medicare or medicaid 1161
program pay on the resident's behalf, for the care provided by 1162
the home. A resident shall not be considered to have failed to 1163
have the resident's care paid for if the resident has applied 1164
for medicaid, unless both of the following are the case: 1165

(i) The resident's application, or a substantially similar 1166
previous application, has been denied. 1167

(ii) If the resident appealed the denial, the denial was 1168
upheld. 1169

(f) The home's license has been revoked, the home is being 1170
closed pursuant to section 3721.08, sections 5165.60 to 5165.89, 1171
or section 5155.31 of the Revised Code, or the home otherwise 1172
ceases to operate. 1173

(g) The resident is a recipient of medicaid, and the 1174
home's participation in the medicaid program is involuntarily 1175
terminated or denied. 1176

(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied. 1177
1178
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(31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the operation of the home, of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal. This right includes access to a residents' rights advocate, and the right to be a member of, to be active in, and to associate with persons who are active in organizations of relatives and friends of nursing home residents and other organizations engaged in assisting residents. 1180
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(32) The right to have any significant change in the resident's health status reported to the resident's sponsor. As soon as such a change is known to the home's staff, the home shall make a reasonable effort to notify the sponsor within twelve hours. 1190
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(B) A sponsor may act on a resident's behalf to assure that the home does not deny the residents' rights under sections 3721.10 to 3721.17 of the Revised Code. 1195
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(C) Any attempted waiver of the rights listed in division (A) of this section is void. 1198
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Sec. 3905.55. (A) Except as provided in division (B) of this section, an agent may charge a consumer a fee if all of the following conditions are met: 1200
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(1) The fee is disclosed to the consumer in a manner that separately identifies the fee and the premium. 1203
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(2) The fee is not calculated as a percentage of the 1205

premium.	1206
(3) The fee is not refunded, forgiven, waived, offset, or reduced by any commission earned or received for any policy or coverage sold.	1207 1208 1209
(4) The amount of the fee, and the consumer's obligation to pay the fee, are not conditioned upon the occurrence of a future event or condition, such as the purchase, cancellation, lapse, declination, or nonrenewal of insurance.	1210 1211 1212 1213
(5) The agent discloses to the consumer that the fee is being charged by the agent and not by the insurance company, that neither state law nor the insurance company requires the agent to charge the fee, and that the fee is not refundable.	1214 1215 1216 1217
(6) The consumer consents to the fee.	1218
(7) The agent, in charging the fee, does not discriminate on the basis of race, sex, <u>religion, age,</u> national origin, religion, disability, marital status, health status, age, marital status, or geographic location, or <u>disability, sexual orientation, gender identity or expression, or military status</u> as <u>those terms are defined</u> in section 4112.01 of the Revised Code, or geographic location, and does not unfairly discriminate between persons of essentially the same class and of essentially the same hazard or expectation of life.	1219 1220 1221 1222 1223 1224 1225 1226 1227
(B) A fee may not be charged for taking or submitting an initial application for coverage with any one insurer or different programs with the same insurer, or processing a change to an existing policy, a cancellation, a claim, or a renewal, in connection with any of the following personal lines policies:	1228 1229 1230 1231 1232
(1) Private passenger automobile;	1233

(2) Homeowners, including coverage for tenants or condominium owners, owner-occupied fire or dwelling property coverage, personal umbrella liability, or any other personal lines-related coverage whether sold as a separate policy or as an endorsement to another personal lines policy;	1234 1235 1236 1237 1238
(3) Individual life insurance;	1239
(4) Individual sickness or accident insurance;	1240
(5) Disability income policies;	1241
(6) Credit insurance products.	1242
(C) Notwithstanding any other provision of this section, an agent may charge a fee for agent services in connection with a policy issued on a no-commission basis, if the agent provides the consumer with prior disclosure of the fee and of the services to be provided.	1243 1244 1245 1246 1247
(D) In the event of a dispute between an agent and a consumer regarding any disclosure required by this section, the agent has the burden of proving that the disclosure was made.	1248 1249 1250
(E) (1) No person shall fail to comply with this section.	1251
(2) Whoever violates division (E) (1) of this section is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code.	1252 1253 1254 1255
(F) This section does not apply with respect to any expense fee charged by a surety bail bond agent to cover the costs incurred by the surety bail bond agent in executing the bail bond.	1256 1257 1258 1259
Sec. 4111.17. (A) No employer, including the state and	1260

political subdivisions thereof, shall discriminate in the 1261
payment of wages on the basis of race, color, religion, sex, 1262
age, ancestry, or national origin, or ~~ancestry~~ sexual 1263
orientation or gender identity or expression as those terms are 1264
defined in section 4112.01 of the Revised Code, by paying wages 1265
to any employee at a rate less than the rate at which the 1266
employer pays wages to another employee for equal work on jobs 1267
the performance of which requires equal skill, effort, and 1268
responsibility, and which are performed under similar 1269
conditions. 1270

(B) Nothing in this section prohibits an employer from 1271
paying wages to one employee at a rate different from that at 1272
which the employer pays another employee for the performance of 1273
equal work under similar conditions on jobs requiring equal 1274
skill, effort, and responsibility, when the payment is made 1275
pursuant to any of the following: 1276

(1) A seniority system; 1277

(2) A merit system; 1278

(3) A system which measures earnings by the quantity or 1279
quality of production; 1280

(4) A wage rate differential determined by any factor 1281
other than race, color, religion, sex, age, ancestry, or 1282
national origin, ~~or ancestry~~; or sexual orientation or gender 1283
identity or expression as those terms are defined in section 1284
4112.01 of the Revised Code. 1285

(C) No employer shall reduce the wage rate of any employee 1286
in order to comply with this section. 1287

(D) The director of commerce shall carry out, administer, 1288
and enforce this section. Any employee discriminated against in 1289

violation of this section may sue in any court of competent 1290
jurisdiction to recover two times the amount of the difference 1291
between the wages actually received and the wages received by a 1292
person performing equal work for the employer, from the date of 1293
the commencement of the violation, and for costs, including 1294
attorney fees. The director may take an assignment of any such 1295
wage claim in trust for such employee and sue in the employee's 1296
behalf. In any civil action under this section, two or more 1297
employees of the same employer may join as co-plaintiffs in one 1298
action. The director may sue in one action for claims assigned 1299
to the director by two or more employees of the same employer. 1300
No agreement to work for a discriminatory wage constitutes a 1301
defense for any civil or criminal action to enforce this 1302
section. No employer shall discriminate against any employee 1303
because such employee makes a complaint or institutes, or 1304
testifies in, any proceeding under this section. 1305

(E) Any action arising under this section shall be 1306
initiated within one year after the date of violation. 1307

Sec. 4112.01. (A) As used in this chapter: 1308

(1) "Person" includes one or more individuals, 1309
partnerships, associations, organizations, corporations, legal 1310
representatives, trustees, trustees in bankruptcy, receivers, 1311
and other organized groups of persons. "Person" also includes, 1312
but is not limited to, any owner, lessor, assignor, builder, 1313
manager, broker, salesperson, appraiser, agent, employee, 1314
lending institution, and the state and all political 1315
subdivisions, authorities, agencies, boards, and commissions of 1316
the state. 1317

(2) "Employer" includes the state, any political 1318
subdivision of the state, any person employing four or more 1319

persons within the state, and any person acting directly or 1320
indirectly in the interest of an employer. 1321

(3) "Employee" means an individual employed by any 1322
employer but does not include any individual employed in the 1323
domestic service of any person. 1324

(4) "Labor organization" includes any organization that 1325
exists, in whole or in part, for the purpose of collective 1326
bargaining or of dealing with employers concerning grievances, 1327
terms or conditions of employment, or other mutual aid or 1328
protection in relation to employment. 1329

(5) "Employment agency" includes any person regularly 1330
undertaking, with or without compensation, to procure 1331
opportunities to work or to procure, recruit, refer, or place 1332
employees. 1333

(6) "Commission" means the Ohio civil rights commission 1334
created by section 4112.03 of the Revised Code. 1335

(7) "Discriminate" includes segregate or separate. 1336

(8) "Unlawful discriminatory practice" means any act 1337
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1338
Revised Code. 1339

(9) "Place of public accommodation" means any inn, 1340
restaurant, eating house, barbershop, public conveyance by air, 1341
land, or water, theater, store, other place for the sale of 1342
merchandise, or any other place of public accommodation or 1343
amusement of which the accommodations, advantages, facilities, 1344
or privileges are available to the public. 1345

(10) "Housing accommodations" includes any building or 1346
structure, or portion of a building or structure, that is used 1347

or occupied or is intended, arranged, or designed to be used or 1348
occupied as the home residence, dwelling, dwelling unit, or 1349
sleeping place of one or more individuals, groups, or families 1350
whether or not living independently of each other; and any 1351
vacant land offered for sale or lease. "Housing accommodations" 1352
also includes any housing accommodations held or offered for 1353
sale or rent by a real estate broker, salesperson, or agent, by 1354
any other person pursuant to authorization of the owner, by the 1355
owner, or by the owner's legal representative. 1356

(11) "Restrictive covenant" means any specification 1357
limiting the transfer, rental, lease, or other use of any 1358
housing accommodations because of race, color, religion, sex, 1359
~~military status, familial status, national origin, disability,~~ 1360
~~or ancestry, national origin, familial status, disability,~~ 1361
~~sexual orientation, gender identity or expression, or military~~ 1362
~~status,~~ or any limitation based upon affiliation with or 1363
approval by any person, directly or indirectly, employing race, 1364
color, religion, sex, ~~military status, familial status, national~~ 1365
~~origin, disability, or ancestry, national origin, familial~~ 1366
~~status, disability, sexual orientation, gender identity or~~ 1367
~~expression, or military status~~ as a condition of affiliation or 1368
approval. 1369

(12) "Burial lot" means any lot for the burial of deceased 1370
persons within any public burial ground or cemetery, including, 1371
but not limited to, cemeteries owned and operated by municipal 1372
corporations, townships, or companies or associations 1373
incorporated for cemetery purposes. 1374

(13) "Disability" means a physical or mental impairment 1375
that substantially limits one or more major life activities, 1376
including the functions of caring for one's self, performing 1377

manual tasks, walking, seeing, hearing, speaking, breathing, 1378
learning, and working; a record of a physical or mental 1379
impairment; or being regarded as having a physical or mental 1380
impairment. 1381

(14) Except as otherwise provided in section 4112.021 of 1382
the Revised Code, "age" means at least forty years old. 1383

(15) "Familial status" means either of the following: 1384

(a) One or more individuals who are under eighteen years 1385
of age and who are domiciled with a parent or guardian having 1386
legal custody of the individual or domiciled, with the written 1387
permission of the parent or guardian having legal custody, with 1388
a designee of the parent or guardian; 1389

(b) Any person who is pregnant or in the process of 1390
securing legal custody of any individual who is under eighteen 1391
years of age. 1392

(16) (a) Except as provided in division (A) (16) (b) of this 1393
section, "physical or mental impairment" includes any of the 1394
following: 1395

(i) Any physiological disorder or condition, cosmetic 1396
disfigurement, or anatomical loss affecting one or more of the 1397
following body systems: neurological; musculoskeletal; special 1398
sense organs; respiratory, including speech organs; 1399
cardiovascular; reproductive; digestive; genito-urinary; hemic 1400
and lymphatic; skin; and endocrine; 1401

(ii) Any mental or psychological disorder, including, but 1402
not limited to, mental retardation, organic brain syndrome, 1403
emotional or mental illness, and specific learning disabilities; 1404

(iii) Diseases and conditions, including, but not limited 1405

to, orthopedic, visual, speech, and hearing impairments, 1406
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1407
sclerosis, cancer, heart disease, diabetes, human 1408
immunodeficiency virus infection, mental retardation, emotional 1409
illness, drug addiction, and alcoholism. 1410

(b) "Physical or mental impairment" does not include any 1411
of the following: 1412

~~(i) Homosexuality and bisexuality;~~ 1413

~~(ii) (i) Transvestism, transsexualism,~~ 1414
~~pedophilia~~Pedophilia, exhibitionism, voyeurism, ~~gender identity~~ 1415
~~disorders not resulting from physical impairments,~~ or other 1416
sexual behavior disorders with corresponding criminal behavior; 1417

~~(iii) (ii) Compulsive gambling, kleptomania, or~~ 1418
pyromania; 1419

~~(iv) (iii) Psychoactive substance use disorders resulting~~ 1420
from the current illegal use of a controlled substance or the 1421
current use of alcoholic beverages. 1422

(17) "Dwelling unit" means a single unit of residence for 1423
a family of one or more persons. 1424

(18) "Common use areas" means rooms, spaces, or elements 1425
inside or outside a building that are made available for the use 1426
of residents of the building or their guests, and includes, but 1427
is not limited to, hallways, lounges, lobbies, laundry rooms, 1428
refuse rooms, mail rooms, recreational areas, and passageways 1429
among and between buildings. 1430

(19) "Public use areas" means interior or exterior rooms 1431
or spaces of a privately or publicly owned building that are 1432
made available to the general public. 1433

(20) "Controlled substance" has the same meaning as in	1434
section 3719.01 of the Revised Code.	1435
(21) "Disabled tenant" means a tenant or prospective	1436
tenant who is a person with a disability.	1437
(22) "Military status" means a person's status in "service	1438
in the uniformed services" as defined in section 5923.05 of the	1439
Revised Code.	1440
(23) "Aggrieved person" includes both of the following:	1441
(a) Any person who claims to have been injured by any	1442
unlawful discriminatory practice described in division (H) of	1443
section 4112.02 of the Revised Code;	1444
(b) Any person who believes that the person will be	1445
injured by, any unlawful discriminatory practice described in	1446
division (H) of section 4112.02 of the Revised Code that is	1447
about to occur.	1448
<u>(24) "Sexual orientation" means actual or perceived,</u>	1449
<u>heterosexuality, homosexuality, or bisexuality.</u>	1450
<u>(25) "Gender identity or expression" means the gender-</u>	1451
<u>related identity, appearance, or mannerisms or other gender-</u>	1452
<u>related characteristics of an individual, with or without regard</u>	1453
<u>to the individual's designated gender at birth.</u>	1454
(B) For the purposes of divisions (A) to (F) of section	1455
4112.02 of the Revised Code, the terms "because of sex" and "on	1456
the basis of sex" include, but are not limited to, because of or	1457
on the basis of pregnancy, any illness arising out of and	1458
occurring during the course of a pregnancy, childbirth, or	1459
related medical conditions. Women affected by pregnancy,	1460
childbirth, or related medical conditions shall be treated the	1461

same for all employment-related purposes, including receipt of 1462
benefits under fringe benefit programs, as other persons not so 1463
affected but similar in their ability or inability to work, and 1464
nothing in division (B) of section 4111.17 of the Revised Code 1465
shall be interpreted to permit otherwise. This division shall 1466
not be construed to require an employer to pay for health 1467
insurance benefits for abortion, except where the life of the 1468
mother would be endangered if the fetus were carried to term or 1469
except where medical complications have arisen from the 1470
abortion, provided that nothing in this division precludes an 1471
employer from providing abortion benefits or otherwise affects 1472
bargaining agreements in regard to abortion. 1473

Sec. 4112.02. It shall be an unlawful discriminatory 1474
practice: 1475

(A) For any employer, because of the race, color, 1476
religion, sex, age, ancestry, national origin, disability, 1477
sexual orientation, gender identity or expression, or military 1478
status, national origin, disability, age, or ancestry of any 1479
person, to discharge without just cause, to refuse to hire, or 1480
otherwise to discriminate against that person with respect to 1481
hire, tenure, terms, conditions, or privileges of employment, or 1482
any matter directly or indirectly related to employment. 1483

(B) For an employment agency or personnel placement 1484
service, because of race, color, religion, sex, age, ancestry, 1485
national origin, disability, sexual orientation, gender identity 1486
or expression, or military status, national origin, disability, 1487
age, or ancestry, to do any of the following: 1488

(1) Refuse or fail to accept, register, classify properly, 1489
or refer for employment, or otherwise discriminate against any 1490
person; 1491

(2) Comply with a request from an employer for referral of 1492
applicants for employment if the request directly or indirectly 1493
indicates that the employer fails to comply with the provisions 1494
of sections 4112.01 to 4112.07 of the Revised Code. 1495

(C) For any labor organization to do any of the following: 1496

(1) Limit or classify its membership on the basis of race, 1497
color, religion, sex, age, ancestry, national origin, 1498
disability, sexual orientation, gender identity or expression, 1499
or military status, ~~national origin, disability, age, or~~ 1500
~~ancestry;~~ 1501

(2) Discriminate against, limit the employment 1502
opportunities of, or otherwise adversely affect the employment 1503
status, wages, hours, or employment conditions of any person as 1504
an employee because of race, color, religion, sex, age, 1505
ancestry, national origin, disability, sexual orientation, 1506
gender identity or expression, or military status, ~~national~~ 1507
~~origin, disability, age, or ancestry.~~ 1508

(D) For any employer, labor organization, or joint labor- 1509
management committee controlling apprentice training programs to 1510
discriminate against any person because of race, color, 1511
religion, sex, ancestry, national origin, disability, sexual 1512
orientation, gender identity or expression, or military status, ~~—~~ 1513
~~national origin, disability, or ancestry~~ in admission to, or 1514
employment in, any program established to provide apprentice 1515
training. 1516

(E) Except where based on a bona fide occupational 1517
qualification certified in advance by the commission, for any 1518
employer, employment agency, personnel placement service, or 1519
labor organization, prior to employment or admission to 1520

membership, to do any of the following: 1521

(1) Elicit or attempt to elicit any information concerning 1522
the race, color, religion, sex, age, ancestry, national origin, 1523
disability, sexual orientation, gender identity or expression, 1524
or military status, ~~national origin, disability, age, or~~ 1525
~~ancestry~~ of an applicant for employment or membership; 1526

(2) Make or keep a record of the race, color, religion, 1527
sex, age, ancestry, national origin, disability, sexual 1528
orientation, gender identity or expression, or military status, 1529
~~national origin, disability, age, or ancestry~~ of any applicant 1530
for employment or membership; 1531

(3) Use any form of application for employment, or 1532
personnel or membership blank, seeking to elicit information 1533
regarding race, color, religion, sex, age, ancestry, national 1534
origin, disability, sexual orientation, gender identity or 1535
expression, or military status, ~~national origin, disability,~~ 1536
~~age, or ancestry~~; but an employer holding a contract containing 1537
a nondiscrimination clause with the government of the United 1538
States, or any department or agency of that government, may 1539
require an employee or applicant for employment to furnish 1540
documentary proof of United States citizenship and may retain 1541
that proof in the employer's personnel records and may use 1542
photographic or fingerprint identification for security 1543
purposes; 1544

(4) Print or publish or cause to be printed or published 1545
any notice or advertisement relating to employment or membership 1546
indicating any preference, limitation, specification, or 1547
discrimination, based upon race, color, religion, sex, age, 1548
ancestry, national origin, disability, sexual orientation, 1549
gender identity or expression, or military status, ~~national~~ 1550

~~origin, disability, age, or ancestry;~~ 1551

(5) Announce or follow a policy of denying or limiting, 1552
through a quota system or otherwise, employment or membership 1553
opportunities of any group because of the race, color, religion, 1554
sex, age, ancestry, national origin, disability, sexual 1555
orientation, gender identity or expression, or military status, 1556
~~national origin, disability, age, or ancestry~~ of that group; 1557

(6) Utilize in the recruitment or hiring of persons any 1558
employment agency, personnel placement service, training school 1559
or center, labor organization, or any other employee-referring 1560
source known to discriminate against persons because of their 1561
race, color, religion, sex, age, ancestry, national origin, 1562
disability, sexual orientation, gender identity or expression, 1563
or military status, ~~national origin, disability, age, or~~ 1564
~~ancestry.~~ 1565

(F) For any person seeking employment to publish or cause 1566
to be published any advertisement that specifies or in any 1567
manner indicates that person's race, color, religion, sex, age, 1568
ancestry, national origin, disability, sexual orientation, 1569
gender identity or expression, or military status, ~~national~~ 1570
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1571
or preference as to the race, color, religion, sex, age, 1572
ancestry, national origin, disability, sexual orientation, 1573
gender identity or expression, or military status, ~~national~~ 1574
~~origin, disability, age, or ancestry~~ of any prospective 1575
employer. 1576

(G) For any proprietor or any employee, keeper, or manager 1577
of a place of public accommodation to deny to any person, except 1578
for reasons applicable alike to all persons regardless of race, 1579
color, religion, sex, age, ancestry, national origin, 1580

~~disability, sexual orientation, gender identity or expression,~~ 1581
~~or military status, national origin, disability, age, or~~ 1582
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1583
facilities, or privileges of the place of public accommodation. 1584

(H) For any person to do any of the following: 1585

(1) Refuse to sell, transfer, assign, rent, lease, 1586
sublease, or finance housing accommodations, refuse to negotiate 1587
for the sale or rental of housing accommodations, or otherwise 1588
deny or make unavailable housing accommodations because of race, 1589
color, religion, sex, ancestry, national origin, familial 1590
status, disability, sexual orientation, gender identity or 1591
expression, or military status, familial status, ancestry, 1592
~~disability, or national origin;~~ 1593

(2) Represent to any person that housing accommodations 1594
are not available for inspection, sale, or rental, when in fact 1595
they are available, because of race, color, religion, sex, 1596
ancestry, national origin, familial status, disability, sexual 1597
orientation, gender identity or expression, or military status, 1598
~~familial status, ancestry, disability, or national origin;~~ 1599

(3) Discriminate against any person in the making or 1600
purchasing of loans or the provision of other financial 1601
assistance for the acquisition, construction, rehabilitation, 1602
repair, or maintenance of housing accommodations, or any person 1603
in the making or purchasing of loans or the provision of other 1604
financial assistance that is secured by residential real estate, 1605
because of race, color, religion, sex, ancestry, national 1606
origin, familial status, disability, sexual orientation, gender 1607
identity or expression, or military status, familial status, 1608
~~ancestry, disability, or national origin~~ or because of the 1609
racial composition of the neighborhood in which the housing 1610

accommodations are located, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to the person's principal business and not only as a part of the purchase price of an owner-occupied residence the person is selling nor merely casually or occasionally to a relative or friend;

(4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because of race, color, religion, sex, ancestry, national origin, familial status, disability, sexual orientation, gender identity or expression, or military status, ~~familial status, ancestry, disability, or national origin~~ or because of the racial composition of the neighborhood in which the housing accommodations are located;

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

(6) Refuse to consider without prejudice the combined income of both husband and wife for the purpose of extending

mortgage credit to a married couple or either member of a 1641
married couple; 1642

(7) Print, publish, or circulate any statement or 1643
advertisement, or make or cause to be made any statement or 1644
advertisement, relating to the sale, transfer, assignment, 1645
rental, lease, sublease, or acquisition of any housing 1646
accommodations, or relating to the loan of money, whether or not 1647
secured by mortgage or otherwise, for the acquisition, 1648
construction, rehabilitation, repair, or maintenance of housing 1649
accommodations, that indicates any preference, limitation, 1650
specification, or discrimination based upon race, color, 1651
religion, sex, ancestry, national origin, familial status, 1652
disability, sexual orientation, gender identity or expression, 1653
or military status, ~~familial status, ancestry, disability, or~~ 1654
~~national origin~~, or an intention to make any such preference, 1655
limitation, specification, or discrimination; 1656

(8) Except as otherwise provided in division (H) (8) or 1657
(17) of this section, make any inquiry, elicit any information, 1658
make or keep any record, or use any form of application 1659
containing questions or entries concerning race, color, 1660
religion, sex, ancestry, national origin, familial status, 1661
disability, sexual orientation, gender identity or expression, 1662
or military status, ~~familial status, ancestry, disability, or~~ 1663
~~national origin~~ in connection with the sale or lease of any 1664
housing accommodations or the loan of any money, whether or not 1665
secured by mortgage or otherwise, for the acquisition, 1666
construction, rehabilitation, repair, or maintenance of housing 1667
accommodations. Any person may make inquiries, and make and keep 1668
records, concerning race, color, religion, sex, ancestry, 1669
national origin, familial status, disability, sexual 1670
orientation, gender identity or expression, or military status, 1671

~~familial status, ancestry, disability, or national origin~~ for 1672
the purpose of monitoring compliance with this chapter. 1673

(9) Include in any transfer, rental, or lease of housing 1674
accommodations any restrictive covenant, or honor or exercise, 1675
or attempt to honor or exercise, any restrictive covenant; 1676

(10) Induce or solicit, or attempt to induce or solicit, a 1677
housing accommodations listing, sale, or transaction by 1678
representing that a change has occurred or may occur with 1679
respect to the racial, religious, sexual, familial status, 1680
sexual orientation, gender identity or expression, military 1681
status, ~~familial status,~~ or ethnic composition of the block, 1682
neighborhood, or other area in which the housing accommodations 1683
are located, or induce or solicit, or attempt to induce or 1684
solicit, a housing accommodations listing, sale, or transaction 1685
by representing that the presence or anticipated presence of 1686
persons of any race, color, religion, sex, ancestry, national 1687
origin, familial status, disability, sexual orientation, gender 1688
identity or expression, or military status, ~~familial status,~~ 1689
~~ancestry, disability, or national origin,~~ in the block, 1690
neighborhood, or other area will or may have results including, 1691
but not limited to, the following: 1692

(a) The lowering of property values; 1693

(b) A change in the racial, religious, sexual, familial 1694
status, sexual orientation, gender identity or expression, 1695
military status, ~~familial status,~~ or ethnic composition of the 1696
block, neighborhood, or other area; 1697

(c) An increase in criminal or antisocial behavior in the 1698
block, neighborhood, or other area; 1699

(d) A decline in the quality of the schools serving the 1700

block, neighborhood, or other area. 1701

(11) Deny any person access to or membership or 1702
participation in any multiple-listing service, real estate 1703
brokers' organization, or other service, organization, or 1704
facility relating to the business of selling or renting housing 1705
accommodations, or discriminate against any person in the terms 1706
or conditions of that access, membership, or participation, on 1707
account of race, color, religion, sex, ancestry, national 1708
origin, familial status, disability, sexual orientation, gender 1709
identity or expression, or military status, ~~familial status,~~ 1710
~~national origin, disability, or ancestry;~~ 1711

(12) Coerce, intimidate, threaten, or interfere with any 1712
person in the exercise or enjoyment of, or on account of that 1713
person's having exercised or enjoyed or having aided or 1714
encouraged any other person in the exercise or enjoyment of, any 1715
right granted or protected by division (H) of this section; 1716

(13) Discourage or attempt to discourage the purchase by a 1717
prospective purchaser of housing accommodations, by representing 1718
that any block, neighborhood, or other area has undergone or 1719
might undergo a change with respect to its racial, religious, 1720
~~racial, sexual,~~ familial status, sexual orientation, gender 1721
identity or expression, military status, ~~familial status,~~ or 1722
ethnic composition; 1723

(14) Refuse to sell, transfer, assign, rent, lease, 1724
sublease, or finance, or otherwise deny or withhold, a burial 1725
lot from any person because of the race, color, sex, age, 1726
ancestry, national origin, familial status, disability, sexual 1727
orientation, gender identity or expression, or military status, 1728
~~familial status, age, ancestry, disability, or national origin~~ 1729
of any prospective owner or user of the lot; 1730

(15) Discriminate in the sale or rental of, or otherwise	1731
make unavailable or deny, housing accommodations to any buyer or	1732
renter because of a disability of any of the following:	1733
(a) The buyer or renter;	1734
(b) A person residing in or intending to reside in the	1735
housing accommodations after they are sold, rented, or made	1736
available;	1737
(c) Any individual associated with the person described in	1738
division (H) (15) (b) of this section.	1739
(16) Discriminate in the terms, conditions, or privileges	1740
of the sale or rental of housing accommodations to any person or	1741
in the provision of services or facilities to any person in	1742
connection with the housing accommodations because of a	1743
disability of any of the following:	1744
(a) That person;	1745
(b) A person residing in or intending to reside in the	1746
housing accommodations after they are sold, rented, or made	1747
available;	1748
(c) Any individual associated with the person described in	1749
division (H) (16) (b) of this section.	1750
(17) Except as otherwise provided in division (H) (17) of	1751
this section, make an inquiry to determine whether an applicant	1752
for the sale or rental of housing accommodations, a person	1753
residing in or intending to reside in the housing accommodations	1754
after they are sold, rented, or made available, or any	1755
individual associated with that person has a disability, or make	1756
an inquiry to determine the nature or severity of a disability	1757
of the applicant or such a person or individual. The following	1758

inquiries may be made of all applicants for the sale or rental 1759
of housing accommodations, regardless of whether they have 1760
disabilities: 1761

(a) An inquiry into an applicant's ability to meet the 1762
requirements of ownership or tenancy; 1763

(b) An inquiry to determine whether an applicant is 1764
qualified for housing accommodations available only to persons 1765
with disabilities or persons with a particular type of 1766
disability; 1767

(c) An inquiry to determine whether an applicant is 1768
qualified for a priority available to persons with disabilities 1769
or persons with a particular type of disability; 1770

(d) An inquiry to determine whether an applicant currently 1771
uses a controlled substance in violation of section 2925.11 of 1772
the Revised Code or a substantively comparable municipal 1773
ordinance; 1774

(e) An inquiry to determine whether an applicant at any 1775
time has been convicted of or pleaded guilty to any offense, an 1776
element of which is the illegal sale, offer to sell, 1777
cultivation, manufacture, other production, shipment, 1778
transportation, delivery, or other distribution of a controlled 1779
substance. 1780

(18) (a) Refuse to permit, at the expense of a person with 1781
a disability, reasonable modifications of existing housing 1782
accommodations that are occupied or to be occupied by the person 1783
with a disability, if the modifications may be necessary to 1784
afford the person with a disability full enjoyment of the 1785
housing accommodations. This division does not preclude a 1786
landlord of housing accommodations that are rented or to be 1787

rented to a disabled tenant from conditioning permission for a 1788
proposed modification upon the disabled tenant's doing one or 1789
more of the following: 1790

(i) Providing a reasonable description of the proposed 1791
modification and reasonable assurances that the proposed 1792
modification will be made in a workerlike manner and that any 1793
required building permits will be obtained prior to the 1794
commencement of the proposed modification; 1795

(ii) Agreeing to restore at the end of the tenancy the 1796
interior of the housing accommodations to the condition they 1797
were in prior to the proposed modification, but subject to 1798
reasonable wear and tear during the period of occupancy, if it 1799
is reasonable for the landlord to condition permission for the 1800
proposed modification upon the agreement; 1801

(iii) Paying into an interest-bearing escrow account that 1802
is in the landlord's name, over a reasonable period of time, a 1803
reasonable amount of money not to exceed the projected costs at 1804
the end of the tenancy of the restoration of the interior of the 1805
housing accommodations to the condition they were in prior to 1806
the proposed modification, but subject to reasonable wear and 1807
tear during the period of occupancy, if the landlord finds the 1808
account reasonably necessary to ensure the availability of funds 1809
for the restoration work. The interest earned in connection with 1810
an escrow account described in this division shall accrue to the 1811
benefit of the disabled tenant who makes payments into the 1812
account. 1813

(b) A landlord shall not condition permission for a 1814
proposed modification upon a disabled tenant's payment of a 1815
security deposit that exceeds the customarily required security 1816
deposit of all tenants of the particular housing accommodations. 1817

- (19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;
- (20) Fail to comply with the standards and rules adopted under division (A) of section 3781.111 of the Revised Code;
- (21) Discriminate against any person in the selling, brokering, or appraising of real property because of race, color, religion, sex, ancestry, national origin, familial status, disability, sexual orientation, gender identity or expression, or military status, ~~familial status, ancestry, disability, or national origin;~~
- (22) Fail to design and construct covered multifamily dwellings for first occupancy on or after June 30, 1992, in accordance with the following conditions:
- (a) The dwellings shall have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.
- (b) With respect to dwellings that have a building entrance on an accessible route, all of the following apply:
- (i) The public use areas and common use areas of the dwellings shall be readily accessible to and usable by persons with a disability.
- (ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.
- (iii) All premises within covered multifamily dwelling

units shall contain an accessible route into and through the 1846
dwelling; all light switches, electrical outlets, thermostats, 1847
and other environmental controls within such units shall be in 1848
accessible locations; the bathroom walls within such units shall 1849
contain reinforcements to allow later installation of grab bars; 1850
and the kitchens and bathrooms within such units shall be 1851
designed and constructed in a manner that enables an individual 1852
in a wheelchair to maneuver about such rooms. 1853

For purposes of division (H) (22) of this section, "covered 1854
multifamily dwellings" means buildings consisting of four or 1855
more units if such buildings have one or more elevators and 1856
ground floor units in other buildings consisting of four or more 1857
units. 1858

(I) For any person to discriminate in any manner against 1859
any other person because that person has opposed any unlawful 1860
discriminatory practice defined in this section or because that 1861
person has made a charge, testified, assisted, or participated 1862
in any manner in any investigation, proceeding, or hearing under 1863
sections 4112.01 to 4112.07 of the Revised Code. 1864

(J) For any person to aid, abet, incite, compel, or coerce 1865
the doing of any act declared by this section to be an unlawful 1866
discriminatory practice, to obstruct or prevent any person from 1867
complying with this chapter or any order issued under it, or to 1868
attempt directly or indirectly to commit any act declared by 1869
this section to be an unlawful discriminatory practice. 1870

~~(K) (1) Nothing in division (H) of this section shall bar 1871
any religious or denominational institution or organization, or 1872
any nonprofit charitable or educational organization that is 1873
operated, supervised, or controlled by or in connection with a 1874
religious organization, from limiting the sale, rental, or 1875~~

~~occupancy of housing accommodations that it owns or operates for 1876
other than a commercial purpose to persons of the same religion, 1877
or from giving preference in the sale, rental, or occupancy of 1878
such housing accommodations to persons of the same religion, 1879
unless membership in the religion is restricted on account of 1880
race, color, or national origin. 1881~~

~~(2)~~ Nothing in division (H) of this section shall bar any 1882
bona fide private or fraternal organization that, incidental to 1883
its primary purpose, owns or operates lodgings for other than a 1884
commercial purpose, from limiting the rental or occupancy of the 1885
lodgings to its members or from giving preference to its 1886
members. 1887

~~(3)~~ (2) Nothing in division (H) of this section limits the 1888
applicability of any reasonable local, state, or federal 1889
restrictions regarding the maximum number of occupants permitted 1890
to occupy housing accommodations. Nothing in that division 1891
prohibits the owners or managers of housing accommodations from 1892
implementing reasonable occupancy standards based on the number 1893
and size of sleeping areas or bedrooms and the overall size of a 1894
dwelling unit, provided that the standards are not implemented 1895
to circumvent the purposes of this chapter and are formulated, 1896
implemented, and interpreted in a manner consistent with this 1897
chapter and any applicable local, state, or federal restrictions 1898
regarding the maximum number of occupants permitted to occupy 1899
housing accommodations. 1900

~~(4)~~ (3) Nothing in division (H) of this section requires 1901
that housing accommodations be made available to an individual 1902
whose tenancy would constitute a direct threat to the health or 1903
safety of other individuals or whose tenancy would result in 1904
substantial physical damage to the property of others. 1905

~~(5)~~-(4) Nothing in division (H) of this section pertaining 1906
to discrimination on the basis of familial status shall be 1907
construed to apply to any of the following: 1908

(a) Housing accommodations provided under any state or 1909
federal program that have been determined under the "Fair 1910
Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 1911
3607, as amended, to be specifically designed and operated to 1912
assist elderly persons; 1913

(b) Housing accommodations intended for and solely 1914
occupied by persons who are sixty-two years of age or older; 1915

(c) Housing accommodations intended and operated for 1916
occupancy by at least one person who is fifty-five years of age 1917
or older per unit, as determined under the "Fair Housing 1918
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 1919
amended. 1920

(L) Nothing in divisions (A) to (E) of this section shall 1921
be construed to require a person with a disability to be 1922
employed or trained under circumstances that would significantly 1923
increase the occupational hazards affecting either the person 1924
with a disability, other employees, the general public, or the 1925
facilities in which the work is to be performed, or to require 1926
the employment or training of a person with a disability in a 1927
job that requires the person with a disability routinely to 1928
undertake any task, the performance of which is substantially 1929
and inherently impaired by the person's disability. 1930

(M) Nothing in divisions (H) (1) to (18) of this section 1931
shall be construed to require any person selling or renting 1932
property to modify the property in any way or to exercise a 1933
higher degree of care for a person with a disability, to relieve 1934

any person with a disability of any obligation generally imposed 1935
on all persons regardless of disability in a written lease, 1936
rental agreement, or contract of purchase or sale, or to forbid 1937
distinctions based on the inability to fulfill the terms and 1938
conditions, including financial obligations, of the lease, 1939
agreement, or contract. 1940

(N) An aggrieved individual may enforce the individual's 1941
rights relative to discrimination on the basis of age as 1942
provided for in this section by instituting a civil action, 1943
within one hundred eighty days after the alleged unlawful 1944
discriminatory practice occurred, in any court with jurisdiction 1945
for any legal or equitable relief that will effectuate the 1946
individual's rights. 1947

A person who files a civil action under this division is 1948
barred, with respect to the practices complained of, from 1949
instituting a civil action under section 4112.14 of the Revised 1950
Code and from filing a charge with the commission under section 1951
4112.05 of the Revised Code. 1952

(O) With regard to age, it shall not be an unlawful 1953
discriminatory practice and it shall not constitute a violation 1954
of division (A) of section 4112.14 of the Revised Code for any 1955
employer, employment agency, joint labor-management committee 1956
controlling apprenticeship training programs, or labor 1957
organization to do any of the following: 1958

(1) Establish bona fide employment qualifications 1959
reasonably related to the particular business or occupation that 1960
may include standards for skill, aptitude, physical capability, 1961
intelligence, education, maturation, and experience; 1962

(2) Observe the terms of a bona fide seniority system or 1963

any bona fide employee benefit plan, including, but not limited 1964
to, a retirement, pension, or insurance plan, that is not a 1965
subterfuge to evade the purposes of this section. However, no 1966
such employee benefit plan shall excuse the failure to hire any 1967
individual, and no such seniority system or employee benefit 1968
plan shall require or permit the involuntary retirement of any 1969
individual, because of the individual's age except as provided 1970
for in the "Age Discrimination in Employment Act Amendment of 1971
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 1972
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1973
3342, 29 U.S.C.A. 623, as amended. 1974

(3) Retire an employee who has attained sixty-five years 1975
of age who, for the two-year period immediately before 1976
retirement, is employed in a bona fide executive or a high 1977
policymaking position, if the employee is entitled to an 1978
immediate nonforfeitable annual retirement benefit from a 1979
pension, profit-sharing, savings, or deferred compensation plan, 1980
or any combination of those plans, of the employer of the 1981
employee, which equals, in the aggregate, at least forty-four 1982
thousand dollars, in accordance with the conditions of the "Age 1983
Discrimination in Employment Act Amendment of 1978," 92 Stat. 1984
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 1985
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1986
631, as amended; 1987

(4) Observe the terms of any bona fide apprenticeship 1988
program if the program is registered with the Ohio 1989
apprenticeship council pursuant to sections 4139.01 to 4139.06 1990
of the Revised Code and is approved by the federal committee on 1991
apprenticeship of the United States department of labor. 1992

(P) Nothing in this chapter prohibiting age discrimination 1993

and nothing in division (A) of section 4112.14 of the Revised Code shall be construed to prohibit the following:

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

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

(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code;

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

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

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

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

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

(b) Division (Q) (1) (a) of this section does not apply to an employee, applicant, or other person who satisfies any of the following:

(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.

(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.

(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.

(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: 2052

(a) Adopting or administering reasonable policies or 2053
procedures, including, but not limited to, testing for the 2054
illegal use of any controlled substance, that are designed to 2055
ensure that an individual described in division (Q) (1) (b) (i) or 2056
(ii) of this section no longer is engaging in the illegal use of 2057
any controlled substance; 2058

(b) Prohibiting the illegal use of controlled substances 2059
and the use of alcohol at the workplace by all employees; 2060

(c) Requiring that employees not be under the influence of 2061
alcohol or not be engaged in the illegal use of any controlled 2062
substance at the workplace; 2063

(d) Requiring that employees behave in conformance with 2064
the requirements established under "The Drug-Free Workplace Act 2065
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 2066

(e) Holding an employee who engages in the illegal use of 2067
any controlled substance or who is an alcoholic to the same 2068
qualification standards for employment or job performance, and 2069
the same behavior, to which the employer, employment agency, 2070
personnel placement service, labor organization, or joint labor- 2071
management committee holds other employees, even if any 2072
unsatisfactory performance or behavior is related to an 2073
employee's illegal use of a controlled substance or alcoholism; 2074

(f) Exercising other authority recognized in the 2075
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 2076
U.S.C.A. 12101, as amended, including, but not limited to, 2077
requiring employees to comply with any applicable federal 2078
standards. 2079

(3) For purposes of this chapter, a test to determine the 2080

illegal use of any controlled substance does not include a 2081
medical examination. 2082

(4) Division (Q) of this section does not encourage, 2083
prohibit, or authorize, and shall not be construed as 2084
encouraging, prohibiting, or authorizing, the conduct of testing 2085
for the illegal use of any controlled substance by employees, 2086
applicants, or other persons, or the making of employment 2087
decisions based on the results of that type of testing. 2088

~~(R) This section does not apply to a religious 2089
corporation, association, educational institution, or society 2090
with respect to the employment of an individual of a particular 2091
religion to perform work connected with the carrying on by that 2092
religious corporation, association, educational institution, or 2093
society of its activities. 2094~~

The unlawful discriminatory practices defined in this 2095
section do not make it unlawful for a person or an appointing 2096
authority administering an examination under section 124.23 of 2097
the Revised Code to obtain information about an applicant's 2098
military status for the purpose of determining if the applicant 2099
is eligible for the additional credit that is available under 2100
that section. 2101

(S) It shall be an unlawful discriminatory practice for 2102
any employer, employment agency, or labor organization to limit, 2103
segregate, or classify its employees or applicants for 2104
employment in any way that would deprive or tend to deprive any 2105
individual of employment or otherwise adversely affect the 2106
status of the individual as an employee because of the 2107
individual's actual or perceived sexual orientation or gender 2108
identity or expression. 2109

Sec. 4112.021. (A) As used in this section:	2110
(1) "Credit" means the right granted by a creditor to a person to defer payment of a debt, to incur debt and defer its payment, or to purchase property or services and defer payment for the property or services.	2111 2112 2113 2114
(2) "Creditor" means any person who regularly extends, renews, or continues credit, any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit, whether or not any interest or finance charge is required.	2115 2116 2117 2118 2119 2120
(3) "Credit reporting agency" means any person who, for monetary fees or dues or on a cooperative nonprofit basis, regularly assembles or evaluates credit information for the purpose of furnishing credit reports to creditors.	2121 2122 2123 2124
(4) "Age" means any age of eighteen years or older.	2125
(B) It shall be an unlawful discriminatory practice:	2126
(1) For any creditor to do any of the following:	2127
(a) Discriminate against any applicant for credit in the granting, withholding, extending, or renewing of credit, or in the fixing of the rates, terms, or conditions of any form of credit, on the basis of race, color, religion, age, sex, <u>ancestry, national origin, marital status, disability, sexual orientation, gender identity or expression, or military status,</u> marital status, national origin, disability, or ancestry, except that this division shall not apply with respect to age in any real estate transaction between a financial institution, a dealer in intangibles, or an insurance company as defined in section 5725.01 of the Revised Code and its customers;	2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138

(b) Use or make any inquiry as to race, color, religion, 2139
age, sex, ancestry, national origin, marital status, disability, 2140
sexual orientation, gender identity or expression, or military 2141
status, marital status, national origin, disability, or ancestry 2142
for the purpose of limiting or specifying those persons to whom 2143
credit will be granted, except that an inquiry of marital status 2144
does not constitute discrimination for the purposes of this 2145
section if the inquiry is made for the purpose of ascertaining 2146
the creditor's rights and remedies applicable to the particular 2147
extension of credit, and except that creditors are excepted from 2148
this division with respect to any inquiry, elicitation of 2149
information, record, or form of application required of a 2150
particular creditor by any instrumentality or agency of the 2151
United States, or required of a particular creditor by any 2152
agency or instrumentality to enforce the "Civil Rights Act of 2153
1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 2154

(c) Refuse to consider the sources of income of an 2155
applicant for credit, or disregard or ignore the income of an 2156
applicant, in whole or in part, on the basis of race, color, 2157
religion, age, sex, ancestry, national origin, marital status, 2158
disability, sexual orientation, gender identity or expression, 2159
or military status, marital status, disability, national origin, 2160
or ancestry; 2161

(d) Refuse to grant credit to an individual in any name 2162
that individual customarily uses, if it has been determined in 2163
the normal course of business that the creditor will grant 2164
credit to the individual; 2165

(e) Impose any special requirements or conditions, 2166
including, but not limited to, a requirement for co-obligors or 2167
reapplication, upon any applicant or class of applicants on the 2168

basis of race, color, religion, age, sex, ancestry, national 2169
origin, marital status, disability, sexual orientation, gender 2170
identity or expression, or military status, ~~marital status,~~ 2171
~~national origin, disability, or ancestry~~ in circumstances where 2172
similar requirements or conditions are not imposed on other 2173
applicants similarly situated, unless the special requirements 2174
or conditions that are imposed with respect to age are the 2175
result of a real estate transaction exempted under division (B) 2176
(1) (a) of this section or are the result of programs that grant 2177
preferences to certain age groups administered by 2178
instrumentalities or agencies of the United States, a state, or 2179
a political subdivision of a state; 2180

(f) Fail or refuse to provide an applicant for credit a 2181
written statement of the specific reasons for rejection of the 2182
application if requested in writing by the applicant within 2183
sixty days of the rejection. The creditor shall provide the 2184
written statement of the specific reason for rejection within 2185
thirty days after receipt of a request of that nature. For 2186
purposes of this section, a statement that the applicant was 2187
rejected solely on the basis of information received from a 2188
credit reporting agency or because the applicant failed to meet 2189
the standards required by the creditor's credit scoring system, 2190
uniformly applied, shall constitute a specific reason for 2191
rejection. 2192

(g) Fail or refuse to print on or firmly attach to each 2193
application for credit, in a type size no smaller than that used 2194
throughout most of the application form, the following notice: 2195
"The Ohio laws against discrimination require that all creditors 2196
make credit equally available to all credit worthy customers, 2197
and that credit reporting agencies maintain separate credit 2198
histories on each individual upon request. The Ohio civil rights 2199

commission administers compliance with this law." This notice is 2200
not required to be included in applications that have a multi- 2201
state distribution if the notice is mailed to the applicant with 2202
the notice of acceptance or rejection of the application. 2203

(h) Fail or refuse on the basis of race, color, religion, 2204
age, sex, ancestry, national origin, marital status, disability, 2205
sexual orientation, gender identity or expression, or military 2206
status, marital status, national origin, disability, or ancestry 2207
to maintain, upon the request of the individual, a separate 2208
account for each individual to whom credit is extended; 2209

(i) Fail or refuse on the basis of race, color, religion, 2210
age, sex, ancestry, national origin, marital status, disability, 2211
sexual orientation, gender identity or expression, or military 2212
status, marital status, national origin, disability, or ancestry 2213
to maintain records on any account established after November 1, 2214
1976, to furnish information on the accounts to credit reporting 2215
agencies in a manner that clearly designates the contractual 2216
liability for repayment as indicated on the application for the 2217
account, and, if more than one individual is contractually 2218
liable for repayment, to maintain records and furnish 2219
information in the name of each individual. This division does 2220
not apply to individuals who are contractually liable only if 2221
the primary party defaults on the account. 2222

(2) For any credit reporting agency to do any of the 2223
following: 2224

(a) Fail or refuse on the basis of race, color, religion, 2225
age, sex, ancestry, national origin, marital status, disability, 2226
sexual orientation, gender identity or expression, or military 2227
status, marital status, national origin, disability, or ancestry 2228
to maintain, upon the request of the individual, a separate file 2229

on each individual about whom information is assembled or 2230
evaluated; 2231

(b) Fail or refuse on the basis of race, color, religion, 2232
age, sex, ancestry, national origin, marital status, disability, 2233
sexual orientation, gender identity or expression, or military 2234
status, marital status, national origin, disability, or ancestry 2235
to clearly note, maintain, and report any information furnished 2236
it under division (B) (1) (i) of this section. 2237

(C) This section does not prohibit a creditor from 2238
requesting the signature of both spouses to create a valid lien, 2239
pass clear title, or waive inchoate rights to property. 2240

(D) The rights granted by this section may be enforced by 2241
aggrieved individuals by filing a civil action in a court of 2242
common pleas within one hundred eighty days after the alleged 2243
unlawful discriminatory practice occurred. Upon application by 2244
the plaintiff and in circumstances that the court considers 2245
just, the court in which a civil action under this section is 2246
brought may appoint an attorney for the plaintiff and may 2247
authorize the commencement of a civil action upon proper showing 2248
without the payment of costs. If the court finds that an 2249
unlawful discriminatory practice prohibited by this section 2250
occurred or is about to occur, the court may grant relief that 2251
it considers appropriate, including a permanent or temporary 2252
injunction, temporary restraining order, or other order, and may 2253
award to the plaintiff compensatory and punitive damages of not 2254
less than one hundred dollars, together with attorney's fees and 2255
court costs. 2256

(E) Nothing contained in this section shall bar a creditor 2257
from reviewing an application for credit on the basis of 2258
established criteria used in the normal course of business for 2259

the determination of the credit worthiness of the individual 2260
applicant for credit, including the credit history of the 2261
applicant. 2262

Sec. 4112.04. (A) The commission shall do all of the 2263
following: 2264

(1) Establish and maintain a principal office in the city 2265
of Columbus and any other offices within the state that it 2266
considers necessary; 2267

(2) Appoint an executive director who shall serve at the 2268
pleasure of the commission and be its principal administrative 2269
officer. The executive director shall be paid a salary fixed 2270
pursuant to Chapter 124. of the Revised Code. 2271

(3) Appoint hearing examiners and other employees and 2272
agents who it considers necessary and prescribe their duties 2273
subject to Chapter 124. of the Revised Code; 2274

(4) Adopt, promulgate, amend, and rescind rules to 2275
effectuate the provisions of this chapter and the policies and 2276
practice of the commission in connection with this chapter; 2277

(5) Formulate policies to effectuate the purposes of this 2278
chapter and make recommendations to agencies and officers of the 2279
state or political subdivisions to effectuate the policies; 2280

(6) Receive, investigate, and pass upon written charges 2281
made under oath of unlawful discriminatory practices; 2282

(7) Make periodic surveys of the existence and effect of 2283
discrimination because of race, color, religion, sex, age, 2284
ancestry, national origin, familial status, disability, sexual 2285
orientation, gender identity or expression, or military status, 2286
familial status, national origin, disability, age, or ancestry 2287

on the enjoyment of civil rights by persons within the state; 2288

(8) Report, from time to time, but not less than once a 2289
year, to the general assembly and the governor, describing in 2290
detail the investigations, proceedings, and hearings it has 2291
conducted and their outcome, the decisions it has rendered, and 2292
the other work performed by it, which report shall include a 2293
copy of any surveys prepared pursuant to division (A) (7) of this 2294
section and shall include the recommendations of the commission 2295
as to legislative or other remedial action; 2296

(9) Prepare a comprehensive educational program, in 2297
cooperation with the department of education, for the students 2298
of the primary and secondary public schools of this state and 2299
for all other residents of this state that is designed to 2300
eliminate prejudice on the basis of race, color, religion, sex, 2301
military status, familial status, national origin, disability, 2302
age, ~~or~~ ancestry, sexual orientation, and gender identity or 2303
expression in this state, to further good will among those 2304
groups, and to emphasize the origin of prejudice against those 2305
groups and discrimination, its ~~their~~ harmful effects, and ~~its~~ 2306
their incompatibility with American principles of equality and 2307
fair play; 2308

(10) Receive progress reports from agencies, 2309
instrumentalities, institutions, boards, commissions, and other 2310
entities of this state or any of its political subdivisions and 2311
their agencies, instrumentalities, institutions, boards, 2312
commissions, and other entities regarding affirmative action 2313
programs for the employment of persons against whom 2314
discrimination is prohibited by this chapter, or regarding any 2315
affirmative housing accommodations programs developed to 2316
eliminate or reduce an imbalance of race, color, religion, sex, 2317

ancestry, national origin, familial status, disability, sexual 2318
orientation, gender identity or expression, or military status, 2319
~~familial status, national origin, disability, or ancestry.~~ All 2320
agencies, instrumentalities, institutions, boards, commissions, 2321
and other entities of this state or its political subdivisions, 2322
and all political subdivisions, that have undertaken affirmative 2323
action programs pursuant to a conciliation agreement with the 2324
commission, an executive order of the governor, any federal 2325
statute or rule, or an executive order of the president of the 2326
United States shall file progress reports with the commission 2327
annually on or before the first day of November. The commission 2328
shall analyze and evaluate the progress reports and report its 2329
findings annually to the general assembly on or before the 2330
thirtieth day of January of the year immediately following the 2331
receipt of the reports. 2332

(B) The commission may do any of the following: 2333

(1) Meet and function at any place within the state; 2334

(2) Initiate and undertake on its own motion 2335
investigations of problems of employment or housing 2336
accommodations discrimination; 2337

(3) Hold hearings, subpoena witnesses, compel their 2338
attendance, administer oaths, take the testimony of any person 2339
under oath, require the production for examination of any books 2340
and papers relating to any matter under investigation or in 2341
question before the commission, and make rules as to the 2342
issuance of subpoenas by individual commissioners. 2343

(a) In conducting a hearing or investigation, the 2344
commission shall have access at all reasonable times to 2345
premises, records, documents, individuals, and other evidence or 2346

possible sources of evidence and may examine, record, and copy 2347
the premises, records, documents, and other evidence or possible 2348
sources of evidence and take and record the testimony or 2349
statements of the individuals as reasonably necessary for the 2350
furtherance of the hearing or investigation. In investigations, 2351
the commission shall comply with the fourth amendment to the 2352
United States Constitution relating to unreasonable searches and 2353
seizures. The commission or a member of the commission may issue 2354
subpoenas to compel access to or the production of premises, 2355
records, documents, and other evidence or possible sources of 2356
evidence or the appearance of individuals, and may issue 2357
interrogatories to a respondent, to the same extent and subject 2358
to the same limitations as would apply if the subpoenas or 2359
interrogatories were issued or served in aid of a civil action 2360
in a court of common pleas. 2361

(b) Upon written application by a party to a hearing under 2362
division (B) of section 4112.05 of the Revised Code, the 2363
commission shall issue subpoenas in its name to the same extent 2364
and subject to the same limitations as subpoenas issued by the 2365
commission. Subpoenas issued at the request of a party shall 2366
show on their face the name and address of the party and shall 2367
state that they were issued at the party's request. 2368

(c) Witnesses summoned by subpoena of the commission are 2369
entitled to the witness and mileage fees provided for under 2370
section 119.094 of the Revised Code. 2371

(d) Within five days after service of a subpoena upon any 2372
person, the person may petition the commission to revoke or 2373
modify the subpoena. The commission shall grant the petition if 2374
it finds that the subpoena requires an appearance or attendance 2375
at an unreasonable time or place, that it requires production of 2376

evidence that does not relate to any matter before the 2377
commission, that it does not describe with sufficient 2378
particularity the evidence to be produced, that compliance would 2379
be unduly onerous, or for other good reason. 2380

(e) In case of contumacy or refusal to obey a subpoena, 2381
the commission or person at whose request it was issued may 2382
petition for its enforcement in the court of common pleas in the 2383
county in which the person to whom the subpoena was addressed 2384
resides, was served, or transacts business. 2385

(4) Create local or statewide advisory agencies and 2386
conciliation councils to aid in effectuating the purposes of 2387
this chapter. The commission may itself, or it may empower these 2388
agencies and councils to, do either or both of the following: 2389

(a) Study the problems of discrimination in all or 2390
specific fields of human relationships when based on race, 2391
color, religion, sex, age, ancestry, national origin, familial 2392
status, disability, sexual orientation, gender identity or 2393
expression, or military status, familial status, national 2394
origin, disability, age, or ancestry; 2395

(b) Foster through community effort, or otherwise, good 2396
will among the groups and elements of the population of the 2397
state. 2398

The agencies and councils may make recommendations to the 2399
commission for the development of policies and procedures in 2400
general. They shall be composed of representative citizens who 2401
shall serve without pay, except that reimbursement for actual 2402
and necessary traveling expenses shall be made to citizens who 2403
serve on a statewide agency or council. 2404

(5) Issue any publications and the results of 2405

investigations and research that in its judgment will tend to 2406
promote good will and minimize or eliminate discrimination 2407
because of race, color, religion, sex, age, ancestry, national 2408
origin, familial status, disability, sexual orientation, gender 2409
identity or expression, or military status, ~~familial status,~~ 2410
~~national origin, disability, age, or ancestry.~~ 2411

Sec. 4112.05. (A) The commission, as provided in this 2412
section, shall prevent any person from engaging in unlawful 2413
discriminatory practices, provided that, before instituting the 2414
formal hearing authorized by division (B) of this section, it 2415
shall attempt, by informal methods of conference, conciliation, 2416
mediation, and persuasion, to induce compliance with this 2417
chapter. 2418

(B) (1) Any person may file a charge with the commission 2419
alleging that another person has engaged or is engaging in an 2420
unlawful discriminatory practice. In the case of a charge 2421
alleging an unlawful discriminatory practice described in 2422
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2423
section 4112.02 or in section 4112.021 or 4112.022 of the 2424
Revised Code, the charge shall be in writing and under oath and 2425
shall be filed with the commission within six months after the 2426
alleged unlawful discriminatory practice was committed. In the 2427
case of a charge alleging an unlawful discriminatory practice 2428
described in division (H) of section 4112.02 of the Revised 2429
Code, the charge shall be in writing and under oath and shall be 2430
filed with the commission within one year after the alleged 2431
unlawful discriminatory practice was committed. 2432

(2) Upon receiving a charge, the commission may initiate a 2433
preliminary investigation to determine whether it is probable 2434
that an unlawful discriminatory practice has been or is being 2435

engaged in. The commission also may conduct, upon its own 2436
initiative and independent of the filing of any charges, a 2437
preliminary investigation relating to any of the unlawful 2438
discriminatory practices described in division (A), (B), (C), 2439
(D), (E), (F), (I), or (J) of section 4112.02 or in section 2440
4112.021 or 4112.022 of the Revised Code. Prior to a 2441
notification of a complainant under division (B)(4) of this 2442
section or prior to the commencement of informal methods of 2443
conference, conciliation, and persuasion under that division, 2444
the members of the commission and the officers and employees of 2445
the commission shall not make public in any manner and shall 2446
retain as confidential all information that was obtained as a 2447
result of or that otherwise pertains to a preliminary 2448
investigation other than one described in division (B)(3) of 2449
this section. 2450

(3) (a) Unless it is impracticable to do so and subject to 2451
its authority under division (B)(3)(d) of this section, the 2452
commission shall complete a preliminary investigation of a 2453
charge filed pursuant to division (B)(1) of this section that 2454
alleges an unlawful discriminatory practice described in 2455
division (H) of section 4112.02 of the Revised Code, and shall 2456
take one of the following actions, within one hundred days after 2457
the filing of the charge: 2458

(i) Notify the complainant and the respondent that it is 2459
not probable that an unlawful discriminatory practice described 2460
in division (H) of section 4112.02 of the Revised Code has been 2461
or is being engaged in and that the commission will not issue a 2462
complaint in the matter; 2463

(ii) Initiate a complaint and schedule it for informal 2464
methods of conference, conciliation, and persuasion; 2465

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

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

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

(d) Notwithstanding the types of action described in divisions (B) (3) (a) (ii) and (iii) of this section, prior to the issuance of a complaint or the referral of a complaint to the attorney general and prior to endeavoring to eliminate an unlawful discriminatory practice described in division (H) of

section 4112.02 of the Revised Code by informal methods of 2496
conference, conciliation, and persuasion, the commission may 2497
seek a temporary or permanent injunction or a temporary 2498
restraining order in the court of common pleas of the county in 2499
which the unlawful discriminatory practice allegedly occurred. 2500

(4) If the commission determines after a preliminary 2501
investigation other than one described in division (B)(3) of 2502
this section that it is not probable that an unlawful 2503
discriminatory practice has been or is being engaged in, it 2504
shall notify any complainant under division (B)(1) of this 2505
section that it has so determined and that it will not issue a 2506
complaint in the matter. If the commission determines after a 2507
preliminary investigation other than the one described in 2508
division (B)(3) of this section that it is probable that an 2509
unlawful discriminatory practice has been or is being engaged 2510
in, it shall endeavor to eliminate the practice by informal 2511
methods of conference, conciliation, and persuasion. 2512

(5) Nothing said or done during informal methods of 2513
conference, conciliation, and persuasion under this section 2514
shall be disclosed by any member of the commission or its staff 2515
or be used as evidence in any subsequent hearing or other 2516
proceeding. If, after a preliminary investigation and the use of 2517
informal methods of conference, conciliation, and persuasion 2518
under this section, the commission is satisfied that any 2519
unlawful discriminatory practice will be eliminated, it may 2520
treat the charge involved as being conciliated and enter that 2521
disposition on the records of the commission. If the commission 2522
fails to effect the elimination of an unlawful discriminatory 2523
practice by informal methods of conference, conciliation, and 2524
persuasion under this section and to obtain voluntary compliance 2525
with this chapter, the commission shall issue and cause to be 2526

served upon any person, including the respondent against whom a complainant has filed a charge pursuant to division (B) (1) of this section, a complaint stating the charges involved and containing a notice of an opportunity for a hearing before the commission, a member of the commission, or a hearing examiner at a place that is stated in the notice and that is located within the county in which the alleged unlawful discriminatory practice has occurred or is occurring or in which the respondent resides or transacts business. The hearing shall be held not less than thirty days after the service of the complaint upon the complainant, the aggrieved persons other than the complainant on whose behalf the complaint is issued, and the respondent, unless the complainant, an aggrieved person, or the respondent elects to proceed under division (A) (2) of section 4112.051 of the Revised Code when that division is applicable. If a complaint pertains to an alleged unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint shall notify the complainant, an aggrieved person, and the respondent of the right of the complainant, an aggrieved person, or the respondent to elect to proceed with the administrative hearing process under this section or to proceed under division (A) (2) of section 4112.051 of the Revised Code.

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

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

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

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

(E) In any hearing under division (B) of this section, the commission, a member of the commission, or the hearing examiner shall not be bound by the Rules of Evidence but, in ascertaining the practices followed by the respondent, shall take into account all reliable, probative, and substantial statistical or other evidence produced at the hearing that may tend to prove the existence of a predetermined pattern of employment or membership, provided that nothing contained in this section shall be construed to authorize or require any person to observe the proportion that persons of any race, color, religion, sex, age, ancestry, national origin, familial status, disability,

~~sexual orientation, gender identity or expression, or military~~ 2588
~~status, familial status, national origin, disability, age, or~~ 2589
~~ancestry~~ bear to the total population or in accordance with any 2590
criterion other than the individual qualifications of the 2591
applicant. 2592

(F) The testimony taken at a hearing under division (B) of 2593
this section shall be under oath and shall be reduced to writing 2594
and filed with the commission. Thereafter, in its discretion, 2595
the commission, upon the service of a notice upon the 2596
complainant and the respondent that indicates an opportunity to 2597
be present, may take further testimony or hear argument. 2598

(G) (1) If, upon all reliable, probative, and substantial 2599
evidence presented at a hearing under division (B) of this 2600
section, the commission determines that the respondent has 2601
engaged in, or is engaging in, any unlawful discriminatory 2602
practice, whether against the complainant or others, the 2603
commission shall state its findings of fact and conclusions of 2604
law and shall issue and, subject to the provisions of Chapter 2605
119. of the Revised Code, cause to be served on the respondent 2606
an order requiring the respondent to cease and desist from the 2607
unlawful discriminatory practice, requiring the respondent to 2608
take any further affirmative or other action that will 2609
effectuate the purposes of this chapter, including, but not 2610
limited to, hiring, reinstatement, or upgrading of employees 2611
with or without back pay, or admission or restoration to union 2612
membership, and requiring the respondent to report to the 2613
commission the manner of compliance. If the commission directs 2614
payment of back pay, it shall make allowance for interim 2615
earnings. If it finds a violation of division (H) of section 2616
4112.02 of the Revised Code, the commission additionally shall 2617
require the respondent to pay actual damages and reasonable 2618

attorney's fees, and may award to the complainant punitive damages as follows: 2619
2620

(a) If division (G) (1) (b) or (c) of this section does not apply, punitive damages in an amount not to exceed ten thousand dollars; 2621
2622
2623

(b) If division (G) (1) (c) of this section does not apply and if the respondent has been determined by a final order of the commission or by a final judgment of a court to have committed one violation of division (H) of section 4112.02 of the Revised Code during the five-year period immediately preceding the date on which a complaint was issued pursuant to division (B) of this section, punitive damages in an amount not to exceed twenty-five thousand dollars; 2624
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(c) If the respondent has been determined by a final order of the commission or by a final judgment of a court to have committed two or more violations of division (H) of section 4112.02 of the Revised Code during the seven-year period immediately preceding the date on which a complaint was issued pursuant to division (B) of this section, punitive damages in an amount not to exceed fifty thousand dollars. 2632
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(2) Upon the submission of reports of compliance, the commission may issue a declaratory order stating that the respondent has ceased to engage in particular unlawful discriminatory practices. 2639
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(H) If the commission finds that no probable cause exists for crediting charges of unlawful discriminatory practices or if, upon all the evidence presented at a hearing under division (B) of this section on a charge, the commission finds that a respondent has not engaged in any unlawful discriminatory 2643
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practice against the complainant or others, it shall state its 2648
findings of fact and shall issue and cause to be served on the 2649
complainant an order dismissing the complaint as to the 2650
respondent. A copy of the order shall be delivered in all cases 2651
to the attorney general and any other public officers whom the 2652
commission considers proper. 2653

(I) Until the time period for appeal set forth in division 2654
(H) of section 4112.06 of the Revised Code expires, the 2655
commission, subject to the provisions of Chapter 119. of the 2656
Revised Code, at any time, upon reasonable notice, and in the 2657
manner it considers proper, may modify or set aside, in whole or 2658
in part, any finding or order made by it under this section. 2659

Sec. 4112.08. This chapter shall be construed liberally 2660
for the accomplishment of its purposes, and any law inconsistent 2661
with any provision of this chapter shall not apply. Nothing 2662
contained in this chapter shall be considered to repeal any of 2663
the provisions of any law of this state relating to 2664
discrimination because of race, color, religion, sex, age, 2665
ancestry, national origin, familial status, disability, sexual 2666
orientation, gender identity or expression, or military status, 2667
~~familial status, disability, national origin, age, or ancestry,~~ 2668
except that any person filing a charge under division (B) (1) of 2669
section 4112.05 of the Revised Code, with respect to the 2670
unlawful discriminatory practices complained of, is barred from 2671
instituting a civil action under section 4112.14 or division (N) 2672
of section 4112.02 of the Revised Code. This chapter does not 2673
limit actions, procedures, and remedies afforded under federal 2674
law. 2675

Sec. 4117.19. (A) Every employee organization that is 2676
certified or recognized as a representative of public employees 2677

under this chapter shall file with the state employment 2678
relations board a registration report that is signed by its 2679
president or other appropriate officer. The report shall be in a 2680
form prescribed by the board and accompanied by two copies of 2681
the employee organization's constitution and bylaws. The board 2682
shall accept a filing by a statewide, national, or international 2683
employee organization of its constitution and bylaws in lieu of 2684
a filing of the documents by each subordinate organization. The 2685
exclusive representative or other employee organization 2686
originally filing its constitution and bylaws shall report, 2687
promptly, to the board all changes or amendments to its 2688
constitution and bylaws. 2689

(B) Every employee organization shall file with the board 2690
an annual report. The report shall be in a form prescribed by 2691
the board and shall contain the following information: 2692

(1) The names and addresses of the organization, any 2693
parent organization or organizations with which it is 2694
affiliated, and all organizationwide officers; 2695

(2) The name and address of its local agent for service of 2696
process; 2697

(3) A general description of the public employees the 2698
organization represents or seeks to represent; 2699

(4) The amounts of the initiation fee and monthly dues 2700
members must pay; 2701

(5) A pledge, in a form prescribed by the board, that the 2702
organization will comply with the laws of the state and that it 2703
will accept members without regard to ~~age, race, color, sex,~~ 2704
~~creed, religion, creed, age, ancestry, or national origin;~~ 2705
disability, sexual orientation, gender identity or expression, 2706

or military status as those terms are defined in section 4112.01 2707
of the Revised Code, ~~military status as defined in that section,~~ 2708
; or physical disability as provided by law; 2709

(6) A financial report. 2710

(C) The constitution or bylaws of every employee 2711
organization shall do all of the following: 2712

(1) Require that the organization keep accurate accounts 2713
of all income and expenses, prepare an annual financial report, 2714
keep open for inspection by any member of the organization its 2715
accounts, and make loans to officers and agents only on terms 2716
and conditions available to all members; 2717

(2) Prohibit business or financial interests of its 2718
officers and agents, their spouses, minor children, parents, or 2719
otherwise, in conflict with the fiduciary obligation of such 2720
persons to the organization; 2721

(3) When specifically requested by the board, require 2722
every official who is designated as a fiscal officer of an 2723
employee organization and who is responsible for funds or other 2724
property of the organization or trust in which an organization 2725
is interested, or a subsidiary organization be bonded with the 2726
amount, scope, and form of the bond determined by the board; 2727

(4) Require periodic elections of officers by secret 2728
ballot subject to recognized safeguards concerning the equal 2729
right of all members to nominate, seek office, and vote in the 2730
elections, the right of individual members to participate in the 2731
affairs of the organization, and fair and equitable procedures 2732
in disciplinary actions. 2733

(D) The board shall prescribe rules necessary to govern 2734
the establishment and reporting of trusteeships over employee 2735

organizations. The establishment of trusteeships is permissible 2736
only if the constitution or bylaws of the organization set forth 2737
reasonable procedures. 2738

(E) The board may withhold certification of an employee 2739
organization that willfully refuses to register or file an 2740
annual report or that willfully refuses to comply with other 2741
provisions of this section. The board may revoke a certification 2742
of an employee organization for willfully failing to comply with 2743
this section. The board may enforce the prohibitions contained 2744
in this section by petitioning the court of common pleas of the 2745
county in which the violation occurs for an injunction. Persons 2746
complaining of a violation of this section shall file the 2747
complaint with the board. 2748

(F) Upon the written request to the board of any member of 2749
a certified employee organization and where the board determines 2750
the necessity for an audit, the board may require the employee 2751
organization to provide a certified audit of its financial 2752
records. 2753

(G) Any employee organization subject to the "Labor- 2754
Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2755
29 U.S.C.A., 401, as amended, may file copies with the board of 2756
all reports it is required to file under that act in lieu of 2757
compliance with all parts of this section other than division 2758
(A) of this section. The board shall accept a filing by a 2759
statewide, national, or international employee organization of 2760
its reports in lieu of a filing of such reports by each 2761
subordinate organization. 2762

Sec. 4735.16. (A) Every real estate broker licensed under 2763
this chapter shall erect or maintain a sign on the business 2764
premises plainly stating that the licensee is a real estate 2765

broker. If the real estate broker maintains one or more branch 2766
offices, the real estate broker shall erect or maintain a sign 2767
at each branch office plainly stating that the licensee is a 2768
real estate broker. 2769

(B) (1) Any licensed real estate broker or salesperson who 2770
advertises to buy, sell, exchange, or lease real estate, or to 2771
engage in any act regulated by this chapter, with respect to 2772
property the licensee does not own, shall be identified in the 2773
advertisement by name and indicate the name of the brokerage 2774
with which the licensee is affiliated. 2775

(2) Any licensed real estate broker or ~~sales-~~ 2776
~~person~~salesperson who advertises to sell, exchange, or lease 2777
real estate, or to engage in any act regulated by this chapter, 2778
with respect to property that the licensee owns, shall be 2779
identified in the advertisement by name and indicate that the 2780
property is agent owned, and if the property is listed with a 2781
real estate brokerage, the advertisement shall also indicate the 2782
name of the brokerage with which the property is listed. 2783

(3) The name of the brokerage shall be displayed in equal 2784
prominence with the name of the salesperson in the 2785
advertisement. For purposes of this section, "brokerage" means 2786
the name the real estate company or sole broker is doing 2787
business as, or if the real estate company or sole broker does 2788
not use such a name, the name of the real estate company or sole 2789
broker as licensed. 2790

(4) A real estate broker who is representing a seller 2791
under an exclusive right to sell or lease listing agreement 2792
shall not advertise such property to the public as "for sale by 2793
owner" or otherwise mislead the public to believe that the 2794
seller is not represented by a real estate broker. 2795

(5) If any real estate broker or real estate salesperson 2796
advertises in a manner other than as provided in this section or 2797
the rules adopted under this section, that advertisement is 2798
prima-facie evidence of a violation under division (A) (21) of 2799
section 4735.18 of the Revised Code. 2800

When the superintendent determines that prima-facie 2801
evidence of a violation of division (A) (21) of section 4735.18 2802
of the Revised Code or any of the rules adopted thereunder 2803
exists, the superintendent may do either of the following: 2804

(a) Initiate disciplinary action under section 4735.051 of 2805
the Revised Code for a violation of division (A) (21) of section 2806
4735.18 of the Revised Code, in accordance with Chapter 119. of 2807
the Revised Code; 2808

(b) Personally, or by certified mail, serve a citation 2809
upon the licensee. 2810

(C) (1) Every citation served under this section shall give 2811
notice to the licensee of the alleged violation or violations 2812
charged and inform the licensee of the opportunity to request a 2813
hearing in accordance with Chapter 119. of the Revised Code. The 2814
citation also shall contain a statement of a fine of two hundred 2815
dollars per violation, not to exceed two thousand five hundred 2816
dollars per citation. All fines collected pursuant to this 2817
section shall be credited to the real estate recovery fund, 2818
created in the state treasury under section 4735.12 of the 2819
Revised Code. 2820

(2) If any licensee is cited three times within twelve 2821
consecutive months, the superintendent shall initiate 2822
disciplinary action pursuant to section 4735.051 of the Revised 2823
Code for any subsequent violation that occurs within the same 2824

twelve-month period. 2825

(3) If a licensee fails to request a hearing within thirty 2826
days of the date of service of the citation, or the licensee and 2827
the superintendent fail to reach an alternative agreement, the 2828
citation shall become final. 2829

(4) Unless otherwise indicated, the licensee named in a 2830
final citation must meet all requirements contained in the final 2831
citation within thirty days of the effective date of that 2832
citation. 2833

(5) The superintendent shall suspend automatically a 2834
licensee's license if the licensee fails to comply with division 2835
(C) (4) of this section. 2836

(D) A real estate broker or salesperson obtaining the 2837
signature of a party to a listing or other agreement involved in 2838
a real estate transaction shall furnish a copy of the listing or 2839
other agreement to the party immediately after obtaining the 2840
party's signature. Every broker's office shall prominently 2841
display in the same immediate area as licenses are displayed a 2842
statement that it is illegal to discriminate against any person 2843
because of race, color, religion, sex, ancestry, or national 2844
origin, or familial status as defined in section 4112.01 of the 2845
Revised Code, national origin, disability, sexual orientation, 2846
gender identity or expression, or military status as defined in 2847
that section, disability as defined in that section, or ancestry 2848
as those terms are defined in section 4112.01 of the Revised 2849
Code, in the sale or rental of housing or residential lots, in 2850
advertising the sale or rental of housing, in the financing of 2851
housing, or in the provision of real estate brokerage services 2852
and that blockbusting also is illegal. The statement shall bear 2853
the United States department of housing and urban development 2854

equal housing logo, shall contain the information that the 2855
broker and the broker's salespersons are licensed by the 2856
division of real estate and professional licensing and that the 2857
division can assist with any consumer complaints or inquiries, 2858
and shall explain the provisions of section 4735.12 of the 2859
Revised Code. The statement shall provide the division's address 2860
and telephone number. The Ohio real estate commission shall 2861
provide by rule for the wording and size of the statement. The 2862
pamphlet required under section 4735.03 of the Revised Code 2863
shall contain the same statement that is required on the 2864
statement displayed as provided in this section and shall be 2865
made available by real estate brokers and salespersons to their 2866
clients. The commission shall provide the wording and size of 2867
the pamphlet. 2868

Sec. 4735.55. (A) Each written agency agreement shall 2869
contain all of the following: 2870

(1) An expiration date; 2871

(2) A statement that it is illegal, pursuant to the Ohio 2872
fair housing law, division (H) of section 4112.02 of the Revised 2873
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 2874
amended, to refuse to sell, transfer, assign, rent, lease, 2875
sublease, or finance housing accommodations, refuse to negotiate 2876
for the sale or rental of housing accommodations, or otherwise 2877
deny or make unavailable housing accommodations because of race, 2878
color, religion, sex, ancestry, or national origin, or familial 2879
status as defined in section 4112.01 of the Revised Code, 2880
ancestry, disability, sexual orientation, gender identity or 2881
expression, or military status as defined in that section, 2882
disability as defined in that section, or national origin, as 2883
those terms are defined in section 4112.01 of the Revised Code, 2884

or to so discriminate in advertising the sale or rental of 2885
housing, in the financing of housing, or in the provision of 2886
real estate brokerage services; 2887

(3) A statement defining the practice known as 2888
"blockbusting" and stating that it is illegal; 2889

(4) A copy of the United States department of housing and 2890
urban development equal housing opportunity logotype, as set 2891
forth in 24 C.F.R. 109.30, as amended. 2892

(B) Each written agency agreement shall contain a place 2893
for the licensee and the client to sign and date the agreement. 2894

(C) A licensee shall furnish a copy of any written agency 2895
agreement to a client in a timely manner after the licensee and 2896
the client have signed and dated it. 2897

Sec. 4757.07. The counselor, social worker, and marriage 2898
and family therapist board and its professional standards 2899
committees shall not discriminate against any licensee, 2900
registrant, or applicant for a license or certificate of 2901
registration under this chapter because of the person's race, 2902
color, religion, sex, age, or national origin, ~~;~~ or disability, 2903
sexual orientation, or gender identity or expression as those 2904
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 2905
~~age~~. The board or committee, as appropriate, shall afford a 2906
hearing to any person who files with the board or committee a 2907
statement alleging discrimination based on any of those reasons. 2908

Sec. 4758.16. The chemical dependency professionals board 2909
shall not discriminate against any licensee, certificate holder, 2910
endorsement holder, or applicant for a license, certificate, or 2911
endorsement under this chapter because of the individual's race, 2912
color, religion, sex, age, or national origin, ~~;~~ or disability, 2913

sexual orientation, or gender identity or expression as those 2914
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 2915
~~age~~. The board shall afford a hearing to any individual who 2916
files with the board a statement alleging discrimination based 2917
on any of those reasons. 2918

Sec. 4765.18. The state board of emergency medical, fire, 2919
and transportation services may suspend or revoke a certificate 2920
of accreditation or a certificate of approval issued under 2921
section 4765.17 of the Revised Code for any of the following 2922
reasons: 2923

(A) Violation of this chapter or any rule adopted under 2924
it; 2925

(B) Furnishing of false, misleading, or incomplete 2926
information to the board; 2927

(C) The signing of an application or the holding of a 2928
certificate of accreditation by a person who has pleaded guilty 2929
to or has been convicted of a felony, or has pleaded guilty to 2930
or been convicted of a crime involving moral turpitude; 2931

(D) The signing of an application or the holding of a 2932
certificate of accreditation by a person who is addicted to the 2933
use of any controlled substance or has been adjudicated 2934
incompetent for that purpose by a court, as provided in section 2935
5122.301 of the Revised Code; 2936

(E) Violation of any commitment made in an application for 2937
a certificate of accreditation or certificate of approval; 2938

(F) Presentation to prospective students of misleading, 2939
false, or fraudulent information relating to the emergency 2940
medical services training program or emergency medical services 2941
continuing education program, employment opportunities, or 2942

opportunities for enrollment in accredited institutions of 2943
higher education after entering or completing courses offered by 2944
the operator of a program; 2945

(G) Failure to maintain in a safe and sanitary condition 2946
premises and equipment used in conducting courses of study; 2947

(H) Failure to maintain financial resources adequate for 2948
the satisfactory conduct of courses of study or to retain a 2949
sufficient number of certified instructors; 2950

(I) Discrimination in the acceptance of students upon the 2951
basis of race, color, religion, sex, or national origin; or 2952
sexual orientation or gender identity or expression as those 2953
terms are defined in section 4112.01 of the Revised Code. 2954

Sec. 5104.09. (A) (1) Except as provided in rules adopted 2955
pursuant to division (D) of this section, no individual who has 2956
been convicted of or pleaded guilty to a violation described in 2957
division (A) (5) of section 109.572 of the Revised Code, a 2958
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2959
2909.05, 2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, 2960
or 2921.35 of the Revised Code or a violation of an existing or 2961
former law or ordinance of any municipal corporation, this 2962
state, any other state, or the United States that is 2963
substantially equivalent to any of those violations, or two 2964
violations of section 4511.19 of the Revised Code during 2965
operation of the center or home shall be certified as an in-home 2966
aide or be employed in any capacity in or own or operate a child 2967
day-care center, type A family day-care home, type B family day- 2968
care home, or licensed type B family day-care home. 2969

(2) Each employee of a child day-care center and type A 2970
home and every person eighteen years of age or older residing in 2971

a type A home or licensed type B home shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the employee or resident person has not been convicted of or pleaded guilty to any offense set forth in division (A) (1) of this section and that no child has been removed from the employee's or resident person's home pursuant to section 2151.353 of the Revised Code. Each licensee of a type A family day-care home or type B family day-care home shall sign a statement on a form prescribed by the director attesting to the fact that no person who resides at the type A home or licensed type B home and who is under the age of eighteen has been adjudicated a delinquent child for committing a violation of any section listed in division (A) (1) of this section. The statements shall be kept on file at the center, type A home, or licensed type B home.

(3) Each in-home aide shall sign a statement on forms prescribed by the director of job and family services attesting that the aide has not been convicted of or pleaded guilty to any offense set forth in division (A) (1) of this section and that no child has been removed from the aide's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the county department of job and family services.

(4) Each administrator and licensee of a center, type A home, or licensed type B home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A) (1) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center, type A home, or licensed type B home.

(B) No in-home aide, no administrator, licensee, or 3003
employee of a center, type A home, or licensed type B home, and 3004
no person eighteen years of age or older residing in a type A 3005
home or licensed type B home shall withhold information from, or 3006
falsify information on, any statement required pursuant to 3007
division (A) (2), (3), or (4) of this section. 3008

(C) No administrator, licensee, or child-care staff member 3009
shall discriminate in the enrollment of children in a child day- 3010
care center upon the basis of race, color, religion, sex, or 3011
national origin; or sexual orientation or gender identity or 3012
expression as those terms are defined in section 4112.01 of the 3013
Revised Code. 3014

(D) The director of job and family services shall adopt 3015
rules in accordance with Chapter 119. of the Revised Code to 3016
implement this section, including rules specifying exceptions to 3017
the prohibition in division (A) of this section for persons who 3018
have been convicted of an offense listed in that division but 3019
meet rehabilitation standards set by the director. 3020

Sec. 5107.26. (A) As used in this section, "transitional 3021
child care" means publicly funded child care provided under 3022
division (A) (3) of section 5104.34 of the Revised Code. 3023

(B) Except as provided in division (C) of this section: 3024

(1) Each member of an assistance group participating in 3025
Ohio works first is ineligible to participate in the program for 3026
six payment months if a county department of job and family 3027
services determines that a member of the assistance group 3028
terminated the member's employment. 3029

(2) Each person who, on the day prior to the day a 3030
recipient begins to receive transitional child care, was a 3031

member of the recipient's assistance group is ineligible to 3032
participate in Ohio works first for six payment months if a 3033
county department determines that the recipient terminated the 3034
recipient's employment. 3035

(C) No assistance group member shall lose or be denied 3036
eligibility to participate in Ohio works first pursuant to 3037
division (B) of this section if the termination of employment 3038
was because an assistance group member or recipient of 3039
transitional child care secured comparable or better employment 3040
or the county department of job and family services certifies 3041
that the member or recipient terminated the employment with just 3042
cause. 3043

Just cause includes the following: 3044

(1) Discrimination by an employer based on ~~age, race, sex,~~ 3045
~~color, handicap, religious beliefs, or age, national origin, or~~ 3046
handicap; or sexual orientation or gender identity or expression 3047
as those terms are defined in section 4112.01 of the Revised 3048
Code; 3049

(2) Work demands or conditions that render continued 3050
employment unreasonable, such as working without being paid on 3051
schedule; 3052

(3) Employment that has become unsuitable due to any of 3053
the following: 3054

(a) The wage is less than the federal minimum wage; 3055

(b) The work is at a site subject to a strike or lockout, 3056
unless the strike has been enjoined under section 208 of the 3057
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 3058
U.S.C.A. 178, as amended, an injunction has been issued under 3059
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 3060

U.S.C.A. 160, as amended, or an injunction has been issued under 3061
section 4117.16 of the Revised Code; 3062

(c) The documented degree of risk to the member or 3063
recipient's health and safety is unreasonable; 3064

(d) The member or recipient is physically or mentally 3065
unfit to perform the employment, as documented by medical 3066
evidence or by reliable information from other sources. 3067

(4) Documented illness of the member or recipient or of 3068
another assistance group member of the member or recipient 3069
requiring the presence of the member or recipient; 3070

(5) A documented household emergency; 3071

(6) Lack of adequate child care for children of the member 3072
or recipient who are under six years of age. 3073

Sec. 5123.351. The director of developmental disabilities, 3074
with respect to the eligibility for state reimbursement of 3075
expenses incurred by facilities and programs established and 3076
operated under Chapter 5126. of the Revised Code for persons 3077
with mental retardation or a developmental disability, shall do 3078
all of the following: 3079

(A) Make rules that may be necessary to carry out the 3080
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3081
5123.36 of the Revised Code; 3082

(B) Define minimum standards for qualifications of 3083
personnel, professional services, and in-service training and 3084
educational leave programs; 3085

(C) Review and evaluate community programs and make 3086
recommendations for needed improvements to county boards of 3087
developmental disabilities and to program directors; 3088

(D) Withhold state reimbursement, in whole or in part, 3089
from any county or combination of counties for failure to comply 3090
with Chapter 5126. or section 5123.35 or 5123.351 of the Revised 3091
Code or rules of the department of developmental disabilities; 3092

(E) Withhold state funds from an agency, corporation, or 3093
association denying or rendering service on the basis of race, 3094
color, sex, religion, ancestry, or national origin,~~;~~ 3095
disability, sexual orientation, or gender identity or expression 3096
as those terms are defined in section 4112.01 of the Revised 3097
Code,~~;~~ or inability to pay; 3098

(F) Provide consultative staff service to communities to 3099
assist in ascertaining needs and in planning and establishing 3100
programs. 3101

Sec. 5126.07. No county board of developmental 3102
disabilities or any agency, corporation, or association under 3103
contract with a county board of developmental disabilities shall 3104
discriminate in the provision of services under its authority or 3105
contract on the basis of race, color, sex, creed, national 3106
origin, or disability,~~national origin,~~ ; sexual orientation or 3107
gender identity or expression as those terms are defined in 3108
section 4112.01 of the Revised Code; or the inability to pay. 3109

Each county board of developmental disabilities shall 3110
provide a plan of affirmative action describing its goals and 3111
methods for the provision of equal employment opportunities for 3112
all persons under its authority and shall ensure 3113
nondiscrimination in employment under its authority or contract 3114
on the basis of race, color, sex, creed, national origin, or 3115
disability, ~~or national origin;~~ or sexual orientation or gender 3116
identity or expression as those terms are defined in section 3117
4112.01 of the Revised Code. 3118

Sec. 5165.08. (A) Every provider agreement with a nursing facility provider shall prohibit the provider from doing either of the following:

(1) 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.

(2) Subject to division (C) of this section, failing or refusing to do either of the following:

(a) 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 eighty per cent of the nursing facility's medicaid-certified beds are occupied by medicaid recipients at the time the person would otherwise be admitted;

(b) 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.

(B) For the purpose of division (A) (2) (b) 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.

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

~~(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;~~

(2) Giving preference to persons with whom the provider has contracted to provide continuing care;	3148 3149
(3) <u>(2)</u> If the nursing facility is a county home organized under Chapter 5155. of the Revised Code, admitting residents exclusively from the county in which the county home is located;	3150 3151 3152
(4) <u>(3)</u> Retaining residents who have resided in the provider's nursing facility for not less than one year as private pay patients and who subsequently become medicaid recipients, but refusing to accept as a resident any person who is, or may (as a resident of the nursing facility) become a medicaid recipient, if all of the following apply:	3153 3154 3155 3156 3157 3158
(a) The provider does not refuse to retain any resident who has resided in the provider's nursing facility for not less than one year as a private pay resident because the resident becomes a medicaid recipient, except as necessary to comply with division (C) (4) (b) of this section;	3159 3160 3161 3162 3163
(b) The number of medicaid recipients retained under division (C) (4) of this section does not at any time exceed ten per cent of all the residents in the nursing facility;	3164 3165 3166
(c) On July 1, 1980, all the residents in the nursing facility were private pay residents.	3167 3168
(D) No provider shall violate the provider agreement obligations imposed by this section.	3169 3170
Sec. 5515.08. (A) The department of transportation may contract to sell commercial advertising space within or on the outside surfaces of any building located within a roadside rest area under its jurisdiction in exchange for cash payment. Money the department receives under this section shall be deposited in the state treasury to the credit of the highway operating fund.	3171 3172 3173 3174 3175 3176

(B) Advertising placed under this section shall comply 3177
with all of the following: 3178

(1) It shall not be libelous or obscene and shall not 3179
promote any illegal product or service. 3180

(2) It shall not promote illegal discrimination on the 3181
basis of the race, religion, age, ancestry, national origin, or 3182
handicap, age, or ancestry, or sexual orientation or gender 3183
identity or expression as those terms are defined in section 3184
4112.01 of the Revised Code, of any person. 3185

(3) It shall not support or oppose any candidate for 3186
political office or any political cause, issue, or organization. 3187

(4) It shall comply with any controlling federal or state 3188
regulations or restrictions. 3189

(5) To the extent physically and technically practical, it 3190
shall state that the advertisement is a paid commercial 3191
advertisement and that the state does not endorse the product or 3192
service promoted by the advertisement or make any representation 3193
about the accuracy of the advertisement or the quality or 3194
performance of the product or service promoted by the 3195
advertisement. 3196

(6) It shall conform to all applicable rules adopted by 3197
the director of transportation under division (E) of this 3198
section. 3199

(C) Contracts entered into under this section shall be 3200
awarded only to the qualified bidder who submits the highest 3201
responsive bid or according to uniformly applied rate classes. 3202

(D) No person, except an advertiser alleging a breach of 3203
contract or the improper awarding of a contract, has a cause of 3204

action against the state with respect to any contract or 3205
advertising authorized by this section. Under no circumstances 3206
is the state liable for consequential or noneconomic damages 3207
with respect to any contract or advertising authorized under 3208
this section. 3209

(E) The director, in accordance with Chapter 119. of the 3210
Revised Code, shall adopt rules to implement this section. The 3211
rules shall be consistent with the policy of protecting the 3212
safety of the traveling public and consistent with the national 3213
policy governing the use and control of such roadside rest 3214
areas. The rules shall regulate the awarding of contracts and 3215
may regulate the content, display, and other aspects of the 3216
commercial advertising authorized by this section. 3217

Sec. 5709.832. The legislative authority of a county, 3218
township, or municipal corporation that grants an exemption from 3219
taxation under Chapter 725. or 1728. or section 3735.67, 3220
5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 3221
5709.78 of the Revised Code shall develop policies to ensure 3222
that the recipient of the exemption practices nondiscriminatory 3223
hiring in its operations. As used in this section, 3224
"nondiscriminatory hiring" means that no individual may be 3225
denied employment solely on the basis of race, color, religion, 3226
sex, ancestry, national origin, or disability, ~~color, national~~ 3227
~~origin, or ancestry;~~ or sexual orientation or gender identity or 3228
expression as those terms are defined in section 4112.01 of the 3229
Revised Code. 3230

Section 2. That existing sections 9.03, 124.93, 125.111, 3231
153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 3232
2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3233
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 3234

4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 3235
4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, 3236
and 5709.832 of the Revised Code are hereby repealed. 3237

Section 3. Section 4112.04 of the Revised Code is 3238
presented in this act as a composite of the section as amended 3239
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3240
Sub. H.B. 1 of the 128th General Assembly. Section 5104.09 of 3241
the Revised Code is presented in this act as a composite of the 3242
section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 3243
316 of the 129th General Assembly. The General Assembly, 3244
applying the principle stated in division (B) of section 1.52 of 3245
the Revised Code that amendments are to be harmonized if 3246
reasonably capable of simultaneous operation, finds that the 3247
composites are the resulting versions of the sections in effect 3248
prior to the effective date of the sections as presented in this 3249
act. 3250