

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 303**

**Representatives Lipps, Kelly**

**Cosponsors: Representatives Ingram, LaTourette, Smith, K., Dean, Brenner,  
Lepore-Hagan, Kent, Boggs, Sweeney, Miller, Schaffer, Holmes, Carfagna, Fedor,  
Dever**

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**A BILL**

To amend sections 955.011, 955.99, 4112.01, 1  
4112.04, 4112.05, and 4112.99, to enact section 2  
4112.025, and to repeal section 955.43 of the 3  
Revised Code to prohibit places of public 4  
accommodation from preventing the use of a 5  
service animal. 6

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

**Section 1.** That sections 955.011, 955.99, 4112.01, 7  
4112.04, 4112.05, and 4112.99 be amended and section 4112.025 of 8  
the Revised Code be enacted to read as follows: 9

**Sec. 955.011.** (A) When an application is made for 10  
registration of an assistance dog and the owner can show proof 11  
by certificate or other means that the dog is an assistance dog, 12  
the owner of the dog shall be exempt from any fee for the 13  
registration. Registration for an assistance dog shall be 14  
permanent and not subject to annual renewal so long as the dog 15  
is an assistance dog. Certificates and tags stamped "Ohio 16  
Assistance Dog-Permanent Registration," with registration 17

number, shall be issued upon registration of such a dog. Any 18  
certificate and tag stamped "Ohio Guide Dog-Permanent 19  
Registration" or "Ohio Hearing Dog-Permanent Registration," with 20  
registration number, that was issued for a dog in accordance 21  
with this section as it existed prior to July 4, 1984, any 22  
certificate and tag stamped "Ohio Handicapped Assistance Dog- 23  
Permanent Registration," with registration number, that was 24  
issued for a dog in accordance with this section as it existed 25  
on and after July 5, 1984, but prior to November 26, 2004, and 26  
any certificate and tag stamped "Ohio Service Dog-Permanent 27  
Registration," with registration number, that was issued for a 28  
dog in accordance with this section as it existed on and after 29  
November 26, 2004, but prior to June 30, 2006, shall remain in 30  
effect as valid proof of the registration of the dog on and 31  
after November 26, 2004. Duplicate certificates and tags for a 32  
dog registered in accordance with this section, upon proper 33  
proof of loss, shall be issued and no fee required. Each 34  
duplicate certificate and tag that is issued shall be stamped 35  
"Ohio Assistance Dog-Permanent Registration." 36

(B) As used in this section and in ~~sections~~ section 955.16 37  
~~and 955.43~~ of the Revised Code: 38

(1) "Mobility impaired person" means any person, 39  
regardless of age, who is subject to a physiological defect or 40  
deficiency regardless of its cause, nature, or extent that 41  
renders the person unable to move about without the aid of 42  
crutches, a wheelchair, or any other form of support, or that 43  
limits the person's functional ability to ambulate, climb, 44  
descend, sit, rise, or perform any related function. "Mobility 45  
impaired person" includes a person with a neurological or 46  
psychological disability that limits the person's functional 47  
ability to ambulate, climb, descend, sit, rise, or perform any 48

related function. "Mobility impaired person" also includes a 49  
person with a seizure disorder and a person who is diagnosed 50  
with autism. 51

(2) "Blind" means either of the following: 52

(a) Vision twenty/two hundred or less in the better eye 53  
with proper correction; 54

(b) Field defect in the better eye with proper correction 55  
that contracts the peripheral field so that the diameter of the 56  
visual field subtends an angle no greater than twenty degrees. 57

(3) "Assistance dog" means a guide dog, hearing dog, or 58  
service dog that has been trained by a nonprofit special agency. 59

(4) "Guide dog" means a dog that has been trained or is in 60  
training to assist a blind person. 61

(5) "Hearing dog" means a dog that has been trained or is 62  
in training to assist a deaf or hearing-impaired person. 63

(6) "Service dog" means a dog that has been trained or is 64  
in training to assist a mobility impaired person. 65

**Sec. 955.99.** (A) (1) Whoever violates division (E) of 66  
section 955.11 of the Revised Code because of a failure to 67  
comply with division (B) of that section is guilty of a minor 68  
misdemeanor. 69

(2) Whoever violates division (E) of section 955.11 of the 70  
Revised Code because of a failure to comply with division (C) or 71  
(D) of that section is guilty of a minor misdemeanor on a first 72  
offense and of a misdemeanor of the fourth degree on each 73  
subsequent offense. 74

(B) Whoever violates section 955.10, 955.23, 955.24, or 75

955.25 of the Revised Code is guilty of a minor misdemeanor. 76

(C) Whoever violates section 955.261, 955.39, or 955.50 of 77  
the Revised Code is guilty of a minor misdemeanor on a first 78  
offense and of a misdemeanor of the fourth degree on each 79  
subsequent offense. 80

(D) Whoever violates division (F) of section 955.16 ~~or~~ 81  
~~division (B) of section 955.43~~ of the Revised Code is guilty of 82  
a misdemeanor of the fourth degree. 83

(E) (1) Whoever violates section 955.21 of the Revised 84  
Code, violates division (B) of section 955.22 of the Revised 85  
Code, or commits a violation of division (C) of section 955.22 86  
of the Revised Code that involves a dog that is not a nuisance 87  
dog, dangerous dog, or vicious dog shall be fined not less than 88  
twenty-five dollars or more than one hundred dollars on a first 89  
offense, and on each subsequent offense shall be fined not less 90  
than seventy-five dollars or more than two hundred fifty dollars 91  
and may be imprisoned for not more than thirty days. 92

(2) In addition to the penalties prescribed in division 93  
(E) (1) of this section, if the offender is guilty of a violation 94  
of division (B) of section 955.22 of the Revised Code or a 95  
violation of division (C) of section 955.22 of the Revised Code 96  
that involves a dog that is not a nuisance dog, dangerous dog, 97  
or vicious dog, the court may order the offender to personally 98  
supervise the dog that the offender owns, keeps, or harbors, to 99  
cause that dog to complete dog obedience training, or to do 100  
both. 101

(F) (1) Whoever commits a violation of division (C) of 102  
section 955.22 of the Revised Code that involves a nuisance dog 103  
is guilty of a minor misdemeanor on the first offense and of a 104

misdemeanor of the fourth degree on each subsequent offense 105  
involving the same dog. Upon a person being convicted of or 106  
pleading guilty to a third violation of division (C) of section 107  
955.22 of the Revised Code involving the same dog, the court 108  
shall require the offender to register the involved dog as a 109  
dangerous dog. 110

(2) In addition to the penalties prescribed in division 111  
(F) (1) of this section, if a violation of division (C) of 112  
section 955.22 of the Revised Code involves a nuisance dog, the 113  
court may order the offender to personally supervise the 114  
nuisance dog that the offender owns, keeps, or harbors, to cause 115  
that dog to complete dog obedience training, or to do both. 116

(G) Whoever commits a violation of division (C) of section 117  
955.22 of the Revised Code that involves a dangerous dog or a 118  
violation of division (D) of that section is guilty of a 119  
misdemeanor of the fourth degree on a first offense and of a 120  
misdemeanor of the third degree on each subsequent offense. 121  
Additionally, the court may order the offender to personally 122  
supervise the dangerous dog that the offender owns, keeps, or 123  
harbors, to cause that dog to complete dog obedience training, 124  
or to do both, and the court may order the offender to obtain 125  
liability insurance pursuant to division (E) of section 955.22 126  
of the Revised Code. The court, in the alternative, may order 127  
the dangerous dog to be humanely destroyed by a licensed 128  
veterinarian, the county dog warden, or the county humane 129  
society at the owner's expense. With respect to a violation of 130  
division (C) of section 955.22 of the Revised Code that involves 131  
a dangerous dog, until the court makes a final determination and 132  
during the pendency of any appeal of a violation of that 133  
division and at the discretion of the dog warden, the dog shall 134  
be confined or restrained in accordance with division (D) of 135

section 955.22 of the Revised Code or at the county dog pound at 136  
the owner's expense. 137

(H) (1) Whoever commits a violation of division (C) of 138  
section 955.22 of the Revised Code that involves a vicious dog 139  
is guilty of one of the following: 140

(a) A felony of the fourth degree if the dog kills a 141  
person. Additionally, the court shall order that the vicious dog 142  
be humanely destroyed by a licensed veterinarian, the county dog 143  
warden, or the county humane society at the owner's expense. 144

(b) A misdemeanor of the first degree if the dog causes 145  
serious injury to a person. Additionally, the court may order 146  
the vicious dog to be humanely destroyed by a licensed 147  
veterinarian, the county dog warden, or the county humane 148  
society at the owner's expense. 149

(2) If the court does not order the vicious dog to be 150  
destroyed under division (H) (1) (b) of this section, the court 151  
shall issue an order that specifies that division (D) of section 152  
955.11 and divisions (D) to (I) of section 955.22 of the Revised 153  
Code apply with respect to the dog and the owner, keeper, or 154  
harborer of the dog as if the dog were a dangerous dog and that 155  
section 955.54 of the Revised Code applies with respect to the 156  
dog as if it were a dangerous dog. As part of the order, the 157  
court shall order the offender to obtain the liability insurance 158  
required under division (E) (1) of section 955.22 of the Revised 159  
Code in an amount, exclusive of interest and costs, that equals 160  
or exceeds one hundred thousand dollars. Until the court makes a 161  
final determination and during the pendency of any appeal of a 162  
violation of division (C) of section 955.22 of the Revised Code 163  
and at the discretion of the dog warden, the dog shall be 164  
confined or restrained in accordance with the provisions 165

described in division (D) of section 955.22 of the Revised Code 166  
or at the county dog pound at the owner's expense. 167

(I) Whoever violates division (A) (2) of section 955.01 of 168  
the Revised Code is guilty of a misdemeanor of the first degree. 169

(J) Whoever violates division (E) (2) of section 955.22 of 170  
the Revised Code is guilty of a misdemeanor of the fourth 171  
degree. 172

(K) Whoever violates division (C) of section 955.221 of 173  
the Revised Code is guilty of a minor misdemeanor. Each day of 174  
continued violation constitutes a separate offense. Fines levied 175  
and collected for violations of that division shall be 176  
distributed by the mayor or clerk of the municipal or county 177  
court in accordance with section 733.40, division (F) of section 178  
1901.31, or division (C) of section 1907.20 of the Revised Code 179  
to the treasury of the county, township, or municipal 180  
corporation whose resolution or ordinance was violated. 181

(L) Whoever violates division (F) (1), (2), or (3) of 182  
section 955.22 of the Revised Code is guilty of a felony of the 183  
fourth degree. Additionally, the court shall order that the dog 184  
involved in the violation be humanely destroyed by a licensed 185  
veterinarian, the county dog warden, or the county humane 186  
society. Until the court makes a final determination and during 187  
the pendency of any appeal of a violation of division (F) (1), 188  
(2), or (3) of section 955.22 of the Revised Code and at the 189  
discretion of the dog warden, the dog shall be confined or 190  
restrained in accordance with the provisions of division (D) of 191  
section 955.22 of the Revised Code or at the county dog pound at 192  
the owner's expense. 193

(M) Whoever violates division (E) (1), (3), or (4) of 194

section 955.22 of the Revised Code is guilty of a minor 195  
misdemeanor. 196

(N) Whoever violates division (I)(4) of section 955.22 of 197  
the Revised Code is guilty of a minor misdemeanor. 198

(O) Whoever violates division (A) or (B) of section 955.54 199  
of the Revised Code is guilty of a misdemeanor of the first 200  
degree. 201

(P)(1) If a dog is confined at the county dog pound 202  
pursuant to division (G), (H), or (L) of this section, the 203  
county dog warden shall give written notice of the confinement 204  
to the owner of the dog. If the county dog warden is unable to 205  
give the notice to the owner of the dog, the county dog warden 206  
shall post the notice on the door of the residence of the owner 207  
of the dog or in another conspicuous place on the premises at 208  
which the dog was seized. The notice shall include a statement 209  
that a security in the amount of one hundred dollars is due to 210  
the county dog warden within ten days to secure payment of all 211  
reasonable expenses, including medical care and boarding of the 212  
dog for sixty days, expected to be incurred by the county dog 213  
pound in caring for the dog pending the determination. The 214  
county dog warden may draw from the security any actual costs 215  
incurred in caring for the dog. 216

(2) If the person ordered to post security under division 217  
(P)(1) of this section does not do so within ten days of the 218  
confinement of the animal, the dog is forfeited, and the county 219  
dog warden may determine the disposition of the dog unless the 220  
court issues an order that specifies otherwise. 221

(3) Not more than ten days after the court makes a final 222  
determination under division (G), (H), or (L) of this section, 223



the county dog warden shall provide the owner of the dog with 224  
the actual cost of the confinement of the dog. If the county dog 225  
warden finds that the security provided under division (P) (1) of 226  
this section is less than the actual cost of confinement of the 227  
dog, the owner shall remit the difference between the security 228  
provided and the actual cost to the county dog warden within 229  
thirty days after the court's determination. If the county dog 230  
warden finds that the security provided under division (P) (1) of 231  
this section is greater than that actual cost, the county dog 232  
warden shall remit the difference between the security provided 233  
and the actual cost to the owner within thirty days after the 234  
court's determination. 235

(Q) As used in this section, "nuisance dog," "dangerous 236  
dog," and "vicious dog" have the same meanings as in section 237  
955.11 of the Revised Code. 238

**Sec. 4112.01.** (A) As used in this chapter: 239

(1) "Person" includes one or more individuals, 240  
partnerships, associations, organizations, corporations, legal 241  
representatives, trustees, trustees in bankruptcy, receivers, 242  
and other organized groups of persons. "Person" also includes, 243  
but is not limited to, any owner, lessor, assignor, builder, 244  
manager, broker, salesperson, appraiser, agent, employee, 245  
lending institution, and the state and all political 246  
subdivisions, authorities, agencies, boards, and commissions of 247  
the state. 248

(2) "Employer" includes the state, any political 249  
subdivision of the state, any person employing four or more 250  
persons within the state, and any person acting directly or 251  
indirectly in the interest of an employer. 252

- (3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person. 253  
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- (4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment. 256  
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- (5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees. 261  
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- (6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code. 265  
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- (7) "Discriminate" includes segregate or separate. 267
- (8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, ~~or 4112.022, or~~ 4112.025 of the Revised Code. 268  
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- (9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public. 271  
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- (10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families 277  
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whether or not living independently of each other; and any 282  
vacant land offered for sale or lease. "Housing accommodations" 283  
also includes any housing accommodations held or offered for 284  
sale or rent by a real estate broker, salesperson, or agent, by 285  
any other person pursuant to authorization of the owner, by the 286  
owner, or by the owner's legal representative. 287

(11) "Restrictive covenant" means any specification 288  
limiting the transfer, rental, lease, or other use of any 289  
housing accommodations because of race, color, religion, sex, 290  
military status, familial status, national origin, disability, 291  
or ancestry, or any limitation based upon affiliation with or 292  
approval by any person, directly or indirectly, employing race, 293  
color, religion, sex, military status, familial status, national 294  
origin, disability, or ancestry as a condition of affiliation or 295  
approval. 296

(12) "Burial lot" means any lot for the burial of deceased 297  
persons within any public burial ground or cemetery, including, 298  
but not limited to, cemeteries owned and operated by municipal 299  
corporations, townships, or companies or associations 300  
incorporated for cemetery purposes. 301

(13) "Disability" means a physical or mental impairment 302  
that substantially limits one or more major life activities, 303  
including the functions of caring for one's self, performing 304  
manual tasks, walking, seeing, hearing, speaking, breathing, 305  
learning, and working; a record of a physical or mental 306  
impairment; or being regarded as having a physical or mental 307  
impairment. 308

(14) Except as otherwise provided in section 4112.021 of 309  
the Revised Code, "age" means at least forty years old. 310

(15) "Familial status" means either of the following:	311
(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;	312 313 314 315 316
(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.	317 318 319
(16) (a) Except as provided in division (A) (16) (b) of this section, "physical or mental impairment" includes any of the following:	320 321 322
(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;	323 324 325 326 327 328
(ii) Any mental or psychological disorder, including, but not limited to, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities;	329 330 331
(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, intellectual disability, emotional illness, drug addiction, and alcoholism.	332 333 334 335 336 337
(b) "Physical or mental impairment" does not include any of the following:	338 339

(i) Homosexuality and bisexuality;	340
(ii) Transvestism, transsexualism, pedophilia,	341
exhibitionism, voyeurism, gender identity disorders not	342
resulting from physical impairments, or other sexual behavior	343
disorders;	344
(iii) Compulsive gambling, kleptomania, or pyromania;	345
(iv) Psychoactive substance use disorders resulting from	346
the current illegal use of a controlled substance or the current	347
use of alcoholic beverages.	348
(17) "Dwelling unit" means a single unit of residence for	349
a family of one or more persons.	350
(18) "Common use areas" means rooms, spaces, or elements	351
inside or outside a building that are made available for the use	352
of residents of the building or their guests, and includes, but	353
is not limited to, hallways, lounges, lobbies, laundry rooms,	354
refuse rooms, mail rooms, recreational areas, and passageways	355
among and between buildings.	356
(19) "Public use areas" means interior or exterior rooms	357
or spaces of a privately or publicly owned building that are	358
made available to the general public.	359
(20) "Controlled substance" has the same meaning as in	360
section 3719.01 of the Revised Code.	361
(21) "Disabled tenant" means a tenant or prospective	362
tenant who is a person with a disability.	363
(22) "Military status" means a person's status in "service	364
in the uniformed services" as defined in section 5923.05 of the	365
Revised Code.	366

(23) "Aggrieved person" includes both of the following: 367

(a) Any person who claims to have been injured by any 368  
unlawful discriminatory practice described in division (H) of 369  
section 4112.02 of the Revised Code; 370

(b) Any person who believes that the person will be 371  
injured by, any unlawful discriminatory practice described in 372  
division (H) of section 4112.02 of the Revised Code that is 373  
about to occur. 374

(24) "Service animal" means any dog that is individually 375  
trained for the benefit of an individual with a disability to do 376  
work or perform tasks that are directly related to the 377  
individual's disability. "Service animal" does not include any 378  
species of animal other than a dog, whether wild or domestic, 379  
trained or untrained. 380

(B) For the purposes of divisions (A) to (F) of section 381  
4112.02 of the Revised Code, the terms "because of sex" and "on 382  
the basis of sex" include, but are not limited to, because of or 383  
on the basis of pregnancy, any illness arising out of and 384  
occurring during the course of a pregnancy, childbirth, or 385  
related medical conditions. Women affected by pregnancy, 386  
childbirth, or related medical conditions shall be treated the 387  
same for all employment-related purposes, including receipt of 388  
benefits under fringe benefit programs, as other persons not so 389  
affected but similar in their ability or inability to work, and 390  
nothing in division (B) of section 4111.17 of the Revised Code 391  
shall be interpreted to permit otherwise. This division shall 392  
not be construed to require an employer to pay for health 393  
insurance benefits for abortion, except where the life of the 394  
mother would be endangered if the fetus were carried to term or 395  
except where medical complications have arisen from the 396

abortion, provided that nothing in this division precludes an 397  
employer from providing abortion benefits or otherwise affects 398  
bargaining agreements in regard to abortion. 399

Sec. 4112.025. (A) Except as provided in division (B) of 400  
this section, no place of public accommodation shall prohibit 401  
the use of a service animal by an individual with a disability. 402

(B) A place of public accommodation may ask an individual 403  
with a disability to remove a service animal from the premises 404  
if either of the following applies: 405

(1) The animal is out of control and the individual or the 406  
animal's handler does not take effective action to control it; 407  
or 408

(2) The animal is not housebroken. 409

(C) If a place of public accommodation properly excludes a 410  
service animal under division (B) of this section, the place of 411  
public accommodation shall give the individual with a disability 412  
the opportunity to participate in the services, programs, or 413  
activities offered by the place of public accommodation without 414  
having the service animal on the premises. 415

(D) An individual with a disability or a handler shall 416  
keep a service animal under control. The individual or handler 417  
shall use a harness, leash, or other tether for the service 418  
animal, unless either of the following apply: 419

(1) The individual or handler is unable to use a harness, 420  
leash, or other tether because of the individual's disability; 421  
or 422

(2) The use of a harness, leash, or other tether would 423  
interfere with the service animal's safe, effective performance 424

of work or tasks. 425

If either division (D) (1) or (2) of this section apply, 426  
the individual or handler shall otherwise keep the service 427  
animal under control. A place of public accommodation is not 428  
responsible for the care or supervision of a service animal. 429

(E) No place of public accommodation shall ask about the 430  
nature or extent of a person's disability, but may ask both of 431  
the following questions to determine if an animal qualifies as a 432  
service animal: 433

(1) Is the animal required because of a disability? 434

(2) What work or task has the animal been trained to 435  
perform? 436

No place of public accommodation shall require 437  
documentation, such as proof that the animal has been certified, 438  
trained, or licensed as a service animal. No place of public 439  
accommodation shall ask the questions set forth in divisions (E) 440  
(1) and (2) of this section when it is readily apparent that an 441  
animal is trained to do work or perform tasks for an individual 442  
with a disability. 443

(F) A service animal may accompany an individual with a 444  
disability in all areas of a place of public accommodation's 445  
facilities where members of the public, participants in 446  
services, programs or activities, or invitees, as relevant, are 447  
allowed to go. 448

(G) No place of public accommodation shall ask or require 449  
an individual with a disability to pay a surcharge, even if 450  
people accompanied by pets are required to pay fees, or to 451  
comply with other requirements generally not applicable to 452  
people without pets. If a place of public accommodation normally 453



charges individuals for the damage they cause, the place of 454  
public accommodation may charge an individual with a disability 455  
for damage caused by the individual's service animal. 456

(H) An individual with a disability who has a service 457  
animal is entitled to keep the service animal on the premises 458  
purchased, leased, rented, assigned, or subleased by the 459  
individual. The individual is not required to pay any extra 460  
charge for the service animal, but is liable for damage done by 461  
the service animal to the premises. 462

(I) No person shall falsely claim that an animal is a 463  
service animal in order for the animal to gain access to a place 464  
of public accommodation. 465

(J) (1) A place of public accommodation shall make 466  
reasonable modifications in policies, practices, or procedures 467  
to permit the use of a miniature horse by an individual with a 468  
disability if the miniature horse has been trained to do work or 469  
perform tasks for the benefit of the individual with a 470  
disability. 471

(2) In determining whether reasonable modifications in 472  
policies, practices, or procedures can be made to allow a 473  
miniature horse into a specific facility, a place of public 474  
accommodation shall consider all of the following: 475

(a) The type, size, and weight of the miniature horse and 476  
whether the facility can accommodate these features; 477

(b) Whether the handler has sufficient control of the 478  
miniature horse; 479

(c) Whether the miniature horse is housebroken; and 480

(d) Whether the miniature horse's presence in a specific 481

facility compromises legitimate safety requirements that are 482  
necessary for safe operation. 483

(K) Divisions (A) through (H) of this section apply to 484  
miniature horses that have been trained to do work or perform 485  
tasks for the benefit of an individual with a disability. 486

**Sec. 4112.04.** (A) The commission shall do all of the 487  
following: 488

(1) Establish and maintain a principal office in the city 489  
of Columbus and any other offices within the state that it 490  
considers necessary; 491

(2) Appoint an executive director who shall serve at the 492  
pleasure of the commission and be its principal administrative 493  
officer. The executive director shall be paid a salary fixed 494  
pursuant to Chapter 124. of the Revised Code. 495

(3) Appoint hearing examiners and other employees and 496  
agents who it considers necessary and prescribe their duties 497  
subject to Chapter 124. of the Revised Code; 498

(4) Adopt, promulgate, amend, and rescind rules to 499  
effectuate the provisions of this chapter and the policies and 500  
practice of the commission in connection with this chapter~~r~~. 501  
However, the commission shall not adopt or enforce rules 502  
governing the use of a service animal or other assistance animal 503  
at a place of public accommodation. The commission may enforce 504  
the requirements of section 4112.025 of the Revised Code in 505  
accordance with this chapter. 506

(5) Formulate policies to effectuate the purposes of this 507  
chapter and make recommendations to agencies and officers of the 508  
state or political subdivisions to effectuate the policies; 509

(6) Receive, investigate, and pass upon written charges	510
made under oath of unlawful discriminatory practices;	511
(7) Make periodic surveys of the existence and effect of	512
discrimination because of race, color, religion, sex, military	513
status, familial status, national origin, disability, age, or	514
ancestry on the enjoyment of civil rights by persons within the	515
state;	516
(8) Report, from time to time, but not less than once a	517
year, to the general assembly and the governor, describing in	518
detail the investigations, proceedings, and hearings it has	519
conducted and their outcome, the decisions it has rendered, and	520
the other work performed by it, which report shall include a	521
copy of any surveys prepared pursuant to division (A) (7) of this	522
section and shall include the recommendations of the commission	523
as to legislative or other remedial action;	524
(9) Prepare a comprehensive educational program, in	525
cooperation with the department of education, for the students	526
of the public schools of this state and for all other residents	527
of this state that is designed to eliminate prejudice on the	528
basis of race, color, religion, sex, military status, familial	529
status, national origin, disability, age, or ancestry in this	530
state, to further good will among those groups, and to emphasize	531
the origin of prejudice against those groups, its harmful	532
effects, and its incompatibility with American principles of	533
equality and fair play;	534
(10) Receive progress reports from agencies,	535
instrumentalities, institutions, boards, commissions, and other	536
entities of this state or any of its political subdivisions and	537
their agencies, instrumentalities, institutions, boards,	538
commissions, and other entities regarding affirmative action	539

programs for the employment of persons against whom 540  
discrimination is prohibited by this chapter, or regarding any 541  
affirmative housing accommodations programs developed to 542  
eliminate or reduce an imbalance of race, color, religion, sex, 543  
military status, familial status, national origin, disability, 544  
or ancestry. All agencies, instrumentalities, institutions, 545  
boards, commissions, and other entities of this state or its 546  
political subdivisions, and all political subdivisions, that 547  
have undertaken affirmative action programs pursuant to a 548  
conciliation agreement with the commission, an executive order 549  
of the governor, any federal statute or rule, or an executive 550  
order of the president of the United States shall file progress 551  
reports with the commission annually on or before the first day 552  
of November. The commission shall analyze and evaluate the 553  
progress reports and report its findings annually to the general 554  
assembly on or before the thirtieth day of January of the year 555  
immediately following the receipt of the reports. 556

(B) The commission may do any of the following: 557

(1) Meet and function at any place within the state; 558

(2) Initiate and undertake on its own motion 559  
investigations of problems of employment or housing 560  
accommodations discrimination; 561

(3) Hold hearings, subpoena witnesses, compel their 562  
attendance, administer oaths, take the testimony of any person 563  
under oath, require the production for examination of any books 564  
and papers relating to any matter under investigation or in 565  
question before the commission, and make rules as to the 566  
issuance of subpoenas by individual commissioners. 567

(a) In conducting a hearing or investigation, the 568

commission shall have access at all reasonable times to 569  
premises, records, documents, individuals, and other evidence or 570  
possible sources of evidence and may examine, record, and copy 571  
the premises, records, documents, and other evidence or possible 572  
sources of evidence and take and record the testimony or 573  
statements of the individuals as reasonably necessary for the 574  
furtherance of the hearing or investigation. In investigations, 575  
the commission shall comply with the fourth amendment to the 576  
United States Constitution relating to unreasonable searches and 577  
seizures. The commission or a member of the commission may issue 578  
subpoenas to compel access to or the production of premises, 579  
records, documents, and other evidence or possible sources of 580  
evidence or the appearance of individuals, and may issue 581  
interrogatories to a respondent, to the same extent and subject 582  
to the same limitations as would apply if the subpoenas or 583  
interrogatories were issued or served in aid of a civil action 584  
in a court of common pleas. 585

(b) Upon written application by a party to a hearing under 586  
division (B) of section 4112.05 of the Revised Code, the 587  
commission shall issue subpoenas in its name to the same extent 588  
and subject to the same limitations as subpoenas issued by the 589  
commission. Subpoenas issued at the request of a party shall 590  
show on their face the name and address of the party and shall 591  
state that they were issued at the party's request. 592

(c) Witnesses summoned by subpoena of the commission are 593  
entitled to the witness and mileage fees provided for under 594  
section 119.094 of the Revised Code. 595

(d) Within five days after service of a subpoena upon any 596  
person, the person may petition the commission to revoke or 597  
modify the subpoena. The commission shall grant the petition if 598

it finds that the subpoena requires an appearance or attendance 599  
at an unreasonable time or place, that it requires production of 600  
evidence that does not relate to any matter before the 601  
commission, that it does not describe with sufficient 602  
particularity the evidence to be produced, that compliance would 603  
be unduly onerous, or for other good reason. 604

(e) In case of contumacy or refusal to obey a subpoena, 605  
the commission or person at whose request it was issued may 606  
petition for its enforcement in the court of common pleas in the 607  
county in which the person to whom the subpoena was addressed 608  
resides, was served, or transacts business. 609

(4) Create local or statewide advisory agencies and 610  
conciliation councils to aid in effectuating the purposes of 611  
this chapter. The commission may itself, or it may empower these 612  
agencies and councils to, do either or both of the following: 613

(a) Study the problems of discrimination in all or 614  
specific fields of human relationships when based on race, 615  
color, religion, sex, military status, familial status, national 616  
origin, disability, age, or ancestry; 617

(b) Foster through community effort, or otherwise, good 618  
will among the groups and elements of the population of the 619  
state. 620

The agencies and councils may make recommendations to the 621  
commission for the development of policies and procedures in 622  
general. They shall be composed of representative citizens who 623  
shall serve without pay, except that reimbursement for actual 624  
and necessary traveling expenses shall be made to citizens who 625  
serve on a statewide agency or council. 626

(5) Issue any publications and the results of 627

investigations and research that in its judgment will tend to 628  
promote good will and minimize or eliminate discrimination 629  
because of race, color, religion, sex, military status, familial 630  
status, national origin, disability, age, or ancestry. 631

**Sec. 4112.05.** (A) (1) The commission, as provided in this 632  
section, shall prevent any person from engaging in unlawful 633  
discriminatory practices. 634

(2) The commission may at any time attempt to resolve 635  
allegations of unlawful discriminatory practices by the use of 636  
alternative dispute resolution, provided that, before 637  
instituting the formal hearing authorized by division (B) of 638  
this section, it shall attempt, by informal methods of 639  
conference, conciliation, and persuasion, to induce compliance 640  
with this chapter. 641

(B) (1) Any person may file a charge with the commission 642  
alleging that another person has engaged or is engaging in an 643  
unlawful discriminatory practice. In the case of a charge 644  
alleging an unlawful discriminatory practice described in 645  
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 646  
section 4112.02 or in section 4112.021 ~~or~~  4112.022, or 647  
4112.025 of the Revised Code, the charge shall be in writing and 648  
under oath and shall be filed with the commission within six 649  
months after the alleged unlawful discriminatory practice was 650  
committed. In the case of a charge alleging an unlawful 651  
discriminatory practice described in division (H) of section 652  
4112.02 of the Revised Code, the charge shall be in writing and 653  
under oath and shall be filed with the commission within one 654  
year after the alleged unlawful discriminatory practice was 655  
committed. 656

(a) An oath under this chapter may be made in any form of 657

affirmation the person deems binding on the person's conscience. 658  
Acceptable forms include, but are not limited to, declarations 659  
made under penalty of perjury. 660

(b) Any charge timely received, via facsimile, postal 661  
mail, electronic mail, or otherwise, may be signed under oath 662  
after the limitations period for filing set forth under division 663  
(B) (1) of this section and will relate back to the original 664  
filing date. 665

(2) Upon receiving a charge, the commission may initiate a 666  
preliminary investigation to determine whether it is probable 667  
that an unlawful discriminatory practice has been or is being 668  
engaged in. The commission also may conduct, upon its own 669  
initiative and independent of the filing of any charges, a 670  
preliminary investigation relating to any of the unlawful 671  
discriminatory practices described in division (A), (B), (C), 672  
(D), (E), (F), (I), or (J) of section 4112.02 or in section 673  
4112.021~~or~~, 4112.022, or 4112.025 of the Revised Code. Prior 674  
to a notification of a complainant under division (B) (4) of this 675  
section or prior to the commencement of informal methods of 676  
conference, conciliation, and persuasion, or alternative dispute 677  
resolution, under that division, the members of the commission 678  
and the officers and employees of the commission shall not make 679  
public in any manner and shall retain as confidential all 680  
information that was obtained as a result of or that otherwise 681  
pertains to a preliminary investigation other than one described 682  
in division (B) (3) of this section. 683

(3) (a) Unless it is impracticable to do so and subject to 684  
its authority under division (B) (3) (d) of this section, the 685  
commission shall complete a preliminary investigation of a 686  
charge filed pursuant to division (B) (1) of this section that 687



alleges an unlawful discriminatory practice described in 688  
division (H) of section 4112.02 of the Revised Code, and shall 689  
take one of the following actions, within one hundred days after 690  
the filing of the charge: 691

(i) Notify the complainant and the respondent that it is 692  
not probable that an unlawful discriminatory practice described 693  
in division (H) of section 4112.02 of the Revised Code has been 694  
or is being engaged in and that the commission will not issue a 695  
complaint in the matter; 696

(ii) Initiate a complaint and schedule it for informal 697  
methods of conference, conciliation, and persuasion, or 698  
alternative dispute resolution; 699

(iii) Initiate a complaint and refer it to the attorney 700  
general with a recommendation to seek a temporary or permanent 701  
injunction or a temporary restraining order. If this action is 702  
taken, the attorney general shall apply, as expeditiously as 703  
possible after receipt of the complaint, to the court of common 704  
pleas of the county in which the unlawful discriminatory 705  
practice allegedly occurred for the appropriate injunction or 706  
order, and the court shall hear and determine the application as 707  
expeditiously as possible. 708

(b) If it is not practicable to comply with the 709  
requirements of division (B) (3) (a) of this section within the 710  
one-hundred-day period described in that division, the 711  
commission shall notify the complainant and the respondent in 712  
writing of the reasons for the noncompliance. 713

(c) Prior to the issuance of a complaint under division 714  
(B) (3) (a) (ii) or (iii) of this section or prior to a 715  
notification of the complainant and the respondent under 716

division (B) (3) (a) (i) of this section, the members of the 717  
commission and the officers and employees of the commission 718  
shall not make public in any manner and shall retain as 719  
confidential all information that was obtained as a result of or 720  
that otherwise pertains to a preliminary investigation of a 721  
charge filed pursuant to division (B) (1) of this section that 722  
alleges an unlawful discriminatory practice described in 723  
division (H) of section 4112.02 of the Revised Code. 724

(d) Notwithstanding the types of action described in 725  
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 726  
issuance of a complaint or the referral of a complaint to the 727  
attorney general and prior to endeavoring to eliminate an 728  
unlawful discriminatory practice described in division (H) of 729  
section 4112.02 of the Revised Code by informal methods of 730  
conference, conciliation, and persuasion, or by alternative 731  
dispute resolution, the commission may seek a temporary or 732  
permanent injunction or a temporary restraining order in the 733  
court of common pleas of the county in which the unlawful 734  
discriminatory practice allegedly occurred. 735

(4) If the commission determines after a preliminary 736  
investigation other than one described in division (B) (3) of 737  
this section that it is not probable that an unlawful 738  
discriminatory practice has been or is being engaged in, it 739  
shall notify any complainant under division (B) (1) of this 740  
section that it has so determined and that it will not issue a 741  
complaint in the matter. If the commission determines after a 742  
preliminary investigation other than the one described in 743  
division (B) (3) of this section that it is probable that an 744  
unlawful discriminatory practice has been or is being engaged 745  
in, it shall endeavor to eliminate the practice by informal 746  
methods of conference, conciliation, and persuasion, or by 747

alternative dispute resolution. 748

(5) Nothing said or done during informal methods of 749  
conference, conciliation, and persuasion, or during alternative 750  
dispute resolution, under this section shall be disclosed by any 751  
member of the commission or its staff or be used as evidence in 752  
any subsequent hearing or other proceeding. If, after a 753  
preliminary investigation and the use of informal methods of 754  
conference, conciliation, and persuasion, or alternative dispute 755  
resolution, under this section, the commission is satisfied that 756  
any unlawful discriminatory practice will be eliminated, it may 757  
treat the charge involved as being conciliated and enter that 758  
disposition on the records of the commission. If the commission 759  
fails to effect the elimination of an unlawful discriminatory 760  
practice by informal methods of conference, conciliation, and 761  
persuasion, or by alternative dispute resolution under this 762  
section and to obtain voluntary compliance with this chapter, 763  
the commission shall issue and cause to be served upon any 764  
person, including the respondent against whom a complainant has 765  
filed a charge pursuant to division (B)(1) of this section, a 766  
complaint stating the charges involved and containing a notice 767  
of an opportunity for a hearing before the commission, a member 768  
of the commission, or a hearing examiner at a place that is 769  
stated in the notice and that is located within the county in 770  
which the alleged unlawful discriminatory practice has occurred 771  
or is occurring or in which the respondent resides or transacts 772  
business. The hearing shall be held not less than thirty days 773  
after the service of the complaint upon the complainant, the 774  
aggrieved persons other than the complainant on whose behalf the 775  
complaint is issued, and the respondent, unless the complainant, 776  
an aggrieved person, or the respondent elects to proceed under 777  
division (A)(2) of section 4112.051 of the Revised Code when 778

that division is applicable. If a complaint pertains to an 779  
alleged unlawful discriminatory practice described in division 780  
(H) of section 4112.02 of the Revised Code, the complaint shall 781  
notify the complainant, an aggrieved person, and the respondent 782  
of the right of the complainant, an aggrieved person, or the 783  
respondent to elect to proceed with the administrative hearing 784  
process under this section or to proceed under division (A) (2) 785  
of section 4112.051 of the Revised Code. 786

(6) The attorney general shall represent the commission at 787  
any hearing held pursuant to division (B) (5) of this section and 788  
shall present the evidence in support of the complaint. 789

(7) Any complaint issued pursuant to division (B) (5) of 790  
this section after the filing of a charge under division (B) (1) 791  
of this section shall be so issued within one year after the 792  
complainant filed the charge with respect to an alleged unlawful 793  
discriminatory practice. 794

(C) (1) Any complaint issued pursuant to division (B) of 795  
this section may be amended by the commission, a member of the 796  
commission, or the hearing examiner conducting a hearing under 797  
division (B) of this section. 798

(a) Except as provided in division (C) (1) (b) of this 799  
section, a complaint issued pursuant to division (B) of this 800  
section may be amended at any time prior to or during the 801  
hearing. 802

(b) If a complaint issued pursuant to division (B) of this 803  
section alleges an unlawful discriminatory practice described in 804  
division (H) of section 4112.02 of the Revised Code, the 805  
complaint may be amended at any time up to seven days prior to 806  
the hearing and not thereafter. 807

(2) 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, military status, familial status, national origin, disability, age, or ancestry bear to the total population or in accordance with any criterion other than the individual qualifications of the applicant.

(F) The testimony taken at a hearing under division (B) of 838  
this section shall be under oath and shall be reduced to writing 839  
and filed with the commission. Thereafter, in its discretion, 840  
the commission, upon the service of a notice upon the 841  
complainant and the respondent that indicates an opportunity to 842  
be present, may take further testimony or hear argument. 843

(G) (1) (a) If, upon all reliable, probative, and 844  
substantial evidence presented at a hearing under division (B) 845  
of this section, the commission determines that the respondent 846  
has engaged in, or is engaging in, any unlawful discriminatory 847  
practice, whether against the complainant or others, the 848  
commission shall state its findings of fact and conclusions of 849  
law and shall issue and, subject to the provisions of Chapter 850  
119. of the Revised Code, cause to be served on the respondent 851  
an order requiring the respondent to do all of the following: 852

~~(i)~~ (i) Cease and desist from the unlawful discriminatory 853  
practice; 854

(ii) Take any further affirmative or other action that 855  
will effectuate the purposes of this chapter, including, but not 856  
limited to, hiring, reinstatement, or upgrading of employees 857  
with or without back pay, or admission or restoration to union 858  
membership; 859

(iii) Report to the commission the manner of compliance. 860

If the commission directs payment of back pay, it shall 861  
make allowance for interim earnings. 862

(b) If the commission finds a violation of division (H) of 863  
section 4112.02 of the Revised Code, in addition to the action 864  
described in division (G) (1) (a) of this section, the commission 865  
additionally may require the respondent to undergo 866

~~recommendation~~ remediation in the form of a class, seminar, or 867  
any other type of remediation approved by the commission, may 868  
require the ~~responded~~ respondent to pay actual damages and 869  
reasonable attorney's fees, and may, to vindicate the public 870  
interest, assess a civil penalty against the respondent as 871  
follows: 872

(i) If division (G) (1) (b) (ii) or (iii) of this section 873  
does not apply, a civil penalty in an amount not to exceed ten 874  
thousand dollars; 875

(ii) If division (G) (1) (b) (iii) of this section does not 876  
apply and if the respondent has been determined by a final order 877  
of the commission or by a final judgment of a court to have 878  
committed one violation of division (H) of section 4112.02 of 879  
the Revised Code during the five-year period immediately 880  
preceding the date on which a complaint was issued pursuant to 881  
division (B) of this section, a civil penalty in an amount not 882  
to exceed twenty-five thousand dollars; 883

(iii) If the respondent has been determined by a final 884  
order of the commission or by a final judgment of a court to 885  
have committed two or more violations of division (H) of section 886  
4112.02 of the Revised Code during the seven-year period 887  
immediately preceding the date on which a complaint was issued 888  
pursuant to division (B) of this section, a civil penalty 889  
damages in an amount not to exceed fifty thousand dollars. 890

(2) Upon the submission of reports of compliance, the 891  
commission may issue a declaratory order stating that the 892  
respondent has ceased to engage in particular unlawful 893  
discriminatory practices. 894

(H) If the commission finds that no probable cause exists 895

for crediting charges of unlawful discriminatory practices or 896  
if, upon all the evidence presented at a hearing under division 897  
(B) of this section on a charge, the commission finds that a 898  
respondent has not engaged in any unlawful discriminatory 899  
practice against the complainant or others, it shall state its 900  
findings of fact and shall issue and cause to be served on the 901  
complainant an order dismissing the complaint as to the 902  
respondent. A copy of the order shall be delivered in all cases 903  
to the attorney general and any other public officers whom the 904  
commission considers proper. 905

If, upon all the evidence presented at a hearing under 906  
division (B) of this section on a charge, the commission finds 907  
that a respondent has not engaged in any unlawful discriminatory 908  
practice against the complainant or others, it may award to the 909  
respondent reasonable attorney's fees to the extent provided in 910  
5 U.S.C. 504 and accompanying regulations. 911

(I) Until the time period for appeal set forth in division 912  
(H) of section 4112.06 of the Revised Code expires, the 913  
commission, subject to the provisions of Chapter 119. of the 914  
Revised Code, at any time, upon reasonable notice, and in the 915  
manner it considers proper, may modify or set aside, in whole or 916  
in part, any finding or order made by it under this section. 917

**Sec. 4112.99.** ~~Whoever~~ (A) Except as provided in division 918  
(B) or (C) of this section, ~~whoever~~ violates this chapter is 919  
subject to a civil action for damages, injunctive relief, or any 920  
other appropriate relief. 921

(B) Whoever violates division (A) of section 4112.025 of 922  
the Revised Code is guilty of a second degree misdemeanor. The 923  
offense established under this division is a strict liability 924  
offense and section 2901.20 of the Revised Code does not apply. 925



The designation of this offense as a strict liability offense 926  
shall not be construed to imply that any other offense, for 927  
which there is no specified degree of culpability, is not a 928  
strict liability offense. 929

(C) Whoever negligently violates division (I) of section 930  
4112.025 of the Revised Code is guilty of a second degree 931  
misdemeanor. 932

**Section 2.** That existing sections 955.011, 955.99, 4112.01 933  
, 4112.04, 4112.05, and 4112.99 and section 955.43 of the 934  
Revised Code are hereby repealed. 935

**Section 3.** It is the intent of the General Assembly, by 936  
amending sections 4112.01 and 4112.04 of the Revised Code and 937  
enacting section 4112.025 of the Revised Code under this act, to 938  
supersede the rules adopted by the Ohio Civil Rights Commission 939  
governing "animal assistants" in Chapter 4112-5 of the Ohio 940  
Administrative Code. 941

**Section 4.** Section 4112.04 of the Revised Code is 942  
presented in this act as a composite of the section as amended 943  
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 944  
Sub. H.B. 1 of the 128th General Assembly. The General Assembly, 945  
applying the principle stated in division (B) of section 1.52 of 946  
the Revised Code that amendments are to be harmonized if 947  
reasonably capable of simultaneous operation, finds that the 948  
composite is the resulting version of the section in effect 949  
prior to the effective date of the section as presented in this 950  
act. 951