

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 100

Senators Skindell, Tavares

Cosponsors: Senators Williams, Brown, Schiavoni

A BILL

To amend sections 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.024, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 5709.832 of the Revised Code to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission must attempt to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to eliminate certain religious exemptions from the Ohio Civil Rights Law.

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

Section 1. That sections 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03,

3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 20
3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.024, 4112.04, 21
4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 22
4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, 23
and 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</u> national origin, <u>or disability, sexual orientation, gender identity or expression,</u> or military status as <u>those terms are defined</u> 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, gender 197
identity or expression, or military status as those terms are 198
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. As used in this section, "disability," ~~has~~ 243
"gender identity or expression," and "sexual orientation" have 244
the same ~~meaning~~ meanings as in section 4112.01 of the Revised 245
Code. 246

No board of alcohol, drug addiction, and mental health 247
services or any community addiction or mental health services 248
provider under contract with such a board shall discriminate in 249
the provision of services under its authority, in employment, or 250

under a contract on the basis of race, color, religion, creed, 251
sex, age, national origin, ~~or~~ disability, sexual orientation, or 252
gender identity or expression. 253

Each board and each community addiction or mental health 254
services provider shall have a written affirmative action 255
program. The affirmative action program shall include goals for 256
the employment and effective utilization of, including contracts 257
with, members of economically disadvantaged groups as defined in 258
division (E)(1) of section 122.71 of the Revised Code in 259
percentages reflecting as nearly as possible the composition of 260
the alcohol, drug addiction, and mental health service district 261
served by the board. Each board and provider shall file a 262
description of the affirmative action program and a progress 263
report on its implementation with the department of mental 264
health and addiction services. 265

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

race, color, religion, ~~national origin~~, sex, national origin, or 282
political affiliation; or sexual orientation or gender identity 283
or expression as those terms are defined in section 4112.01 of 284
the Revised Code. The rents received for such facilities may be 285
used for their repair or improvement, and any balance shall be 286
used for general township purposes. 287

Sec. 717.01. Each municipal corporation may do any of the 288
following: 289

(A) Acquire by purchase or condemnation real estate with 290
or without buildings on it, and easements or interests in real 291
estate; 292

(B) Extend, enlarge, reconstruct, repair, equip, furnish, 293
or improve a building or improvement that it is authorized to 294
acquire or construct; 295

(C) Erect a crematory or provide other means for disposing 296
of garbage or refuse, and erect public comfort stations; 297

(D) Purchase turnpike roads and make them free; 298

(E) Construct wharves and landings on navigable waters; 299

(F) Construct infirmaries, workhouses, prisons, police 300
stations, houses of refuge and correction, market houses, public 301
halls, public offices, municipal garages, repair shops, storage 302
houses, and warehouses; 303

(G) Construct or acquire waterworks for supplying water to 304
the municipal corporation and its inhabitants and extend the 305
waterworks system outside of the municipal corporation limits; 306

(H) Construct or purchase gas works or works for the 307
generation and transmission of electricity, for the supplying of 308
gas or electricity to the municipal corporation and its 309

inhabitants;	310
(I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories;	311 312
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	313 314
(K) Construct free public libraries and reading rooms, and free recreation centers;	315 316
(L) Establish free public baths and municipal lodging houses;	317 318
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	319 320 321
(N) Provide land for and improve parks, boulevards, and public playgrounds;	322 323
(O) Construct hospitals and pesthouses;	324
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	325 326
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	327 328 329
(R) Construct or improve viaducts, bridges, and culverts;	330
(S) (1) Construct any building necessary for the police or fire department;	331 332
(2) Purchase fire engines or fire boats;	333
(3) Construct water towers or fire cisterns;	334
(4) Place underground the wires or signal apparatus of any	335

police or fire department.	336
(T) Construct any municipal ice plant for the purpose of	337
manufacturing ice for the citizens of a municipal corporation;	338
(U) Construct subways under any street or boulevard or	339
elsewhere;	340
(V) Acquire by purchase, gift, devise, bequest, lease,	341
condemnation proceedings, or otherwise, real or personal	342
property, and thereon and thereof to establish, construct,	343
enlarge, improve, equip, maintain, and operate airports, landing	344
fields, or other air navigation facilities, either within or	345
outside the limits of a municipal corporation, and acquire by	346
purchase, gift, devise, lease, or condemnation proceedings	347
rights-of-way for connections with highways, waterways, and	348
electric, steam, and interurban railroads, and improve and equip	349
such facilities with structures necessary or appropriate for	350
such purposes. No municipal corporation may take or disturb	351
property or facilities belonging to any public utility or to a	352
common carrier engaged in interstate commerce, which property or	353
facilities are required for the proper and convenient operation	354
of the utility or carrier, unless provision is made for the	355
restoration, relocation, or duplication of the property or	356
facilities elsewhere at the sole cost of the municipal	357
corporation.	358
(W) Provide by agreement with any regional airport	359
authority, created under section 308.03 of the Revised Code, for	360
the making of necessary surveys, appraisals, and examinations	361
preliminary to the acquisition or construction of any airport or	362
airport facility and pay the portion of the expense of the	363
surveys, appraisals, and examinations as set forth in the	364
agreement;	365

(X) Provide by agreement with any regional airport 366
authority, created under section 308.03 of the Revised Code, for 367
the acquisition, construction, maintenance, or operation of any 368
airport or airport facility owned or to be owned and operated by 369
the regional airport authority or owned or to be owned and 370
operated by the municipal corporation and pay the portion of the 371
expense of it as set forth in the agreement; 372

(Y) Acquire by gift, purchase, lease, or condemnation, 373
land, forest, and water rights necessary for conservation of 374
forest reserves, water parks, or reservoirs, either within or 375
without the limits of the municipal corporation, and improve and 376
equip the forest and water parks with structures, equipment, and 377
reforestation necessary or appropriate for any purpose for the 378
utilization of any of the forest and water benefits that may 379
properly accrue therefrom to the municipal corporation; 380

(Z) Acquire real property by purchase, gift, or devise and 381
construct and maintain on it public swimming pools, either 382
within or outside the limits of the municipal corporation; 383

(AA) Construct or rehabilitate, equip, maintain, operate, 384
and lease facilities for housing of elderly persons and for 385
persons of low and moderate income, and appurtenant facilities. 386
No municipal corporation shall deny housing accommodations to or 387
withhold housing accommodations from elderly persons or persons 388
of low and moderate income because of race, color, religion, 389
sex, ancestry, or national origin; or familial status as defined 390
in section 4112.01 of the Revised Code, military status as 391
defined in that section, disability as defined in that section, 392
ancestry, or national origin, sexual orientation, gender 393
identity or expression, or military status as those terms are 394
defined in section 4112.01 of the Revised Code. Any elderly 395

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

(BB) Acquire, rehabilitate, and develop rail property or 406
rail service, and enter into agreements with the Ohio rail 407
development commission, boards of county commissioners, boards 408
of township trustees, legislative authorities of other municipal 409
corporations, with other governmental agencies or organizations, 410
and with private agencies or organizations in order to achieve 411
those purposes; 412

(CC) Appropriate and contribute money to a soil and water 413
conservation district for use under Chapter 940. of the Revised 414
Code; 415

(DD) Authorize the board of county commissioners, pursuant 416
to a contract authorizing the action, to contract on the 417
municipal corporation's behalf for the administration and 418
enforcement within its jurisdiction of the state building code 419
by another county or another municipal corporation located 420
within or outside the county. The contract for administration 421
and enforcement shall provide for obtaining certification 422
pursuant to division (E) of section 3781.10 of the Revised Code 423
for the exercise of administration and enforcement authority 424
within the municipal corporation seeking those services and 425

shall specify which political subdivision is responsible for 426
securing that certification. 427

(EE) Expend money for providing and maintaining services 428
and facilities for senior citizens. 429

"Airport," "landing field," and "air navigation facility," 430
as defined in section 4561.01 of the Revised Code, apply to 431
division (V) of this section. 432

As used in divisions (W) and (X) of this section, 433
"airport" and "airport facility" have the same meanings as in 434
section 308.01 of the Revised Code. 435

As used in division (BB) of this section, "rail property" 436
and "rail service" have the same meanings as in section 4981.01 437
of the Revised Code. 438

Sec. 1501.012. (A) The director of natural resources may 439
lease lands in state parks, as defined in section 1501.07 of the 440
Revised Code, and contract for the construction and operation of 441
public service facilities, as mentioned in that section, and for 442
major renovation or remodeling of existing public service 443
facilities by the lessees on those lands. If the director 444
determines that doing so would be consistent with long-range 445
planning of the department of natural resources and in the best 446
interests of the department and the division of parks and 447
watercraft in the department, the director shall negotiate and 448
execute a lease and contract for those purposes in accordance 449
with this chapter except as otherwise provided in this section. 450

(B) The director shall draft a statement of intent 451
describing any public service facility that the department 452
wishes to have constructed in accordance with this section and 453
establishing a procedure for the submission of proposals for 454

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

The director shall publish the statement of intent in at 469
least three daily newspapers of general circulation in the state 470
at least once each week for four consecutive weeks. The director 471
then shall accept proposals in response to the statement of 472
intent for at least thirty days following the final publication 473
of the statement. At the end of the period during which 474
proposals may be submitted under this division, the director 475
shall select the proposal that the director determines best 476
complies with the statement of intent and may negotiate a lease 477
and contract with the person that submitted that proposal. 478

(C) Any lease and contract negotiated under this section 479
shall include in its terms and conditions all of the following: 480

(1) The legal description of the leasehold; 481

(2) The duration of the lease and contract, which shall 482
not exceed forty years, and a requirement that the lease and 483
contract be nonrenewable; 484

(3) A requirement that the lessee maintain in full force	485
and effect during the term of the lease and contract	486
comprehensive liability insurance for injury, death, or loss to	487
persons or property and fire casualty insurance for the public	488
service facility and all its structures in an amount established	489
by the director and naming the department as an additional	490
insured;	491
(4) A requirement that the lessee maintain in full force	492
and effect suitable performance bonds or other adequate security	493
pertaining to the construction and operation of the public	494
service facility;	495
(5) Detailed plans and specifications controlling the	496
construction of the public service facility that shall include	497
all of the following:	498
(a) The size and capacity of the facility;	499
(b) The type and quality of construction;	500
(c) Other criteria that the department considers necessary	501
and advisable.	502
(6) The manner of rental payment;	503
(7) A stipulation that the director shall have control and	504
supervision over all of the following:	505
(a) The operating season of the public service facility;	506
(b) The facility's hours of operation;	507
(c) The maximum rates to be charged guests using the	508
facility;	509
(d) The facility's sanitary conditions;	510
(e) The quality of food and service furnished the guests	511

of the facility;	512
(f) The lessee's general and structural maintenance responsibilities at the facility.	513 514
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	515 516
(9) A requirement that the public service facility be available to all members of the public without regard to sex, race, color, creed, ancestry, <u>or</u> national origin ; or <u>disability, sexual orientation, or gender identity or expression</u> as <u>those terms are</u> defined in section 4112.01 of the Revised Code;	517 518 519 520 521 522
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	523 524 525
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	526 527
(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.	528 529 530
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.	531 532 533 534 535 536 537
(2) Unless otherwise required by state or federal law, no health insuring corporation, or health care facility or provider	538 539

through which the health insuring corporation has made 540
arrangements to provide health care services, shall discriminate 541
against any individual with regard to enrollment, disenrollment, 542
or the quality of health care services rendered, on the basis of 543
~~the~~ any of the following: 544

(a) The individual's race, color, sex, religion, or age, 545
~~religion, military status; or sexual orientation, gender~~ 546
identity or expression, or military status as those terms are 547
defined in section 4112.01 of the Revised Code, ~~or status;~~ 548

(b) The individual's status as a recipient of medicare or 549
medicaid, ~~or any;~~ 550

(c) Any health status-related factor in relation to the 551
individual. ~~However~~ 552

However, a health insuring corporation shall not be 553
required to accept a recipient of medicare or medical 554
assistance, if an agreement has not been reached on appropriate 555
payment mechanisms between the health insuring corporation and 556
the governmental agency administering these programs. Further, 557
except for open enrollment coverage under sections 3923.58 and 558
3923.581 of the Revised Code and except as provided in section 559
1751.65 of the Revised Code, a health insuring corporation may 560
reject an applicant for nongroup enrollment on the basis of any 561
health status-related factor in relation to the applicant. 562

(B) A health insuring corporation may cancel or decide not 563
to renew the coverage of an enrollee if the enrollee has 564
performed an act or practice that constitutes fraud or 565
intentional misrepresentation of material fact under the terms 566
of the coverage and if the cancellation or nonrenewal is not 567
based, either directly or indirectly, on any health status- 568

related factor in relation to the enrollee. 569

(C) An enrollee may appeal any action or decision of a 570
health insuring corporation taken pursuant to section 2742(b) to 571
(e) of the "Health Insurance Portability and Accountability Act 572
of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 573
300gg-42, as amended. To appeal, the enrollee may submit a 574
written complaint to the health insuring corporation pursuant to 575
section 1751.19 of the Revised Code. The enrollee may, within 576
thirty days after receiving a written response from the health 577
insuring corporation, appeal the health insuring corporation's 578
action or decision to the superintendent. 579

(D) As used in this section, "health status-related 580
factor" means any of the following: 581

(1) Health status; 582

(2) Medical condition, including both physical and mental 583
illnesses; 584

(3) Claims experience; 585

(4) Receipt of health care; 586

(5) Medical history; 587

(6) Genetic information; 588

(7) Evidence of insurability, including conditions arising 589
out of acts of domestic violence; 590

(8) Disability. 591

Sec. 2927.03. (A) No person, whether or not acting under 592
color of law, shall by force or threat of force willfully 593
injure, intimidate, or interfere with, or attempt to injure, 594
intimidate, or interfere with, any of the following: 595

(1) Any person because of race, color, religion, sex, 596
ancestry, or national origin; or familial status ~~as defined in~~ 597
~~section 4112.01 of the Revised Code, national origin, military~~ 598
~~status as defined in that section,~~ disability ~~as defined in that~~ 599
~~section,~~ sexual orientation, gender identity or expression, or 600
~~ancestry~~ military status as those terms are defined in section 601
4112.01 of the Revised Code, and because that person is or has 602
been selling, purchasing, renting, financing, occupying, 603
contracting, or negotiating for the sale, purchase, rental, 604
financing, or occupation of any housing accommodations, or 605
applying for or participating in any service, organization, or 606
facility relating to the business of selling or renting housing 607
accommodations; 608

(2) Any person because that person is or has been doing, 609
or in order to intimidate that person or any other person or any 610
class of persons from doing, either of the following: 611

(a) Participating, without discrimination on account of 612
race, color, religion, sex, ancestry, or national origin, or 613
familial status ~~as defined in section 4112.01 of the Revised~~ 614
~~Code, national origin, military status as defined in that~~ 615
~~section,~~ disability ~~as defined in that section,~~ sexual 616
orientation, gender identity or expression, or ancestry, 617
military status as those terms are defined in section 4112.01 of 618
the Revised Code, in any of the activities, services, 619
organizations, or facilities described in division (A) (1) of 620
this section; 621

(b) Affording another person or class of persons 622
opportunity or protection so to participate. 623

(3) Any person because that person is or has been, or in 624
order to discourage that person or any other person from, 625

lawfully aiding or encouraging other persons to participate, 626
without discrimination on account of race, color, religion, sex, 627
ancestry, or national origin, or familial status ~~as defined in~~ 628
~~section 4112.01 of the Revised Code, national origin, military~~ 629
~~status as defined in that section, disability as defined in that~~ 630
~~section, sexual orientation, gender identity or expression, or~~ 631
~~ancestry, military status as those terms are defined in section~~ 632
4112.01 of the Revised Code, in any of the activities, services, 633
organizations, or facilities described in division (A)(1) of 634
this section, or participating lawfully in speech or peaceful 635
assembly opposing any denial of the opportunity to so 636
participate. 637

(B) Whoever violates division (A) of this section is 638
guilty of a misdemeanor of the first degree. 639

Sec. 3113.36. (A) To qualify for funds under section 640
3113.35 of the Revised Code, a shelter for victims of domestic 641
violence shall meet all of the following requirements: 642

(1) Be incorporated in this state as a nonprofit 643
corporation; 644

(2) Have trustees who represent the racial, ethnic, and 645
socioeconomic diversity of the community to be served, including 646
at least one person who is or has been a victim of domestic 647
violence; 648

(3) Receive at least twenty-five per cent of its funds 649
from sources other than funds distributed pursuant to section 650
3113.35 of the Revised Code. These other sources may be public 651
or private, and may include funds distributed pursuant to 652
section 3113.37 of the Revised Code, and contributions of goods 653
or services, including materials, commodities, transportation, 654

office space, or other types of facilities or personal services. 655

(4) Provide residential service or facilities for children 656
when accompanied by a parent, guardian, or custodian who is a 657
victim of domestic violence and who is receiving temporary 658
residential service at the shelter; 659

(5) Require persons employed by or volunteering services 660
to the shelter to maintain the confidentiality of any 661
information that would identify individuals served by the 662
shelter. 663

(B) A shelter for victims of domestic violence does not 664
qualify for funds if it discriminates in its admissions or 665
provision of services on the basis of race, ~~religion,~~ color, 666
religion, age, ancestry, national origin, or marital status, 667
~~national origin, or ancestry;~~ or sexual orientation or gender 668
identity or expression as those terms are defined in section 669
4112.01 of the Revised Code. A shelter does not qualify for 670
funds in the second half of any year if its application projects 671
the provision of residential service and such service has not 672
been provided in the first half of that year; such a shelter 673
does not qualify for funds in the following year. 674

Sec. 3301.53. (A) The state board of education, in 675
consultation with the director of job and family services, shall 676
formulate and prescribe by rule adopted under Chapter 119. of 677
the Revised Code minimum standards to be applied to preschool 678
programs operated by school district boards of education, county 679
boards of developmental disabilities, community schools, or 680
eligible nonpublic schools. The rules shall include the 681
following: 682

(1) Standards ensuring that the preschool program is 683

located in a safe and convenient facility that accommodates the 684
enrollment of the program, is of the quality to support the 685
growth and development of the children according to the program 686
objectives, and meets the requirements of section 3301.55 of the 687
Revised Code; 688

(2) Standards ensuring that supervision, discipline, and 689
programs will be administered according to established 690
objectives and procedures; 691

(3) Standards ensuring that preschool staff members and 692
nonteaching employees are recruited, employed, assigned, 693
evaluated, and provided inservice education without 694
discrimination on the basis of race, color, sex, age, color, or 695
national origin, race, or sex; or sexual orientation or gender 696
identity or expression as those terms are defined in section 697
4112.01 of the Revised Code; and that preschool staff members 698
and nonteaching employees are assigned responsibilities in 699
accordance with written position descriptions commensurate with 700
their training and experience; 701

(4) A requirement that boards of education intending to 702
establish a preschool program demonstrate a need for a preschool 703
program prior to establishing the program; 704

(5) Requirements that children participating in preschool 705
programs have been immunized to the extent considered 706
appropriate by the state board to prevent the spread of 707
communicable disease; 708

(6) Requirements that the parents of preschool children 709
complete the emergency medical authorization form specified in 710
section 3313.712 of the Revised Code. 711

(B) The state board of education in consultation with the 712

director of job and family services shall ensure that the rules 713
adopted by the state board under sections 3301.52 to 3301.58 of 714
the Revised Code are consistent with and meet or exceed the 715
requirements of Chapter 5104. of the Revised Code with regard to 716
child day-care centers. The state board and the director of job 717
and family services shall review all such rules at least once 718
every five years. 719

(C) The state board of education, in consultation with the 720
director of job and family services, shall adopt rules for 721
school child programs that are consistent with and meet or 722
exceed the requirements of the rules adopted for school-age 723
child care centers under Chapter 5104. of the Revised Code. 724

Sec. 3304.15. (A) There is hereby created the 725
opportunities for Ohioans with disabilities agency. The agency 726
is the designated state unit authorized under the 727
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 728
amended, to provide vocational rehabilitation to eligible 729
persons with disabilities. 730

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

4112.01 of the Revised Code, such other professional, 743
administrative, and clerical staff members as are necessary to 744
carry out the functions and duties of the agency. 745

The executive director of the opportunities for Ohioans 746
with disabilities agency is the executive and administrative 747
officer of the agency. Whenever the Revised Code imposes a duty 748
on or requires an action of the agency, the executive director 749
shall perform the duty or action on behalf of the agency. The 750
executive director may establish procedures for all of the 751
following: 752

(1) The governance of the agency; 753

(2) The conduct of agency employees and officers; 754

(3) The performance of agency business; 755

(4) The custody, use, and preservation of agency records, 756
papers, books, documents, and property. 757

(C) The executive director shall have exclusive authority 758
to administer the daily operation and provision of vocational 759
rehabilitation services under this chapter. In exercising that 760
authority, the executive director may do all of the following: 761

(1) Adopt rules in accordance with Chapter 119. of the 762
Revised Code; 763

(2) Prepare and submit an annual report to the governor; 764

(3) Certify any disbursement of funds available to the 765
agency for vocational rehabilitation activities; 766

(4) Take appropriate action to guarantee rights of 767
services to people with disabilities; 768

(5) Consult with and advise other state agencies and 769

coordinate programs for persons with disabilities;	770
(6) Comply with the requirements for match as part of budget submission;	771 772
(7) Establish research and demonstration projects;	773
(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation;	774 775
(9) For the purposes of the business enterprise program administered under sections 3304.28 to 3304.35 of the Revised Code:	776 777 778
(a) Establish and manage small business entities owned or operated by visually impaired persons;	779 780
(b) Purchase insurance;	781
(c) Accept computers.	782
(10) Enter into contracts and other agreements for the provision of services.	783 784
(D) The executive director shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50.	785 786 787
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	788 789 790 791 792 793 794 795 796

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

Sec. 3314.06. The governing authority of each community 804
school established under this chapter shall adopt admission 805
procedures that specify the following: 806

(A) That, except as otherwise provided in this section, 807
admission to the school shall be open to any individual age five 808
to twenty-two entitled to attend school pursuant to section 809
3313.64 or 3313.65 of the Revised Code in a school district in 810
the state. 811

Additionally, except as otherwise provided in this 812
section, admission to the school may be open on a tuition basis 813
to any individual age five to twenty-two who is not a resident 814
of this state. The school shall not receive state funds under 815
section 3314.08 of the Revised Code for any student who is not a 816
resident of this state. 817

An individual younger than five years of age may be 818
admitted to the school in accordance with division (A) (2) of 819
section 3321.01 of the Revised Code. The school shall receive 820
funds for an individual admitted under that division in the 821
manner provided under section 3314.08 of the Revised Code. 822

If the school operates a program that uses the Montessori 823
method endorsed by the American Montessori society, the 824
Montessori accreditation council for teacher education, or the 825

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

If the school operates a preschool program that is 834
licensed by the department of education under sections 3301.52 835
to 3301.59 of the Revised Code, admission to the school may be 836
open to individuals who are younger than five years of age, but 837
the school shall not receive funds under this chapter for those 838
individuals. 839

(B) (1) That admission to the school may be limited to 840
students who have attained a specific grade level or are within 841
a specific age group; to students that meet a definition of "at- 842
risk," as defined in the contract; to residents of a specific 843
geographic area within the district, as defined in the contract; 844
or to separate groups of autistic students and nondisabled 845
students, as authorized in section 3314.061 of the Revised Code 846
and as defined in the contract. 847

(2) For purposes of division (B) (1) of this section, "at- 848
risk" students may include those students identified as gifted 849
students under section 3324.03 of the Revised Code. 850

(C) Whether enrollment is limited to students who reside 851
in the district in which the school is located or is open to 852
residents of other districts, as provided in the policy adopted 853
pursuant to the contract. 854

(D) (1) That there will be no discrimination in the 855
admission of students to the school on the basis of race, ~~creed,~~ 856
color, creed, sex, or disability, ~~or sex~~ or sexual orientation 857
or gender identity or expression as those terms are defined in 858
section 4112.01 of the Revised Code, except that: 859

(a) The governing authority may do either of the following 860
for the purpose described in division (G) of this section: 861

(i) Establish a single-gender school for either ~~sex~~gender; 862

(ii) Establish single-gender schools for each sex under 863
the same contract, provided substantially equal facilities and 864
learning opportunities are offered for both boys and girls. Such 865
facilities and opportunities may be offered for each sex at 866
separate locations. 867

(b) The governing authority may establish a school that 868
simultaneously serves a group of students identified as autistic 869
and a group of students who are not disabled, as authorized in 870
section 3314.061 of the Revised Code. However, unless the total 871
capacity established for the school has been filled, no student 872
with any disability shall be denied admission on the basis of 873
that disability. 874

(2) That upon admission of any student with a disability, 875
the community school will comply with all federal and state laws 876
regarding the education of students with disabilities. 877

(E) That the school may not limit admission to students on 878
the basis of intellectual ability, measures of achievement or 879
aptitude, or athletic ability, except that a school may limit 880
its enrollment to students as described in division (B) of this 881
section. 882

(F) That the community school will admit the number of 883

students that does not exceed the capacity of the school's 884
programs, classes, grade levels, or facilities. 885

(G) That the purpose of single-gender schools that are 886
established shall be to take advantage of the academic benefits 887
some students realize from single-gender instruction and 888
facilities and to offer students and parents residing in the 889
district the option of a single-gender education. 890

(H) That, except as otherwise provided under division (B) 891
of this section or section 3314.061 of the Revised Code, if the 892
number of applicants exceeds the capacity restrictions of 893
division (F) of this section, students shall be admitted by lot 894
from all those submitting applications, except preference shall 895
be given to students attending the school the previous year and 896
to students who reside in the district in which the school is 897
located. Preference may be given to siblings of students 898
attending the school the previous year. Preference also may be 899
given to students who are the children of full-time staff 900
members employed by the school, provided the total number of 901
students receiving this preference is less than five per cent of 902
the school's total enrollment. 903

Notwithstanding divisions (A) to (H) of this section, in 904
the event the racial composition of the enrollment of the 905
community school is violative of a federal desegregation order, 906
the community school shall take any and all corrective measures 907
to comply with the desegregation order. 908

Sec. 3332.09. The state board of career colleges and 909
schools may limit, suspend, revoke, or refuse to issue or renew 910
a certificate of registration or program authorization or may 911
impose a penalty pursuant to section 3332.091 of the Revised 912
Code for any one or combination of the following causes: 913

(A) Violation of any provision of sections 3332.01 to 3332.09 of the Revised Code, the board's minimum standards, or any rule made by the board;	914 915 916
(B) Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the board;	917 918
(C) The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;	919 920 921 922
(D) The signing of an application or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;	923 924 925 926
(E) Violation of any commitment made in an application for a certificate of registration or program authorization;	927 928
(F) Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or phone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration;	929 930 931 932 933 934 935
(G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	936 937
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	938 939
(I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of	940 941

operation or to retain a sufficient number and qualified staff 942
of instruction, except that nothing in this chapter requires an 943
instructor to be licensed by the state board of education or to 944
hold any type of post-high school degree; 945

(J) Offering training or programs other than those 946
presented in the application, except that schools may offer 947
special courses adapted to the needs of individual students when 948
the special courses are in the subject field specified in the 949
application; 950

(K) Discrimination in the acceptance of students upon the 951
basis of race, color, religion, sex, or national origin; or 952
sexual orientation or gender identity or expression as those 953
terms are defined in section 4112.01 of the Revised Code; 954

(L) Accepting the services of an agent not holding a valid 955
permit issued under section 3332.10 or 3332.11 of the Revised 956
Code; 957

(M) The use of monetary or other valuable consideration by 958
the school's agents or representatives to induce prospective 959
students to enroll in the school, or the practice of awarding 960
monetary or other valuable considerations without board approval 961
to students in exchange for procuring the enrollment of others; 962

(N) Failure to provide at the request of the board, any 963
information, records, or files pertaining to the operation of 964
the school or recruitment and enrollment of students. 965

If the board modifies or adopts additional minimum 966
standards or rules pursuant to section 3332.031 of the Revised 967
Code, all schools and agents shall have sixty days from the 968
effective date of the modifications or additional standards or 969
rules to comply with such modifications or additions. 970

Sec. 3721.13. (A) The rights of residents of a home shall 971
include, but are not limited to, the following: 972

(1) The right to a safe and clean living environment 973
pursuant to the medicare and medicaid programs and applicable 974
state laws and rules adopted by the director of health; 975

(2) The right to be free from physical, verbal, mental, 976
and emotional abuse and to be treated at all times with 977
courtesy, respect, and full recognition of dignity and 978
individuality; 979

(3) Upon admission and thereafter, the right to adequate 980
and appropriate medical treatment and nursing care and to other 981
ancillary services that comprise necessary and appropriate care 982
consistent with the program for which the resident contracted. 983
This care shall be provided without regard to considerations 984
such as race, color, religion, age, national origin, ~~age~~, ; 985
sexual orientation or gender identity or expression as those 986
terms are defined in section 4112.01 of the Revised Code; or 987
source of payment for care. 988

(4) The right to have all reasonable requests and 989
inquiries responded to promptly; 990

(5) The right to have clothes and bed sheets changed as 991
the need arises, to ensure the resident's comfort or sanitation; 992

(6) The right to obtain from the home, upon request, the 993
name and any specialty of any physician or other person 994
responsible for the resident's care or for the coordination of 995
care; 996

(7) The right, upon request, to be assigned, within the 997
capacity of the home to make the assignment, to the staff 998
physician of the resident's choice, and the right, in accordance 999

with the rules and written policies and procedures of the home, 1000
to select as the attending physician a physician who is not on 1001
the staff of the home. If the cost of a physician's services is 1002
to be met under a federally supported program, the physician 1003
shall meet the federal laws and regulations governing such 1004
services. 1005

(8) The right to participate in decisions that affect the 1006
resident's life, including the right to communicate with the 1007
physician and employees of the home in planning the resident's 1008
treatment or care and to obtain from the attending physician 1009
complete and current information concerning medical condition, 1010
prognosis, and treatment plan, in terms the resident can 1011
reasonably be expected to understand; the right of access to all 1012
information in the resident's medical record; and the right to 1013
give or withhold informed consent for treatment after the 1014
consequences of that choice have been carefully explained. When 1015
the attending physician finds that it is not medically advisable 1016
to give the information to the resident, the information shall 1017
be made available to the resident's sponsor on the resident's 1018
behalf, if the sponsor has a legal interest or is authorized by 1019
the resident to receive the information. The home is not liable 1020
for a violation of this division if the violation is found to be 1021
the result of an act or omission on the part of a physician 1022
selected by the resident who is not otherwise affiliated with 1023
the home. 1024

(9) The right to withhold payment for physician visitation 1025
if the physician did not visit the resident; 1026

(10) The right to confidential treatment of personal and 1027
medical records, and the right to approve or refuse the release 1028
of these records to any individual outside the home, except in 1029

case of transfer to another home, hospital, or health care 1030
system, as required by law or rule, or as required by a third- 1031
party payment contract; 1032

(11) The right to privacy during medical examination or 1033
treatment and in the care of personal or bodily needs; 1034

(12) The right to refuse, without jeopardizing access to 1035
appropriate medical care, to serve as a medical research 1036
subject; 1037

(13) The right to be free from physical or chemical 1038
restraints or prolonged isolation except to the minimum extent 1039
necessary to protect the resident from injury to self, others, 1040
or to property and except as authorized in writing by the 1041
attending physician for a specified and limited period of time 1042
and documented in the resident's medical record. Prior to 1043
authorizing the use of a physical or chemical restraint on any 1044
resident, the attending physician shall make a personal 1045
examination of the resident and an individualized determination 1046
of the need to use the restraint on that resident. 1047

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

restraints shall not be continued without a personal examination 1060
of the resident and the written authorization of the attending 1061
physician stating the reasons for continuing the restraint. 1062

If physical or chemical restraints are used under this 1063
division, the home shall ensure that the restrained resident 1064
receives a proper diet. In no event shall physical or chemical 1065
restraints or isolation be used for punishment, incentive, or 1066
convenience. 1067

(14) The right to the pharmacist of the resident's choice 1068
and the right to receive pharmaceutical supplies and services at 1069
reasonable prices not exceeding applicable and normally accepted 1070
prices for comparably packaged pharmaceutical supplies and 1071
services within the community; 1072

(15) The right to exercise all civil rights, unless the 1073
resident has been adjudicated incompetent pursuant to Chapter 1074
2111. of the Revised Code and has not been restored to legal 1075
capacity, as well as the right to the cooperation of the home's 1076
administrator in making arrangements for the exercise of the 1077
right to vote; 1078

(16) The right of access to opportunities that enable the 1079
resident, at the resident's own expense or at the expense of a 1080
third-party payer, to achieve the resident's fullest potential, 1081
including educational, vocational, social, recreational, and 1082
habilitation programs; 1083

(17) The right to consume a reasonable amount of alcoholic 1084
beverages at the resident's own expense, unless not medically 1085
advisable as documented in the resident's medical record by the 1086
attending physician or unless contradictory to written admission 1087
policies; 1088

(18) The right to use tobacco at the resident's own 1089
expense under the home's safety rules and under applicable laws 1090
and rules of the state, unless not medically advisable as 1091
documented in the resident's medical record by the attending 1092
physician or unless contradictory to written admission policies; 1093

(19) The right to retire and rise in accordance with the 1094
resident's reasonable requests, if the resident does not disturb 1095
others or the posted meal schedules and upon the home's request 1096
remains in a supervised area, unless not medically advisable as 1097
documented by the attending physician; 1098

(20) The right to observe religious obligations and 1099
participate in religious activities; the right to maintain 1100
individual and cultural identity; and the right to meet with and 1101
participate in activities of social and community groups at the 1102
resident's or the group's initiative; 1103

(21) The right upon reasonable request to private and 1104
unrestricted communications with the resident's family, social 1105
worker, and any other person, unless not medically advisable as 1106
documented in the resident's medical record by the attending 1107
physician, except that communications with public officials or 1108
with the resident's attorney or physician shall not be 1109
restricted. Private and unrestricted communications shall 1110
include, but are not limited to, the right to: 1111

(a) Receive, send, and mail sealed, unopened 1112
correspondence; 1113

(b) Reasonable access to a telephone for private 1114
communications; 1115

(c) Private visits at any reasonable hour. 1116

(22) The right to assured privacy for visits by the 1117

spouse, or if both are residents of the same home, the right to 1118
share a room within the capacity of the home, unless not 1119
medically advisable as documented in the resident's medical 1120
record by the attending physician; 1121

(23) The right upon reasonable request to have room doors 1122
closed and to have them not opened without knocking, except in 1123
the case of an emergency or unless not medically advisable as 1124
documented in the resident's medical record by the attending 1125
physician; 1126

(24) The right to retain and use personal clothing and a 1127
reasonable amount of possessions, in a reasonably secure manner, 1128
unless to do so would infringe on the rights of other residents 1129
or would not be medically advisable as documented in the 1130
resident's medical record by the attending physician; 1131

(25) The right to be fully informed, prior to or at the 1132
time of admission and during the resident's stay, in writing, of 1133
the basic rate charged by the home, of services available in the 1134
home, and of any additional charges related to such services, 1135
including charges for services not covered under the medicare or 1136
medicaid program. The basic rate shall not be changed unless 1137
thirty days' notice is given to the resident or, if the resident 1138
is unable to understand this information, to the resident's 1139
sponsor. 1140

(26) The right of the resident and person paying for the 1141
care to examine and receive a bill at least monthly for the 1142
resident's care from the home that itemizes charges not included 1143
in the basic rates; 1144

(27) (a) The right to be free from financial exploitation; 1145

(b) The right to manage the resident's own personal 1146

financial affairs, or, if the resident has delegated this 1147
responsibility in writing to the home, to receive upon written 1148
request at least a quarterly accounting statement of financial 1149
transactions made on the resident's behalf. The statement shall 1150
include: 1151

(i) A complete record of all funds, personal property, or 1152
possessions of a resident from any source whatsoever, that have 1153
been deposited for safekeeping with the home for use by the 1154
resident or the resident's sponsor; 1155

(ii) A listing of all deposits and withdrawals transacted, 1156
which shall be substantiated by receipts which shall be 1157
available for inspection and copying by the resident or sponsor. 1158

(28) The right of the resident to be allowed unrestricted 1159
access to the resident's property on deposit at reasonable 1160
hours, unless requests for access to property on deposit are so 1161
persistent, continuous, and unreasonable that they constitute a 1162
nuisance; 1163

(29) The right to receive reasonable notice before the 1164
resident's room or roommate is changed, including an explanation 1165
of the reason for either change. 1166

(30) The right not to be transferred or discharged from 1167
the home unless the transfer is necessary because of one of the 1168
following: 1169

(a) The welfare and needs of the resident cannot be met in 1170
the home. 1171

(b) The resident's health has improved sufficiently so 1172
that the resident no longer needs the services provided by the 1173
home. 1174

(c) The safety of individuals in the home is endangered.	1175
(d) The health of individuals in the home would otherwise be endangered.	1176 1177
(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:	1178 1179 1180 1181 1182 1183
(i) The resident's application, or a substantially similar previous application, has been denied.	1184 1185
(ii) If the resident appealed the denial, the denial was upheld.	1186 1187
(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate.	1188 1189 1190 1191
(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied.	1192 1193 1194
(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied.	1195 1196 1197
(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	1198 1199 1200 1201 1202

reprisal. This right includes access to a residents' rights 1203
advocate, and the right to be a member of, to be active in, and 1204
to associate with persons who are active in organizations of 1205
relatives and friends of nursing home residents and other 1206
organizations engaged in assisting residents. 1207

(32) The right to have any significant change in the 1208
resident's health status reported to the resident's sponsor. As 1209
soon as such a change is known to the home's staff, the home 1210
shall make a reasonable effort to notify the sponsor within 1211
twelve hours. 1212

(B) A sponsor may act on a resident's behalf to assure 1213
that the home does not deny the residents' rights under sections 1214
3721.10 to 3721.17 of the Revised Code. 1215

(C) Any attempted waiver of the rights listed in division 1216
(A) of this section is void. 1217

Sec. 3905.55. (A) Except as provided in division (B) of 1218
this section, an agent may charge a consumer a fee if all of the 1219
following conditions are met: 1220

(1) The fee is disclosed to the consumer in a manner that 1221
separately identifies the fee and the premium. 1222

(2) The fee is not calculated as a percentage of the 1223
premium. 1224

(3) The fee is not refunded, forgiven, waived, offset, or 1225
reduced by any commission earned or received for any policy or 1226
coverage sold. 1227

(4) The amount of the fee, and the consumer's obligation 1228
to pay the fee, are not conditioned upon the occurrence of a 1229
future event or condition, such as the purchase, cancellation, 1230

lapse, declination, or nonrenewal of insurance. 1231

(5) The agent discloses to the consumer that the fee is 1232
being charged by the agent and not by the insurance company, 1233
that neither state law nor the insurance company requires the 1234
agent to charge the fee, and that the fee is not refundable. 1235

(6) The consumer consents to the fee. 1236

(7) The agent, in charging the fee, does not discriminate 1237
on the basis of race, sex, religion, age, national origin, 1238
religion, disability marital status, health status, age, marital- 1239
status, or geographic location; or disability, sexual 1240
orientation, gender identity or expression, or military status 1241
as those terms are defined in section 4112.01 of the Revised 1242
Code, or geographic location, and does not unfairly discriminate 1243
between persons of essentially the same class and of essentially 1244
the same hazard or expectation of life. 1245

(B) A fee may not be charged for taking or submitting an 1246
initial application for coverage with any one insurer or 1247
different programs with the same insurer, or processing a change 1248
to an existing policy, a cancellation, a claim, or a renewal, in 1249
connection with any of the following personal lines policies: 1250

(1) Private passenger automobile; 1251

(2) Homeowners, including coverage for tenants or 1252
condominium owners, owner-occupied fire or dwelling property 1253
coverage, personal umbrella liability, or any other personal 1254
lines-related coverage whether sold as a separate policy or as 1255
an endorsement to another personal lines policy; 1256

(3) Individual life insurance; 1257

(4) Individual sickness or accident insurance; 1258

(5) Disability income policies;	1259
(6) Credit insurance products.	1260
(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.	1261 1262 1263 1264 1265
(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.	1266 1267 1268
(E) (1) No person shall fail to comply with this section.	1269
(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.	1270 1271 1272 1273
(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.	1274 1275 1276 1277
Sec. 4111.17. (A) No employer, including the state and political subdivisions thereof, shall discriminate in the payment of wages on the basis of race, color, religion, sex, age, <u>ancestry, or national origin, or ancestry sexual</u> <u>orientation or gender identity or expression as those terms are</u> <u>defined in section 4112.01 of the Revised Code,</u> by paying wages to any employee at a rate less than the rate at which the employer pays wages to another employee for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar	1278 1279 1280 1281 1282 1283 1284 1285 1286 1287

conditions. 1288

(B) Nothing in this section prohibits an employer from 1289
paying wages to one employee at a rate different from that at 1290
which the employer pays another employee for the performance of 1291
equal work under similar conditions on jobs requiring equal 1292
skill, effort, and responsibility, when the payment is made 1293
pursuant to any of the following: 1294

(1) A seniority system; 1295

(2) A merit system; 1296

(3) A system which measures earnings by the quantity or 1297
quality of production; 1298

(4) A wage rate differential determined by any factor 1299
other than race, color, religion, sex, age, ancestry, or 1300
national origin, or ancestry; or sexual orientation or gender 1301
identity or expression as those terms are defined in section 1302
4112.01 of the Revised Code. 1303

(C) No employer shall reduce the wage rate of any employee 1304
in order to comply with this section. 1305

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

action. The director may sue in one action for claims assigned 1317
to the director by two or more employees of the same employer. 1318
No agreement to work for a discriminatory wage constitutes a 1319
defense for any civil or criminal action to enforce this 1320
section. No employer shall discriminate against any employee 1321
because such employee makes a complaint or institutes, or 1322
testifies in, any proceeding under this section. 1323

(E) Any action arising under this section shall be 1324
initiated within one year after the date of violation. 1325

Sec. 4112.01. (A) As used in this chapter: 1326

(1) "Person" includes one or more individuals, 1327
partnerships, associations, organizations, corporations, legal 1328
representatives, trustees, trustees in bankruptcy, receivers, 1329
and other organized groups of persons. "Person" also includes, 1330
but is not limited to, any owner, lessor, assignor, builder, 1331
manager, broker, salesperson, appraiser, agent, employee, 1332
lending institution, and the state and all political 1333
subdivisions, authorities, agencies, boards, and commissions of 1334
the state. 1335

(2) "Employer" includes the state, any political 1336
subdivision of the state, any person employing four or more 1337
persons within the state, and any person acting directly or 1338
indirectly in the interest of an employer. 1339

(3) "Employee" means an individual employed by any 1340
employer but does not include any individual employed in the 1341
domestic service of any person. 1342

(4) "Labor organization" includes any organization that 1343
exists, in whole or in part, for the purpose of collective 1344
bargaining or of dealing with employers concerning grievances, 1345

terms or conditions of employment, or other mutual aid or 1346
protection in relation to employment. 1347

(5) "Employment agency" includes any person regularly 1348
undertaking, with or without compensation, to procure 1349
opportunities to work or to procure, recruit, refer, or place 1350
employees. 1351

(6) "Commission" means the Ohio civil rights commission 1352
created by section 4112.03 of the Revised Code. 1353

(7) "Discriminate" includes segregate or separate. 1354

(8) "Unlawful discriminatory practice" means any act 1355
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1356
Revised Code. 1357

(9) "Place of public accommodation" means any inn, 1358
restaurant, eating house, barbershop, public conveyance by air, 1359
land, or water, theater, store, other place for the sale of 1360
merchandise, or any other place of public accommodation or 1361
amusement of which the accommodations, advantages, facilities, 1362
or privileges are available to the public. 1363

(10) "Housing accommodations" includes any building or 1364
structure, or portion of a building or structure, that is used 1365
or occupied or is intended, arranged, or designed to be used or 1366
occupied as the home residence, dwelling, dwelling unit, or 1367
sleeping place of one or more individuals, groups, or families 1368
whether or not living independently of each other; and any 1369
vacant land offered for sale or lease. "Housing accommodations" 1370
also includes any housing accommodations held or offered for 1371
sale or rent by a real estate broker, salesperson, or agent, by 1372
any other person pursuant to authorization of the owner, by the 1373
owner, or by the owner's legal representative. 1374

(11) "Restrictive covenant" means any specification 1375
limiting the transfer, rental, lease, or other use of any 1376
housing accommodations because of race, color, religion, sex, 1377
~~military status, familial status, national origin, disability,~~ 1378
~~or ancestry, national origin, familial status, disability,~~ 1379
sexual orientation, gender identity or expression, or military 1380
status, or any limitation based upon affiliation with or 1381
approval by any person, directly or indirectly, employing race, 1382
color, religion, sex, ~~military status, familial status, national-~~ 1383
~~origin, disability, or ancestry, national origin, familial~~ 1384
status, disability, sexual orientation, gender identity or 1385
expression, or military status as a condition of affiliation or 1386
approval. 1387

(12) "Burial lot" means any lot for the burial of deceased 1388
persons within any public burial ground or cemetery, including, 1389
but not limited to, cemeteries owned and operated by municipal 1390
corporations, townships, or companies or associations 1391
incorporated for cemetery purposes. 1392

(13) "Disability" means a physical or mental impairment 1393
that substantially limits one or more major life activities, 1394
including the functions of caring for one's self, performing 1395
manual tasks, walking, seeing, hearing, speaking, breathing, 1396
learning, and working; a record of a physical or mental 1397
impairment; or being regarded as having a physical or mental 1398
impairment. 1399

(14) Except as otherwise provided in section 4112.021 of 1400
the Revised Code, "age" means at least forty years old. 1401

(15) "Familial status" means either of the following: 1402

(a) One or more individuals who are under eighteen years 1403

of age and who are domiciled with a parent or guardian having 1404
legal custody of the individual or domiciled, with the written 1405
permission of the parent or guardian having legal custody, with 1406
a designee of the parent or guardian; 1407

(b) Any person who is pregnant or in the process of 1408
securing legal custody of any individual who is under eighteen 1409
years of age. 1410

(16) (a) Except as provided in division (A) (16) (b) of this 1411
section, "physical or mental impairment" includes any of the 1412
following: 1413

(i) Any physiological disorder or condition, cosmetic 1414
disfigurement, or anatomical loss affecting one or more of the 1415
following body systems: neurological; musculoskeletal; special 1416
sense organs; respiratory, including speech organs; 1417
cardiovascular; reproductive; digestive; genito-urinary; hemic 1418
and lymphatic; skin; and endocrine; 1419

(ii) Any mental or psychological disorder, including, but 1420
not limited to, intellectual disability, organic brain syndrome, 1421
emotional or mental illness, and specific learning disabilities; 1422

(iii) Diseases and conditions, including, but not limited 1423
to, orthopedic, visual, speech, and hearing impairments, 1424
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1425
sclerosis, cancer, heart disease, diabetes, human 1426
immunodeficiency virus infection, intellectual disability, 1427
emotional illness, drug addiction, and alcoholism. 1428

(b) "Physical or mental impairment" does not include any 1429
of the following: 1430

(i) ~~Homosexuality and bisexuality;~~ 1431

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

(a) Any person who claims to have been injured by any 1459
unlawful discriminatory practice described in division (H) of 1460
section 4112.02 of the Revised Code; 1461

(b) Any person who believes that the person will be 1462
injured by, any unlawful discriminatory practice described in 1463
division (H) of section 4112.02 of the Revised Code that is 1464
about to occur. 1465

(24) "Sexual orientation" means actual or perceived, 1466
heterosexuality, homosexuality, or bisexuality. 1467

(25) "Gender identity or expression" means the gender- 1468
related identity, appearance, or mannerisms or other gender- 1469
related characteristics of an individual, with or without regard 1470
to the individual's designated gender at birth. 1471

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

employer from providing abortion benefits or otherwise affects 1489
bargaining agreements in regard to abortion. 1490

Sec. 4112.02. It shall be an unlawful discriminatory 1491
practice: 1492

(A) For any employer, because of the race, color, 1493
religion, sex, age, ancestry, national origin, disability, 1494
sexual orientation, gender identity or expression, or military 1495
status, national origin, disability, age, or ancestry of any 1496
person, to discharge without just cause, to refuse to hire, or 1497
otherwise to discriminate against that person with respect to 1498
hire, tenure, terms, conditions, or privileges of employment, or 1499
any matter directly or indirectly related to employment. 1500

(B) For an employment agency or personnel placement 1501
service, because of race, color, religion, sex, age, ancestry, 1502
national origin, disability, sexual orientation, gender identity 1503
or expression, or military status, national origin, disability, 1504
age, or ancestry, to do any of the following: 1505

(1) Refuse or fail to accept, register, classify properly, 1506
or refer for employment, or otherwise discriminate against any 1507
person; 1508

(2) Comply with a request from an employer for referral of 1509
applicants for employment if the request directly or indirectly 1510
indicates that the employer fails to comply with the provisions 1511
of sections 4112.01 to 4112.07 of the Revised Code. 1512

(C) For any labor organization to do any of the following: 1513

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

ancestry; 1518

(2) Discriminate against, limit the employment 1519
opportunities of, or otherwise adversely affect the employment 1520
status, wages, hours, or employment conditions of any person as 1521
an employee because of race, color, religion, sex, age, 1522
ancestry, national origin, disability, sexual orientation, 1523
gender identity or expression, or military status,~~national~~ 1524
~~origin, disability, age, or ancestry.~~ 1525

(D) For any employer, labor organization, or joint labor- 1526
management committee controlling apprentice training programs to 1527
discriminate against any person because of race, color, 1528
religion, sex, ancestry, national origin, disability, sexual 1529
orientation, gender identity or expression, or military status, ~~1530
national origin, disability, or ancestry~~ in admission to, or 1531
employment in, any program established to provide apprentice 1532
training. 1533

(E) Except where based on a bona fide occupational 1534
qualification certified in advance by the commission, for any 1535
employer, employment agency, personnel placement service, or 1536
labor organization, prior to employment or admission to 1537
membership, to do any of the following: 1538

(1) Elicit or attempt to elicit any information concerning 1539
the race, color, religion, sex, age, ancestry, national origin, 1540
disability, sexual orientation, gender identity or expression, 1541
or military status,~~national origin, disability, age, or~~ 1542
~~ancestry~~ of an applicant for employment or membership; 1543

(2) Make or keep a record of the race, color, religion, 1544
sex, age, ancestry, national origin, disability, sexual 1545
orientation, gender identity or expression, or military status, ~~1546~~

~~national origin, disability, age, or ancestry~~ of any applicant 1547
for employment or membership; 1548

(3) Use any form of application for employment, or 1549
personnel or membership blank, seeking to elicit information 1550
regarding race, color, religion, sex, age, ancestry, national 1551
origin, disability, sexual orientation, gender identity or 1552
expression, or military status,~~national origin, disability,~~ 1553
~~age, or ancestry;~~ but an employer holding a contract containing 1554
a nondiscrimination clause with the government of the United 1555
States, or any department or agency of that government, may 1556
require an employee or applicant for employment to furnish 1557
documentary proof of United States citizenship and may retain 1558
that proof in the employer's personnel records and may use 1559
photographic or fingerprint identification for security 1560
purposes; 1561

(4) Print or publish or cause to be printed or published 1562
any notice or advertisement relating to employment or membership 1563
indicating any preference, limitation, specification, or 1564
discrimination, based upon race, color, religion, sex, age, 1565
ancestry, national origin, disability, sexual orientation, 1566
gender identity or expression, or military status,~~national~~ 1567
~~origin, disability, age, or ancestry;~~ 1568

(5) Announce or follow a policy of denying or limiting, 1569
through a quota system or otherwise, employment or membership 1570
opportunities of any group because of the race, color, religion, 1571
sex, age, ancestry, national origin, disability, sexual 1572
orientation, gender identity or expression, or military status,~~—~~ 1573
~~national origin, disability, age, or ancestry~~ of that group; 1574

(6) Utilize in the recruitment or hiring of persons any 1575
employment agency, personnel placement service, training school 1576

or center, labor organization, or any other employee-referring 1577
source known to discriminate against persons because of their 1578
race, color, religion, sex, age, ancestry, national origin, 1579
disability, sexual orientation, gender identity or expression, 1580
or military status, ~~national origin, disability, age, or~~ 1581
~~ancestry.~~ 1582

(F) For any person seeking employment to publish or cause 1583
to be published any advertisement that specifies or in any 1584
manner indicates that person's race, color, religion, sex, age, 1585
ancestry, national origin, disability, sexual orientation, 1586
gender identity or expression, or military status, ~~national~~ 1587
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1588
or preference as to the race, color, religion, sex, age, 1589
ancestry, national origin, disability, sexual orientation, 1590
gender identity or expression, or military status, ~~national~~ 1591
~~origin, disability, age, or ancestry~~ of any prospective 1592
employer. 1593

(G) For any proprietor or any employee, keeper, or manager 1594
of a place of public accommodation to deny to any person, except 1595
for reasons applicable alike to all persons regardless of race, 1596
color, religion, sex, age, ancestry, national origin, 1597
disability, sexual orientation, gender identity or expression, 1598
or military status, ~~national origin, disability, age, or~~ 1599
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1600
facilities, or privileges of the place of public accommodation. 1601

(H) Subject to section 4112.024 of the Revised Code, for 1602
any person to do any of the following: 1603

(1) Refuse to sell, transfer, assign, rent, lease, 1604
sublease, or finance housing accommodations, refuse to negotiate 1605
for the sale or rental of housing accommodations, or otherwise 1606

deny or make unavailable housing accommodations because of race, 1607
color, religion, sex, ancestry, national origin, familial 1608
status, disability, sexual orientation, gender identity or 1609
expression, or military status, ~~familial status, ancestry,~~ 1610
~~disability, or national origin;~~ 1611

(2) Represent to any person that housing accommodations 1612
are not available for inspection, sale, or rental, when in fact 1613
they are available, because of race, color, religion, sex, 1614
ancestry, national origin, familial status, disability, sexual 1615
orientation, gender identity or expression, or military status, 1616
~~familial status, ancestry, disability, or national origin;~~ 1617

(3) Discriminate against any person in the making or 1618
purchasing of loans or the provision of other financial 1619
assistance for the acquisition, construction, rehabilitation, 1620
repair, or maintenance of housing accommodations, or any person 1621
in the making or purchasing of loans or the provision of other 1622
financial assistance that is secured by residential real estate, 1623
because of race, color, religion, sex, ancestry, national 1624
origin, familial status, disability, sexual orientation, gender 1625
identity or expression, or military status, ~~familial status,~~ 1626
~~ancestry, disability, or national origin~~ or because of the 1627
racial composition of the neighborhood in which the housing 1628
accommodations are located, provided that the person, whether an 1629
individual, corporation, or association of any type, lends money 1630
as one of the principal aspects or incident to the person's 1631
principal business and not only as a part of the purchase price 1632
of an owner-occupied residence the person is selling nor merely 1633
casually or occasionally to a relative or friend; 1634

(4) Discriminate against any person in the terms or 1635
conditions of selling, transferring, assigning, renting, 1636

leasing, or subleasing any housing accommodations or in 1637
furnishing facilities, services, or privileges in connection 1638
with the ownership, occupancy, or use of any housing 1639
accommodations, including the sale of fire, extended coverage, 1640
or homeowners insurance, because of race, color, religion, sex, 1641
ancestry, national origin, familial status, disability, sexual 1642
orientation, gender identity or expression, or military status, 1643
~~familial status, ancestry, disability, or national origin~~ or 1644
because of the racial composition of the neighborhood in which 1645
the housing accommodations are located; 1646

(5) Discriminate against any person in the terms or 1647
conditions of any loan of money, whether or not secured by 1648
mortgage or otherwise, for the acquisition, construction, 1649
rehabilitation, repair, or maintenance of housing accommodations 1650
because of race, color, religion, sex, ancestry, national 1651
origin, familial status, disability, sexual orientation, gender 1652
identity or expression, or military status, ~~familial status,~~ 1653
~~ancestry, disability, or national origin~~ or because of the 1654
racial composition of the neighborhood in which the housing 1655
accommodations are located; 1656

(6) Refuse to consider without prejudice the combined 1657
income of both husband and wife for the purpose of extending 1658
mortgage credit to a married couple or either member of a 1659
married couple; 1660

(7) Print, publish, or circulate any statement or 1661
advertisement, or make or cause to be made any statement or 1662
advertisement, relating to the sale, transfer, assignment, 1663
rental, lease, sublease, or acquisition of any housing 1664
accommodations, or relating to the loan of money, whether or not 1665
secured by mortgage or otherwise, for the acquisition, 1666

construction, rehabilitation, repair, or maintenance of housing 1667
accommodations, that indicates any preference, limitation, 1668
specification, or discrimination based upon race, color, 1669
religion, sex, ancestry, national origin, familial status, 1670
disability, sexual orientation, gender identity or expression, 1671
or military status, familial status, ancestry, disability, or 1672
national origin, or an intention to make any such preference, 1673
limitation, specification, or discrimination; 1674

(8) Except as otherwise provided in division (H) (8) or 1675
(17) of this section, make any inquiry, elicit any information, 1676
make or keep any record, or use any form of application 1677
containing questions or entries concerning race, color, 1678
religion, sex, ancestry, national origin, familial status, 1679
disability, sexual orientation, gender identity or expression, 1680
or military status, familial status, ancestry, disability, or 1681
national origin in connection with the sale or lease of any 1682
housing accommodations or the loan of any money, whether or not 1683
secured by mortgage or otherwise, for the acquisition, 1684
construction, rehabilitation, repair, or maintenance of housing 1685
accommodations. Any person may make inquiries, and make and keep 1686
records, concerning race, color, religion, sex, ancestry, 1687
national origin, familial status, disability, sexual 1688
orientation, gender identity or expression, or military status, 1689
familial status, ancestry, disability, or national origin for 1690
the purpose of monitoring compliance with this chapter. 1691

(9) Include in any transfer, rental, or lease of housing 1692
accommodations any restrictive covenant, or honor or exercise, 1693
or attempt to honor or exercise, any restrictive covenant; 1694

(10) Induce or solicit, or attempt to induce or solicit, a 1695
housing accommodations listing, sale, or transaction by 1696

representing that a change has occurred or may occur with 1697
respect to the racial, religious, sexual, familial status, 1698
sexual orientation, gender identity or expression, military 1699
status, ~~familial status,~~ or ethnic composition of the block, 1700
neighborhood, or other area in which the housing accommodations 1701
are located, or induce or solicit, or attempt to induce or 1702
solicit, a housing accommodations listing, sale, or transaction 1703
by representing that the presence or anticipated presence of 1704
persons of any race, color, religion, sex, ancestry, national 1705
origin, familial status, disability, sexual orientation, gender 1706
identity or expression, or military status, ~~familial status,~~ 1707
~~ancestry, disability, or national origin,~~ in the block, 1708
neighborhood, or other area will or may have results including, 1709
but not limited to, the following: 1710

(a) The lowering of property values; 1711

(b) A change in the racial, religious, sexual, familial 1712
status, sexual orientation, gender identity or expression, 1713
military status, ~~familial status,~~ or ethnic composition of the 1714
block, neighborhood, or other area; 1715

(c) An increase in criminal or antisocial behavior in the 1716
block, neighborhood, or other area; 1717

(d) A decline in the quality of the schools serving the 1718
block, neighborhood, or other area. 1719

(11) Deny any person access to or membership or 1720
participation in any multiple-listing service, real estate 1721
brokers' organization, or other service, organization, or 1722
facility relating to the business of selling or renting housing 1723
accommodations, or discriminate against any person in the terms 1724
or conditions of that access, membership, or participation, on 1725

account of race, color, religion, sex, ancestry, national 1726
origin, familial status, disability, sexual orientation, gender 1727
identity or expression, or military status, ~~familial status,~~ 1728
~~national origin, disability, or ancestry;~~ 1729

(12) Coerce, intimidate, threaten, or interfere with any 1730
person in the exercise or enjoyment of, or on account of that 1731
person's having exercised or enjoyed or having aided or 1732
encouraged any other person in the exercise or enjoyment of, any 1733
right granted or protected by division (H) of this section; 1734

(13) Discourage or attempt to discourage the purchase by a 1735
prospective purchaser of housing accommodations, by representing 1736
that any block, neighborhood, or other area has undergone or 1737
might undergo a change with respect to its racial, religious, 1738
~~racial,~~ sexual, familial status, sexual orientation, gender 1739
identity or expression, military status, ~~familial status,~~ or 1740
ethnic composition; 1741

(14) Refuse to sell, transfer, assign, rent, lease, 1742
sublease, or finance, or otherwise deny or withhold, a burial 1743
lot from any person because of the race, color, sex, age, 1744
ancestry, national origin, familial status, disability, sexual 1745
orientation, gender identity or expression, or military status, 1746
~~familial status, age, ancestry, disability, or national origin-~~ 1747
of any prospective owner or user of the lot; 1748

(15) Discriminate in the sale or rental of, or otherwise 1749
make unavailable or deny, housing accommodations to any buyer or 1750
renter because of a disability of any of the following: 1751

(a) The buyer or renter; 1752

(b) A person residing in or intending to reside in the 1753
housing accommodations after they are sold, rented, or made 1754

available;	1755
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	1756 1757
(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:	1758 1759 1760 1761 1762
(a) That person;	1763
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	1764 1765 1766
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	1767 1768
(17) Except as otherwise provided in division (H) (17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:	1769 1770 1771 1772 1773 1774 1775 1776 1777 1778 1779
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	1780 1781
(b) An inquiry to determine whether an applicant is	1782

qualified for housing accommodations available only to persons 1783
with disabilities or persons with a particular type of 1784
disability; 1785

(c) An inquiry to determine whether an applicant is 1786
qualified for a priority available to persons with disabilities 1787
or persons with a particular type of disability; 1788

(d) An inquiry to determine whether an applicant currently 1789
uses a controlled substance in violation of section 2925.11 of 1790
the Revised Code or a substantively comparable municipal 1791
ordinance; 1792

(e) An inquiry to determine whether an applicant at any 1793
time has been convicted of or pleaded guilty to any offense, an 1794
element of which is the illegal sale, offer to sell, 1795
cultivation, manufacture, other production, shipment, 1796
transportation, delivery, or other distribution of a controlled 1797
substance. 1798

(18) (a) Refuse to permit, at the expense of a person with 1799
a disability, reasonable modifications of existing housing 1800
accommodations that are occupied or to be occupied by the person 1801
with a disability, if the modifications may be necessary to 1802
afford the person with a disability full enjoyment of the 1803
housing accommodations. This division does not preclude a 1804
landlord of housing accommodations that are rented or to be 1805
rented to a disabled tenant from conditioning permission for a 1806
proposed modification upon the disabled tenant's doing one or 1807
more of the following: 1808

(i) Providing a reasonable description of the proposed 1809
modification and reasonable assurances that the proposed 1810
modification will be made in a workerlike manner and that any 1811

required building permits will be obtained prior to the 1812
commencement of the proposed modification; 1813

(ii) Agreeing to restore at the end of the tenancy the 1814
interior of the housing accommodations to the condition they 1815
were in prior to the proposed modification, but subject to 1816
reasonable wear and tear during the period of occupancy, if it 1817
is reasonable for the landlord to condition permission for the 1818
proposed modification upon the agreement; 1819

(iii) Paying into an interest-bearing escrow account that 1820
is in the landlord's name, over a reasonable period of time, a 1821
reasonable amount of money not to exceed the projected costs at 1822
the end of the tenancy of the restoration of the interior of the 1823
housing accommodations to the condition they were in prior to 1824
the proposed modification, but subject to reasonable wear and 1825
tear during the period of occupancy, if the landlord finds the 1826
account reasonably necessary to ensure the availability of funds 1827
for the restoration work. The interest earned in connection with 1828
an escrow account described in this division shall accrue to the 1829
benefit of the disabled tenant who makes payments into the 1830
account. 1831

(b) A landlord shall not condition permission for a 1832
proposed modification upon a disabled tenant's payment of a 1833
security deposit that exceeds the customarily required security 1834
deposit of all tenants of the particular housing accommodations. 1835

(19) Refuse to make reasonable accommodations in rules, 1836
policies, practices, or services when necessary to afford a 1837
person with a disability equal opportunity to use and enjoy a 1838
dwelling unit, including associated public and common use areas; 1839

(20) Fail to comply with the standards and rules adopted 1840

under division (A) of section 3781.111 of the Revised Code; 1841

(21) Discriminate against any person in the selling, 1842
brokering, or appraising of real property because of race, 1843
color, religion, sex, ancestry, national origin, familial 1844
status, disability, sexual orientation, gender identity or 1845
expression, or military status, familial status, ancestry, 1846
disability, or national origin; 1847

(22) Fail to design and construct covered multifamily 1848
dwellings for first occupancy on or after June 30, 1992, in 1849
accordance with the following conditions: 1850

(a) The dwellings shall have at least one building 1851
entrance on an accessible route, unless it is impractical to do 1852
so because of the terrain or unusual characteristics of the 1853
site. 1854

(b) With respect to dwellings that have a building 1855
entrance on an accessible route, all of the following apply: 1856

(i) The public use areas and common use areas of the 1857
dwellings shall be readily accessible to and usable by persons 1858
with a disability. 1859

(ii) All the doors designed to allow passage into and 1860
within all premises shall be sufficiently wide to allow passage 1861
by persons with a disability who are in wheelchairs. 1862

(iii) All premises within covered multifamily dwelling 1863
units shall contain an accessible route into and through the 1864
dwelling; all light switches, electrical outlets, thermostats, 1865
and other environmental controls within such units shall be in 1866
accessible locations; the bathroom walls within such units shall 1867
contain reinforcements to allow later installation of grab bars; 1868
and the kitchens and bathrooms within such units shall be 1869

designed and constructed in a manner that enables an individual 1870
in a wheelchair to maneuver about such rooms. 1871

For purposes of division (H) (22) of this section, "covered 1872
multifamily dwellings" means buildings consisting of four or 1873
more units if such buildings have one or more elevators and 1874
ground floor units in other buildings consisting of four or more 1875
units. 1876

(I) For any person to discriminate in any manner against 1877
any other person because that person has opposed any unlawful 1878
discriminatory practice defined in this section or because that 1879
person has made a charge, testified, assisted, or participated 1880
in any manner in any investigation, proceeding, or hearing under 1881
sections 4112.01 to 4112.07 of the Revised Code. 1882

(J) For any person to aid, abet, incite, compel, or coerce 1883
the doing of any act declared by this section to be an unlawful 1884
discriminatory practice, to obstruct or prevent any person from 1885
complying with this chapter or any order issued under it, or to 1886
attempt directly or indirectly to commit any act declared by 1887
this section to be an unlawful discriminatory practice. 1888

(K) Nothing in divisions (A) to (E) of this section shall 1889
be construed to require a person with a disability to be 1890
employed or trained under circumstances that would significantly 1891
increase the occupational hazards affecting either the person 1892
with a disability, other employees, the general public, or the 1893
facilities in which the work is to be performed, or to require 1894
the employment or training of a person with a disability in a 1895
job that requires the person with a disability routinely to 1896
undertake any task, the performance of which is substantially 1897
and inherently impaired by the person's disability. 1898

(L) An aggrieved individual may enforce the individual's 1899
rights relative to discrimination on the basis of age as 1900
provided for in this section by instituting a civil action, 1901
within one hundred eighty days after the alleged unlawful 1902
discriminatory practice occurred, in any court with jurisdiction 1903
for any legal or equitable relief that will effectuate the 1904
individual's rights. 1905

A person who files a civil action under this division is 1906
barred, with respect to the practices complained of, from 1907
instituting a civil action under section 4112.14 of the Revised 1908
Code and from filing a charge with the commission under section 1909
4112.05 of the Revised Code. 1910

(M) With regard to age, it shall not be an unlawful 1911
discriminatory practice and it shall not constitute a violation 1912
of division (A) of section 4112.14 of the Revised Code for any 1913
employer, employment agency, joint labor-management committee 1914
controlling apprenticeship training programs, or labor 1915
organization to do any of the following: 1916

(1) Establish bona fide employment qualifications 1917
reasonably related to the particular business or occupation that 1918
may include standards for skill, aptitude, physical capability, 1919
intelligence, education, maturation, and experience; 1920

(2) Observe the terms of a bona fide seniority system or 1921
any bona fide employee benefit plan, including, but not limited 1922
to, a retirement, pension, or insurance plan, that is not a 1923
subterfuge to evade the purposes of this section. However, no 1924
such employee benefit plan shall excuse the failure to hire any 1925
individual, and no such seniority system or employee benefit 1926
plan shall require or permit the involuntary retirement of any 1927
individual, because of the individual's age except as provided 1928

for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

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

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

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

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

(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;	1958 1959 1960
(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;	1961 1962 1963
(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;	1964 1965 1966
(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;	1967 1968 1969 1970
(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;	1971 1972 1973 1974
(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).	1975 1976 1977 1978 1979 1980
(O) (1) (a) Except as provided in division (O) (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,	1981 1982 1983 1984 1985 1986

employment agency, personnel placement service, labor 1987
organization, or joint labor-management committee acts on the 1988
basis of that illegal use. 1989

(b) Division (O) (1) (a) of this section does not apply to 1990
an employee, applicant, or other person who satisfies any of the 1991
following: 1992

(i) The employee, applicant, or other person has 1993
successfully completed a supervised drug rehabilitation program 1994
and no longer is engaging in the illegal use of any controlled 1995
substance, or the employee, applicant, or other person otherwise 1996
successfully has been rehabilitated and no longer is engaging in 1997
that illegal use. 1998

(ii) The employee, applicant, or other person is 1999
participating in a supervised drug rehabilitation program and no 2000
longer is engaging in the illegal use of any controlled 2001
substance. 2002

(iii) The employee, applicant, or other person is 2003
erroneously regarded as engaging in the illegal use of any 2004
controlled substance, but the employee, applicant, or other 2005
person is not engaging in that illegal use. 2006

(2) Divisions (A) to (E) of this section do not prohibit 2007
an employer, employment agency, personnel placement service, 2008
labor organization, or joint labor-management committee from 2009
doing any of the following: 2010

(a) Adopting or administering reasonable policies or 2011
procedures, including, but not limited to, testing for the 2012
illegal use of any controlled substance, that are designed to 2013
ensure that an individual described in division (O) (1) (b) (i) or 2014
(ii) of this section no longer is engaging in the illegal use of 2015

any controlled substance;	2016
(b) Prohibiting the illegal use of controlled substances	2017
and the use of alcohol at the workplace by all employees;	2018
(c) Requiring that employees not be under the influence of	2019
alcohol or not be engaged in the illegal use of any controlled	2020
substance at the workplace;	2021
(d) Requiring that employees behave in conformance with	2022
the requirements established under "The Drug-Free Workplace Act	2023
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;	2024
(e) Holding an employee who engages in the illegal use of	2025
any controlled substance or who is an alcoholic to the same	2026
qualification standards for employment or job performance, and	2027
the same behavior, to which the employer, employment agency,	2028
personnel placement service, labor organization, or joint labor-	2029
management committee holds other employees, even if any	2030
unsatisfactory performance or behavior is related to an	2031
employee's illegal use of a controlled substance or alcoholism;	2032
(f) Exercising other authority recognized in the	2033
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42	2034
U.S.C.A. 12101, as amended, including, but not limited to,	2035
requiring employees to comply with any applicable federal	2036
standards.	2037
(3) For purposes of this chapter, a test to determine the	2038
illegal use of any controlled substance does not include a	2039
medical examination.	2040
(4) Division (0) of this section does not encourage,	2041
prohibit, or authorize, and shall not be construed as	2042
encouraging, prohibiting, or authorizing, the conduct of testing	2043
for the illegal use of any controlled substance by employees,	2044

applicants, or other persons, or the making of employment 2045
decisions based on the results of that type of testing. 2046

~~(P) This section does not apply to a religious 2047
corporation, association, educational institution, or society 2048
with respect to the employment of an individual of a particular 2049
religion to perform work connected with the carrying on by that 2050
religious corporation, association, educational institution, or 2051
society of its activities. 2052~~

The unlawful discriminatory practices defined in this 2053
section do not make it unlawful for a person or an appointing 2054
authority administering an examination under section 124.23 of 2055
the Revised Code to obtain information about an applicant's 2056
military status for the purpose of determining if the applicant 2057
is eligible for the additional credit that is available under 2058
that section. 2059

(Q) It shall be an unlawful discriminatory practice for 2060
any employer, employment agency, or labor organization to limit, 2061
segregate, or classify its employees or applicants for 2062
employment in any way that would deprive or tend to deprive any 2063
individual of employment or otherwise adversely affect the 2064
status of the individual as an employee because of the 2065
individual's actual or perceived sexual orientation or gender 2066
identity or expression. 2067

Sec. 4112.021. (A) As used in this section: 2068

(1) "Credit" means the right granted by a creditor to a 2069
person to defer payment of a debt, to incur debt and defer its 2070
payment, or to purchase property or services and defer payment 2071
for the property or services. 2072

(2) "Creditor" means any person who regularly extends, 2073

renews, or continues credit, any person who regularly arranges 2074
for the extension, renewal, or continuation of credit, or any 2075
assignee of an original creditor who participates in the 2076
decision to extend, renew, or continue credit, whether or not 2077
any interest or finance charge is required. 2078

(3) "Credit reporting agency" means any person who, for 2079
monetary fees or dues or on a cooperative nonprofit basis, 2080
regularly assembles or evaluates credit information for the 2081
purpose of furnishing credit reports to creditors. 2082

(4) "Age" means any age of eighteen years or older. 2083

(B) It shall be an unlawful discriminatory practice: 2084

(1) For any creditor to do any of the following: 2085

(a) Discriminate against any applicant for credit in the 2086
granting, withholding, extending, or renewing of credit, or in 2087
the fixing of the rates, terms, or conditions of any form of 2088
credit, on the basis of race, color, religion, age, sex, 2089
ancestry, national origin, marital status, disability, sexual 2090
orientation, gender identity or expression, or military status, 2091
~~marital status, national origin, disability, or ancestry,~~ except 2092
that this division shall not apply with respect to age in any 2093
real estate transaction between a financial institution, a 2094
dealer in intangibles, or an insurance company as defined in 2095
section 5725.01 of the Revised Code and its customers; 2096

(b) Use or make any inquiry as to race, color, religion, 2097
age, sex, ancestry, national origin, marital status, disability, 2098
sexual orientation, gender identity or expression, or military 2099
~~status, marital status, national origin, disability, or ancestry,~~ 2100
for the purpose of limiting or specifying those persons to whom 2101
credit will be granted, except that an inquiry of marital status 2102

does not constitute discrimination for the purposes of this 2103
section if the inquiry is made for the purpose of ascertaining 2104
the creditor's rights and remedies applicable to the particular 2105
extension of credit, and except that creditors are excepted from 2106
this division with respect to any inquiry, elicitation of 2107
information, record, or form of application required of a 2108
particular creditor by any instrumentality or agency of the 2109
United States, or required of a particular creditor by any 2110
agency or instrumentality to enforce the "Civil Rights Act of 2111
1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 2112

(c) Refuse to consider the sources of income of an 2113
applicant for credit, or disregard or ignore the income of an 2114
applicant, in whole or in part, on the basis of race, color, 2115
religion, age, sex, ancestry, national origin, marital status, 2116
disability, sexual orientation, gender identity or expression, 2117
or military status, ~~marital status, disability, national origin,~~ 2118
~~or ancestry;~~ 2119

(d) Refuse to grant credit to an individual in any name 2120
that individual customarily uses, if it has been determined in 2121
the normal course of business that the creditor will grant 2122
credit to the individual; 2123

(e) Impose any special requirements or conditions, 2124
including, but not limited to, a requirement for co-obligors or 2125
reapplication, upon any applicant or class of applicants on the 2126
basis of race, color, religion, age, sex, ancestry, national 2127
origin, marital status, disability, sexual orientation, gender 2128
identity or expression, or military status, ~~marital status,~~ 2129
~~national origin, disability, or ancestry~~ in circumstances where 2130
similar requirements or conditions are not imposed on other 2131
applicants similarly situated, unless the special requirements 2132

or conditions that are imposed with respect to age are the 2133
result of a real estate transaction exempted under division (B) 2134
(1) (a) of this section or are the result of programs that grant 2135
preferences to certain age groups administered by 2136
instrumentalities or agencies of the United States, a state, or 2137
a political subdivision of a state; 2138

(f) Fail or refuse to provide an applicant for credit a 2139
written statement of the specific reasons for rejection of the 2140
application if requested in writing by the applicant within 2141
sixty days of the rejection. The creditor shall provide the 2142
written statement of the specific reason for rejection within 2143
thirty days after receipt of a request of that nature. For 2144
purposes of this section, a statement that the applicant was 2145
rejected solely on the basis of information received from a 2146
credit reporting agency or because the applicant failed to meet 2147
the standards required by the creditor's credit scoring system, 2148
uniformly applied, shall constitute a specific reason for 2149
rejection. 2150

(g) Fail or refuse to print on or firmly attach to each 2151
application for credit, in a type size no smaller than that used 2152
throughout most of the application form, the following notice: 2153
"The Ohio laws against discrimination require that all creditors 2154
make credit equally available to all credit worthy customers, 2155
and that credit reporting agencies maintain separate credit 2156
histories on each individual upon request. The Ohio civil rights 2157
commission administers compliance with this law." This notice is 2158
not required to be included in applications that have a multi- 2159
state distribution if the notice is mailed to the applicant with 2160
the notice of acceptance or rejection of the application. 2161

(h) Fail or refuse on the basis of race, color, religion, 2162

age, sex, ancestry, national origin, marital status, disability, 2163
sexual orientation, gender identity or expression, or military 2164
~~status, marital status, national origin, disability, or ancestry~~ 2165
to maintain, upon the request of the individual, a separate 2166
account for each individual to whom credit is extended; 2167

(i) Fail or refuse on the basis of race, color, religion, 2168
age, sex, ancestry, national origin, marital status, disability, 2169
sexual orientation, gender identity or expression, or military 2170
~~status, marital status, national origin, disability, or ancestry~~ 2171
to maintain records on any account established after November 1, 2172
1976, to furnish information on the accounts to credit reporting 2173
agencies in a manner that clearly designates the contractual 2174
liability for repayment as indicated on the application for the 2175
account, and, if more than one individual is contractually 2176
liable for repayment, to maintain records and furnish 2177
information in the name of each individual. This division does 2178
not apply to individuals who are contractually liable only if 2179
the primary party defaults on the account. 2180

(2) For any credit reporting agency to do any of the 2181
following: 2182

(a) Fail or refuse on the basis of race, color, religion, 2183
age, sex, ancestry, national origin, marital status, disability, 2184
sexual orientation, gender identity or expression, or military 2185
~~status, marital status, national origin, disability, or ancestry~~ 2186
to maintain, upon the request of the individual, a separate file 2187
on each individual about whom information is assembled or 2188
evaluated; 2189

(b) Fail or refuse on the basis of race, color, religion, 2190
age, sex, ancestry, national origin, marital status, disability, 2191
sexual orientation, gender identity or expression, or military 2192

~~status, marital status, national origin, disability, or ancestry~~ 2193
to clearly note, maintain, and report any information furnished 2194
it under division (B) (1) (i) of this section. 2195

(C) This section does not prohibit a creditor from 2196
requesting the signature of both spouses to create a valid lien, 2197
pass clear title, or waive inchoate rights to property. 2198

(D) The rights granted by this section may be enforced by 2199
aggrieved individuals by filing a civil action in a court of 2200
common pleas within one hundred eighty days after the alleged 2201
unlawful discriminatory practice occurred. Upon application by 2202
the plaintiff and in circumstances that the court considers 2203
just, the court in which a civil action under this section is 2204
brought may appoint an attorney for the plaintiff and may 2205
authorize the commencement of a civil action upon proper showing 2206
without the payment of costs. If the court finds that an 2207
unlawful discriminatory practice prohibited by this section 2208
occurred or is about to occur, the court may grant relief that 2209
it considers appropriate, including a permanent or temporary 2210
injunction, temporary restraining order, or other order, and may 2211
award to the plaintiff compensatory and punitive damages of not 2212
less than one hundred dollars, together with attorney's fees and 2213
court costs. 2214

(E) Nothing contained in this section shall bar a creditor 2215
from reviewing an application for credit on the basis of 2216
established criteria used in the normal course of business for 2217
the determination of the credit worthiness of the individual 2218
applicant for credit, including the credit history of the 2219
applicant. 2220

Sec. 4112.024. (A) ~~Nothing in division (H) of section~~ 2221
~~4112.02 of the Revised Code shall bar any religious or~~ 2222

~~denominational institution or organization, or any nonprofit~~ 2223
~~charitable or educational organization that is operated,~~ 2224
~~supervised, or controlled by or in connection with a religious~~ 2225
~~organization, from limiting the sale, rental, or occupancy of~~ 2226
~~housing accommodations that it owns or operates for other than a~~ 2227
~~commercial purpose to persons of the same religion, or from~~ 2228
~~giving preference in the sale, rental, or occupancy of such~~ 2229
~~housing accommodations to persons of the same religion, unless~~ 2230
~~membership in the religion is restricted on account of race,~~ 2231
~~color, or national origin.~~ 2232

~~(B)~~ Nothing in division (H) of section 4112.02 of the 2233
Revised Code shall bar any bona fide private or fraternal 2234
organization that, incidental to its primary purpose, owns or 2235
operates lodgings for other than a commercial purpose, from 2236
limiting the rental or occupancy of the lodgings to its members 2237
or from giving preference to its members. 2238

~~(C)~~ (B) Nothing in division (H) of section 4112.02 of the 2239
Revised Code limits the applicability of any reasonable local, 2240
state, or federal restrictions regarding the maximum number of 2241
occupants permitted to occupy housing accommodations. Nothing in 2242
that division prohibits the owners or managers of housing 2243
accommodations from implementing reasonable occupancy standards 2244
based on the number and size of sleeping areas or bedrooms and 2245
the overall size of a dwelling unit, provided that the standards 2246
are not implemented to circumvent the purposes of this chapter 2247
and are formulated, implemented, and interpreted in a manner 2248
consistent with this chapter and any applicable local, state, or 2249
federal restrictions regarding the maximum number of occupants 2250
permitted to occupy housing accommodations. 2251

~~(D)~~ (C) Nothing in division (H) of section 4112.02 of the 2252

Revised Code requires that housing accommodations be made 2253
available to an individual whose tenancy would constitute a 2254
direct threat to the health or safety of other individuals or 2255
whose tenancy would result in substantial physical damage to the 2256
property of others. 2257

~~(E)~~ (D) Nothing in division (H) of section 4112.02 of the 2258
Revised Code pertaining to discrimination on the basis of 2259
familial status shall be construed to apply to any of the 2260
following: 2261

(1) Housing accommodations provided under any state or 2262
federal program that have been determined under the "Fair 2263
Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C. 3607, 2264
as amended, to be specifically designed and operated to assist 2265
elderly persons; 2266

(2) Housing accommodations intended for and solely 2267
occupied by persons who are sixty-two years of age or older; 2268

(3) Housing accommodations intended and operated for 2269
occupancy by at least one person who is fifty-five years of age 2270
or older per unit, as determined under the "Fair Housing 2271
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C. 3607, as 2272
amended. 2273

~~(F)~~ (E) Nothing in divisions (H) (1) to (18) of section 2274
4112.02 of the Revised Code shall be construed to require any 2275
person selling or renting property to modify the property in any 2276
way or to exercise a higher degree of care for a person with a 2277
disability, to relieve any person with a disability of any 2278
obligation generally imposed on all persons regardless of 2279
disability in a written lease, rental agreement, or contract of 2280
purchase or sale, or to forbid distinctions based on the 2281

inability to fulfill the terms and conditions, including 2282
financial obligations, of the lease, agreement, or contract. 2283

Sec. 4112.04. (A) The commission shall do all of the 2284
following: 2285

(1) Establish and maintain a principal office in the city 2286
of Columbus and any other offices within the state that it 2287
considers necessary; 2288

(2) Appoint an executive director who shall serve at the 2289
pleasure of the commission and be its principal administrative 2290
officer. The executive director shall be paid a salary fixed 2291
pursuant to Chapter 124. of the Revised Code. 2292

(3) Appoint hearing examiners and other employees and 2293
agents who it considers necessary and prescribe their duties 2294
subject to Chapter 124. of the Revised Code; 2295

(4) Adopt, promulgate, amend, and rescind rules to 2296
effectuate the provisions of this chapter and the policies and 2297
practice of the commission in connection with this chapter; 2298

(5) Formulate policies to effectuate the purposes of this 2299
chapter and make recommendations to agencies and officers of the 2300
state or political subdivisions to effectuate the policies; 2301

(6) Receive, investigate, and pass upon written charges 2302
made under oath of unlawful discriminatory practices; 2303

(7) Make periodic surveys of the existence and effect of 2304
discrimination because of race, color, religion, sex, age, 2305
ancestry, national origin, familial status, disability, sexual 2306
orientation, gender identity or expression, or military status, 2307
familial status, national origin, disability, age, or ancestry 2308
on the enjoyment of civil rights by persons within the state; 2309

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

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

(10) Receive progress reports from agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or any of its political subdivisions and their agencies, instrumentalities, institutions, boards, commissions, and other entities regarding affirmative action programs for the employment of persons against whom discrimination is prohibited by this chapter, or regarding any affirmative housing accommodations programs developed to eliminate or reduce an imbalance of race, color, religion, sex, ancestry, national origin, familial status, disability, sexual orientation, gender identity or expression, or military status,

~~familial status, national origin, disability, or ancestry.~~ All 2341
agencies, instrumentalities, institutions, boards, commissions, 2342
and other entities of this state or its political subdivisions, 2343
and all political subdivisions, that have undertaken affirmative 2344
action programs pursuant to a conciliation agreement with the 2345
commission, an executive order of the governor, any federal 2346
statute or rule, or an executive order of the president of the 2347
United States shall file progress reports with the commission 2348
annually on or before the first day of November. The commission 2349
shall analyze and evaluate the progress reports and report its 2350
findings annually to the general assembly on or before the 2351
thirtieth day of January of the year immediately following the 2352
receipt of the reports. 2353

(B) The commission may do any of the following: 2354

(1) Meet and function at any place within the state; 2355

(2) Initiate and undertake on its own motion 2356
investigations of problems of employment or housing 2357
accommodations discrimination; 2358

(3) Hold hearings, subpoena witnesses, compel their 2359
attendance, administer oaths, take the testimony of any person 2360
under oath, require the production for examination of any books 2361
and papers relating to any matter under investigation or in 2362
question before the commission, and make rules as to the 2363
issuance of subpoenas by individual commissioners. 2364

(a) In conducting a hearing or investigation, the 2365
commission shall have access at all reasonable times to 2366
premises, records, documents, individuals, and other evidence or 2367
possible sources of evidence and may examine, record, and copy 2368
the premises, records, documents, and other evidence or possible 2369

sources of evidence and take and record the testimony or 2370
statements of the individuals as reasonably necessary for the 2371
furtherance of the hearing or investigation. In investigations, 2372
the commission shall comply with the fourth amendment to the 2373
United States Constitution relating to unreasonable searches and 2374
seizures. The commission or a member of the commission may issue 2375
subpoenas to compel access to or the production of premises, 2376
records, documents, and other evidence or possible sources of 2377
evidence or the appearance of individuals, and may issue 2378
interrogatories to a respondent, to the same extent and subject 2379
to the same limitations as would apply if the subpoenas or 2380
interrogatories were issued or served in aid of a civil action 2381
in a court of common pleas. 2382

(b) Upon written application by a party to a hearing under 2383
division (B) of section 4112.05 of the Revised Code, the 2384
commission shall issue subpoenas in its name to the same extent 2385
and subject to the same limitations as subpoenas issued by the 2386
commission. Subpoenas issued at the request of a party shall 2387
show on their face the name and address of the party and shall 2388
state that they were issued at the party's request. 2389

(c) Witnesses summoned by subpoena of the commission are 2390
entitled to the witness and mileage fees provided for under 2391
section 119.094 of the Revised Code. 2392

(d) Within five days after service of a subpoena upon any 2393
person, the person may petition the commission to revoke or 2394
modify the subpoena. The commission shall grant the petition if 2395
it finds that the subpoena requires an appearance or attendance 2396
at an unreasonable time or place, that it requires production of 2397
evidence that does not relate to any matter before the 2398
commission, that it does not describe with sufficient 2399

particularity the evidence to be produced, that compliance would 2400
be unduly onerous, or for other good reason. 2401

(e) In case of contumacy or refusal to obey a subpoena, 2402
the commission or person at whose request it was issued may 2403
petition for its enforcement in the court of common pleas in the 2404
county in which the person to whom the subpoena was addressed 2405
resides, was served, or transacts business. 2406

(4) Create local or statewide advisory agencies and 2407
conciliation councils to aid in effectuating the purposes of 2408
this chapter. The commission may itself, or it may empower these 2409
agencies and councils to, do either or both of the following: 2410

(a) Study the problems of discrimination in all or 2411
specific fields of human relationships when based on race, 2412
color, religion, sex, age, ancestry, national origin, familial 2413
status, disability, sexual orientation, gender identity or 2414
expression, or military status, familial status, national- 2415
origin, disability, age, or ancestry; 2416

(b) Foster through community effort, or otherwise, good 2417
will among the groups and elements of the population of the 2418
state. 2419

The agencies and councils may make recommendations to the 2420
commission for the development of policies and procedures in 2421
general. They shall be composed of representative citizens who 2422
shall serve without pay, except that reimbursement for actual 2423
and necessary traveling expenses shall be made to citizens who 2424
serve on a statewide agency or council. 2425

(5) Issue any publications and the results of 2426
investigations and research that in its judgment will tend to 2427
promote good will and minimize or eliminate discrimination 2428

because of race, color, religion, sex, age, ancestry, national 2429
origin, familial status, disability, sexual orientation, gender 2430
identity or expression, or military status, ~~familial status,~~ 2431
~~national origin, disability, age, or ancestry.~~ 2432

Sec. 4112.05. (A) (1) The commission, as provided in this 2433
section, shall prevent any person from engaging in unlawful 2434
discriminatory practices. 2435

(2) The commission may at any time attempt to resolve 2436
allegations of unlawful discriminatory practices by the use of 2437
alternative dispute resolution, provided that, before 2438
instituting the formal hearing authorized by division (B) of 2439
this section, it shall attempt, by informal methods of 2440
conference, conciliation, mediation, and persuasion, to induce 2441
compliance with this chapter. 2442

(B) (1) Any person may file a charge with the commission 2443
alleging that another person has engaged or is engaging in an 2444
unlawful discriminatory practice. In the case of a charge 2445
alleging an unlawful discriminatory practice described in 2446
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2447
section 4112.02 or in section 4112.021 or 4112.022 of the 2448
Revised Code, the charge shall be in writing and under oath and 2449
shall be filed with the commission within six months after the 2450
alleged unlawful discriminatory practice was committed. In the 2451
case of a charge alleging an unlawful discriminatory practice 2452
described in division (H) of section 4112.02 of the Revised 2453
Code, the charge shall be in writing and under oath and shall be 2454
filed with the commission within one year after the alleged 2455
unlawful discriminatory practice was committed. 2456

(a) An oath under this chapter may be made in any form of 2457
affirmation the person deems binding on the person's conscience. 2458

Acceptable forms include, but are not limited to, declarations 2459
made under penalty of perjury. 2460

(b) Any charge timely received, via facsimile, postal 2461
mail, electronic mail, or otherwise, may be signed under oath 2462
after the limitations period for filing set forth under division 2463
(B) (1) of this section and will relate back to the original 2464
filing date. 2465

(2) Upon receiving a charge, the commission may initiate a 2466
preliminary investigation to determine whether it is probable 2467
that an unlawful discriminatory practice has been or is being 2468
engaged in. The commission also may conduct, upon its own 2469
initiative and independent of the filing of any charges, a 2470
preliminary investigation relating to any of the unlawful 2471
discriminatory practices described in division (A), (B), (C), 2472
(D), (E), (F), (I), or (J) of section 4112.02 or in section 2473
4112.021 or 4112.022 of the Revised Code. Prior to a 2474
notification of a complainant under division (B) (4) of this 2475
section or prior to the commencement of informal methods of 2476
conference, conciliation, and persuasion, or alternative dispute 2477
resolution, under that division, the members of the commission 2478
and the officers and employees of the commission shall not make 2479
public in any manner and shall retain as confidential all 2480
information that was obtained as a result of or that otherwise 2481
pertains to a preliminary investigation other than one described 2482
in division (B) (3) of this section. 2483

(3) (a) Unless it is impracticable to do so and subject to 2484
its authority under division (B) (3) (d) of this section, the 2485
commission shall complete a preliminary investigation of a 2486
charge filed pursuant to division (B) (1) of this section that 2487
alleges an unlawful discriminatory practice described in 2488

division (H) of section 4112.02 of the Revised Code, and shall 2489
take one of the following actions, within one hundred days after 2490
the filing of the charge: 2491

(i) Notify the complainant and the respondent that it is 2492
not probable that an unlawful discriminatory practice described 2493
in division (H) of section 4112.02 of the Revised Code has been 2494
or is being engaged in and that the commission will not issue a 2495
complaint in the matter; 2496

(ii) Initiate a complaint and schedule it for informal 2497
methods of conference, conciliation, and persuasion, or 2498
alternative dispute resolution; 2499

(iii) Initiate a complaint and refer it to the attorney 2500
general with a recommendation to seek a temporary or permanent 2501
injunction or a temporary restraining order. If this action is 2502
taken, the attorney general shall apply, as expeditiously as 2503
possible after receipt of the complaint, to the court of common 2504
pleas of the county in which the unlawful discriminatory 2505
practice allegedly occurred for the appropriate injunction or 2506
order, and the court shall hear and determine the application as 2507
expeditiously as possible. 2508

(b) If it is not practicable to comply with the 2509
requirements of division (B) (3) (a) of this section within the 2510
one-hundred-day period described in that division, the 2511
commission shall notify the complainant and the respondent in 2512
writing of the reasons for the noncompliance. 2513

(c) Prior to the issuance of a complaint under division 2514
(B) (3) (a) (ii) or (iii) of this section or prior to a 2515
notification of the complainant and the respondent under 2516
division (B) (3) (a) (i) of this section, the members of the 2517

commission and the officers and employees of the commission 2518
shall not make public in any manner and shall retain as 2519
confidential all information that was obtained as a result of or 2520
that otherwise pertains to a preliminary investigation of a 2521
charge filed pursuant to division (B)(1) of this section that 2522
alleges an unlawful discriminatory practice described in 2523
division (H) of section 4112.02 of the Revised Code. 2524

(d) Notwithstanding the types of action described in 2525
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2526
issuance of a complaint or the referral of a complaint to the 2527
attorney general and prior to endeavoring to eliminate an 2528
unlawful discriminatory practice described in division (H) of 2529
section 4112.02 of the Revised Code by informal methods of 2530
conference, conciliation, and persuasion, or by alternative 2531
dispute resolution, the commission may seek a temporary or 2532
permanent injunction or a temporary restraining order in the 2533
court of common pleas of the county in which the unlawful 2534
discriminatory practice allegedly occurred. 2535

(4) If the commission determines after a preliminary 2536
investigation other than one described in division (B)(3) of 2537
this section that it is not probable that an unlawful 2538
discriminatory practice has been or is being engaged in, it 2539
shall notify any complainant under division (B)(1) of this 2540
section that it has so determined and that it will not issue a 2541
complaint in the matter. If the commission determines after a 2542
preliminary investigation other than the one described in 2543
division (B)(3) of this section that it is probable that an 2544
unlawful discriminatory practice has been or is being engaged 2545
in, it shall endeavor to eliminate the practice by informal 2546
methods of conference, conciliation, and persuasion, or by 2547
alternative dispute resolution. 2548

(5) Nothing said or done during informal methods of 2549
conference, conciliation, and persuasion, or during alternative 2550
dispute resolution, under this section shall be disclosed by any 2551
member of the commission or its staff or be used as evidence in 2552
any subsequent hearing or other proceeding. If, after a 2553
preliminary investigation and the use of informal methods of 2554
conference, conciliation, and persuasion, or alternative dispute 2555
resolution, under this section, the commission is satisfied that 2556
any unlawful discriminatory practice will be eliminated, it may 2557
treat the charge involved as being conciliated and enter that 2558
disposition on the records of the commission. If the commission 2559
fails to effect the elimination of an unlawful discriminatory 2560
practice by informal methods of conference, conciliation, and 2561
persuasion, or by alternative dispute resolution under this 2562
section and to obtain voluntary compliance with this chapter, 2563
the commission shall issue and cause to be served upon any 2564
person, including the respondent against whom a complainant has 2565
filed a charge pursuant to division (B)(1) of this section, a 2566
complaint stating the charges involved and containing a notice 2567
of an opportunity for a hearing before the commission, a member 2568
of the commission, or a hearing examiner at a place that is 2569
stated in the notice and that is located within the county in 2570
which the alleged unlawful discriminatory practice has occurred 2571
or is occurring or in which the respondent resides or transacts 2572
business. The hearing shall be held not less than thirty days 2573
after the service of the complaint upon the complainant, the 2574
aggrieved persons other than the complainant on whose behalf the 2575
complaint is issued, and the respondent, unless the complainant, 2576
an aggrieved person, or the respondent elects to proceed under 2577
division (A)(2) of section 4112.051 of the Revised Code when 2578
that division is applicable. If a complaint pertains to an 2579
alleged unlawful discriminatory practice described in division 2580

(H) of section 4112.02 of the Revised Code, the complaint shall 2581
notify the complainant, an aggrieved person, and the respondent 2582
of the right of the complainant, an aggrieved person, or the 2583
respondent to elect to proceed with the administrative hearing 2584
process under this section or to proceed under division (A) (2) 2585
of section 4112.051 of the Revised Code. 2586

(6) The attorney general shall represent the commission at 2587
any hearing held pursuant to division (B) (5) of this section and 2588
shall present the evidence in support of the complaint. 2589

(7) Any complaint issued pursuant to division (B) (5) of 2590
this section after the filing of a charge under division (B) (1) 2591
of this section shall be so issued within one year after the 2592
complainant filed the charge with respect to an alleged unlawful 2593
discriminatory practice. 2594

(C) (1) Any complaint issued pursuant to division (B) of 2595
this section may be amended by the commission, a member of the 2596
commission, or the hearing examiner conducting a hearing under 2597
division (B) of this section. 2598

(a) Except as provided in division (C) (1) (b) of this 2599
section, a complaint issued pursuant to division (B) of this 2600
section may be amended at any time prior to or during the 2601
hearing. 2602

(b) If a complaint issued pursuant to division (B) of this 2603
section alleges an unlawful discriminatory practice described in 2604
division (H) of section 4112.02 of the Revised Code, the 2605
complaint may be amended at any time up to seven days prior to 2606
the hearing and not thereafter. 2607

(2) The respondent has the right to file an answer or an 2608
amended answer to the original and amended complaints and to 2609

appear at the hearing in person, by attorney, or otherwise to 2610
examine and cross-examine witnesses. 2611

(D) The complainant shall be a party to a hearing under 2612
division (B) of this section, and any person who is an 2613
indispensable party to a complete determination or settlement of 2614
a question involved in the hearing shall be joined. Any 2615
aggrieved person who has or claims an interest in the subject of 2616
the hearing and in obtaining or preventing relief against the 2617
unlawful discriminatory practices complained of shall be 2618
permitted to appear only for the presentation of oral or written 2619
arguments, to present evidence, perform direct and cross- 2620
examination, and be represented by counsel. The commission shall 2621
adopt rules, in accordance with Chapter 119. of the Revised Code 2622
governing the authority granted under this division. 2623

(E) In any hearing under division (B) of this section, the 2624
commission, a member of the commission, or the hearing examiner 2625
shall not be bound by the Rules of Evidence but, in ascertaining 2626
the practices followed by the respondent, shall take into 2627
account all reliable, probative, and substantial statistical or 2628
other evidence produced at the hearing that may tend to prove 2629
the existence of a predetermined pattern of employment or 2630
membership, provided that nothing contained in this section 2631
shall be construed to authorize or require any person to observe 2632
the proportion that persons of any race, color, religion, sex, 2633
age, ancestry, national origin, familial status, disability, 2634
sexual orientation, gender identity or expression, or military 2635
status, familial status, national origin, disability, age, or 2636
ancestry bear to the total population or in accordance with any 2637
criterion other than the individual qualifications of the 2638
applicant. 2639

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

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

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

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

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

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

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

recommendation in the form of a class, seminar, or any other 2669
type of remediation approved by the commission, may require the 2670
respondent to pay actual damages and reasonable attorney's fees, 2671
and may, vindicate the public interest, assess a civil penalty 2672
against the respondent as follows: 2673

(i) If division (G) (1) (b) (ii) or (iii) of this section 2674
does not apply, a civil penalty in an amount not to exceed ten 2675
thousand dollars; 2676

(ii) If division (G) (1) (b) (iii) of this section does not 2677
apply and if the respondent has been determined by a final order 2678
of the commission or by a final judgment of a court to have 2679
committed one violation of division (H) of section 4112.02 of 2680
the Revised Code during the five-year period immediately 2681
preceding the date on which a complaint was issued pursuant to 2682
division (B) of this section, a civil penalty in an amount not 2683
to exceed twenty-five thousand dollars; 2684

(iii) If the respondent has been determined by a final 2685
order of the commission or by a final judgment of a court to 2686
have committed two or more violations of division (H) of section 2687
4112.02 of the Revised Code during the seven-year period 2688
immediately preceding the date on which a complaint was issued 2689
pursuant to division (B) of this section, a civil penalty 2690
damages in an amount not to exceed fifty thousand dollars. 2691

(2) Upon the submission of reports of compliance, the 2692
commission may issue a declaratory order stating that the 2693
respondent has ceased to engage in particular unlawful 2694
discriminatory practices. 2695

(H) If the commission finds that no probable cause exists 2696
for crediting charges of unlawful discriminatory practices or 2697

if, upon all the evidence presented at a hearing under division 2698
(B) of this section on a charge, the commission finds that a 2699
respondent has not engaged in any unlawful discriminatory 2700
practice against the complainant or others, it shall state its 2701
findings of fact and shall issue and cause to be served on the 2702
complainant an order dismissing the complaint as to the 2703
respondent. A copy of the order shall be delivered in all cases 2704
to the attorney general and any other public officers whom the 2705
commission considers proper. 2706

If, upon all the evidence presented at a hearing under 2707
division (B) of this section on a charge, the commission finds 2708
that a respondent has not engaged in any unlawful discriminatory 2709
practice against the complainant or others, it may award to the 2710
respondent reasonable attorney's fees to the extent provided in 2711
5 U.S.C. 504 and accompanying regulations. 2712

(I) Until the time period for appeal set forth in division 2713
(H) of section 4112.06 of the Revised Code expires, the 2714
commission, subject to the provisions of Chapter 119. of the 2715
Revised Code, at any time, upon reasonable notice, and in the 2716
manner it considers proper, may modify or set aside, in whole or 2717
in part, any finding or order made by it under this section. 2718

Sec. 4112.08. This chapter shall be construed liberally 2719
for the accomplishment of its purposes, and any law inconsistent 2720
with any provision of this chapter shall not apply. Nothing 2721
contained in this chapter shall be considered to repeal any of 2722
the provisions of any law of this state relating to 2723
discrimination because of race, color, religion, sex, age, 2724
ancestry, national origin, familial status, disability, sexual 2725
orientation, gender identity or expression, or military status, 2726
~~familial status, disability, national origin, age, or ancestry,~~ 2727

except that any person filing a charge under division (B) (1) of 2728
section 4112.05 of the Revised Code, with respect to the 2729
unlawful discriminatory practices complained of, is barred from 2730
instituting a civil action under section 4112.14 or division (L) 2731
of section 4112.02 of the Revised Code. This chapter does not 2732
limit actions, procedures, and remedies afforded under federal 2733
law. 2734

Sec. 4117.19. (A) Every employee organization that is 2735
certified or recognized as a representative of public employees 2736
under this chapter shall file with the state employment 2737
relations board a registration report that is signed by its 2738
president or other appropriate officer. The report shall be in a 2739
form prescribed by the board and accompanied by two copies of 2740
the employee organization's constitution and bylaws. The board 2741
shall accept a filing by a statewide, national, or international 2742
employee organization of its constitution and bylaws in lieu of 2743
a filing of the documents by each subordinate organization. The 2744
exclusive representative or other employee organization 2745
originally filing its constitution and bylaws shall report, 2746
promptly, to the board all changes or amendments to its 2747
constitution and bylaws. 2748

(B) Every employee organization shall file with the board 2749
an annual report. The report shall be in a form prescribed by 2750
the board and shall contain the following information: 2751

(1) The names and addresses of the organization, any 2752
parent organization or organizations with which it is 2753
affiliated, and all organizationwide officers; 2754

(2) The name and address of its local agent for service of 2755
process; 2756

- (3) A general description of the public employees the organization represents or seeks to represent; 2757
2758
- (4) The amounts of the initiation fee and monthly dues members must pay; 2759
2760
- (5) A pledge, in a form prescribed by the board, that the organization will comply with the laws of the state and that it will accept members as provided by law without regard to ~~age,~~ 2761
2762
~~race, color, sex, creed, religion,~~ creed, sex, age, ancestry, 2763
2764
national origin, or disability; sexual orientation, gender 2765
identity or expression, or military status as those terms are 2766
defined in section 4112.01 of the Revised Code, ~~military status~~ 2767
~~as defined in that section,;~~ or physical disability as provided 2768
~~by law.;~~ 2769
- (6) A financial report. 2770
- (C) The constitution or bylaws of every employee organization shall do all of the following: 2771
2772
- (1) Require that the organization keep accurate accounts of all income and expenses, prepare an annual financial report, keep open for inspection by any member of the organization its accounts, and make loans to officers and agents only on terms and conditions available to all members; 2773
2774
2775
2776
2777
- (2) Prohibit business or financial interests of its officers and agents, their spouses, minor children, parents, or otherwise, in conflict with the fiduciary obligation of such persons to the organization; 2778
2779
2780
2781
- (3) When specifically requested by the board, require every official who is designated as a fiscal officer of an employee organization and who is responsible for funds or other property of the organization or trust in which an organization 2782
2783
2784
2785

is interested, or a subsidiary organization be bonded with the 2786
amount, scope, and form of the bond determined by the board; 2787

(4) Require periodic elections of officers by secret 2788
ballot subject to recognized safeguards concerning the equal 2789
right of all members to nominate, seek office, and vote in the 2790
elections, the right of individual members to participate in the 2791
affairs of the organization, and fair and equitable procedures 2792
in disciplinary actions. 2793

(D) The board shall prescribe rules necessary to govern 2794
the establishment and reporting of trusteeships over employee 2795
organizations. The establishment of trusteeships is permissible 2796
only if the constitution or bylaws of the organization set forth 2797
reasonable procedures. 2798

(E) The board may withhold certification of an employee 2799
organization that willfully refuses to register or file an 2800
annual report or that willfully refuses to comply with other 2801
provisions of this section. The board may revoke a certification 2802
of an employee organization for willfully failing to comply with 2803
this section. The board may enforce the prohibitions contained 2804
in this section by petitioning the court of common pleas of the 2805
county in which the violation occurs for an injunction. Persons 2806
complaining of a violation of this section shall file the 2807
complaint with the board. 2808

(F) Upon the written request to the board of any member of 2809
a certified employee organization and where the board determines 2810
the necessity for an audit, the board may require the employee 2811
organization to provide a certified audit of its financial 2812
records. 2813

(G) Any employee organization subject to the "Labor- 2814

Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2815
29 U.S.C.A., 401, as amended, may file copies with the board of 2816
all reports it is required to file under that act in lieu of 2817
compliance with all parts of this section other than division 2818
(A) of this section. The board shall accept a filing by a 2819
statewide, national, or international employee organization of 2820
its reports in lieu of a filing of such reports by each 2821
subordinate organization. 2822

Sec. 4735.16. (A) Every real estate broker licensed under 2823
this chapter shall erect or maintain a sign on the business 2824
premises plainly stating that the licensee is a real estate 2825
broker. If the real estate broker maintains one or more branch 2826
offices, the real estate broker shall erect or maintain a sign 2827
at each branch office plainly stating that the licensee is a 2828
real estate broker. 2829

(B) (1) Any licensed real estate broker or salesperson who 2830
advertises to buy, sell, exchange, or lease real estate, or to 2831
engage in any act regulated by this chapter, with respect to 2832
property the licensee does not own, shall be identified in the 2833
advertisement by name and indicate the name of the brokerage 2834
with which the licensee is affiliated. 2835

(2) Any licensed real estate broker or ~~sales person~~ 2836
salesperson who advertises to sell, exchange, or lease real 2837
estate, or to engage in any act regulated by this chapter, with 2838
respect to property that the licensee owns, shall be identified 2839
in the advertisement by name and indicate that the property is 2840
agent owned, and if the property is listed with a real estate 2841
brokerage, the advertisement shall also indicate the name of the 2842
brokerage with which the property is listed. 2843

(3) The name of the brokerage shall be displayed in equal 2844

prominence with the name of the salesperson in the 2845
advertisement. For purposes of this section, "brokerage" means 2846
the name the real estate company or sole broker is doing 2847
business as, or if the real estate company or sole broker does 2848
not use such a name, the name of the real estate company or sole 2849
broker as licensed. 2850

(4) A real estate broker who is representing a seller 2851
under an exclusive right to sell or lease listing agreement 2852
shall not advertise such property to the public as "for sale by 2853
owner" or otherwise mislead the public to believe that the 2854
seller is not represented by a real estate broker. 2855

(5) If any real estate broker or real estate salesperson 2856
advertises in a manner other than as provided in this section or 2857
the rules adopted under this section, that advertisement is 2858
prima-facie evidence of a violation under division (A) (21) of 2859
section 4735.18 of the Revised Code. 2860

When the superintendent determines that prima-facie 2861
evidence of a violation of division (A) (21) of section 4735.18 2862
of the Revised Code or any of the rules adopted thereunder 2863
exists, the superintendent may do either of the following: 2864

(a) Initiate disciplinary action under section 4735.051 of 2865
the Revised Code for a violation of division (A) (21) of section 2866
4735.18 of the Revised Code, in accordance with Chapter 119. of 2867
the Revised Code; 2868

(b) Personally, or by certified mail, serve a citation 2869
upon the licensee. 2870

(c) (1) Every citation served under this section shall give 2871
notice to the licensee of the alleged violation or violations 2872
charged and inform the licensee of the opportunity to request a 2873

hearing in accordance with Chapter 119. of the Revised Code. The 2874
citation also shall contain a statement of a fine of two hundred 2875
dollars per violation, not to exceed two thousand five hundred 2876
dollars per citation. All fines collected pursuant to this 2877
section shall be credited to the real estate recovery fund, 2878
created in the state treasury under section 4735.12 of the 2879
Revised Code. 2880

(2) If any licensee is cited three times within twelve 2881
consecutive months, the superintendent shall initiate 2882
disciplinary action pursuant to section 4735.051 of the Revised 2883
Code for any subsequent violation that occurs within the same 2884
twelve-month period. 2885

(3) If a licensee fails to request a hearing within thirty 2886
days of the date of service of the citation, or the licensee and 2887
the superintendent fail to reach an alternative agreement, the 2888
citation shall become final. 2889

(4) Unless otherwise indicated, the licensee named in a 2890
final citation must meet all requirements contained in the final 2891
citation within thirty days of the effective date of that 2892
citation. 2893

(5) The superintendent shall suspend automatically a 2894
licensee's license if the licensee fails to comply with division 2895
(C) (4) of this section. 2896

(D) A real estate broker or salesperson obtaining the 2897
signature of a party to a listing or other agreement involved in 2898
a real estate transaction shall furnish a copy of the listing or 2899
other agreement to the party immediately after obtaining the 2900
party's signature. Every broker's office shall prominently 2901
display in the same immediate area as licenses are displayed a 2902

statement that it is illegal to discriminate against any person 2903
because of race, color, religion, sex, ancestry, or national 2904
origin, or familial status as defined in section 4112.01 of the 2905
~~Revised Code, national origin, disability, sexual orientation,~~ 2906
gender identity or expression, or military status as defined in 2907
~~that section, disability as defined in that section, or ancestry~~ 2908
as those terms are defined in section 4112.01 of the Revised 2909
Code, in the sale or rental of housing or residential lots, in 2910
advertising the sale or rental of housing, in the financing of 2911
housing, or in the provision of real estate brokerage services 2912
and that blockbusting also is illegal. The statement shall bear 2913
the United States department of housing and urban development 2914
equal housing logo, shall contain the information that the 2915
broker and the broker's salespersons are licensed by the 2916
division of real estate and professional licensing and that the 2917
division can assist with any consumer complaints or inquiries, 2918
and shall explain the provisions of section 4735.12 of the 2919
Revised Code. The statement shall provide the division's address 2920
and telephone number. The Ohio real estate commission shall 2921
provide by rule for the wording and size of the statement. The 2922
pamphlet required under section 4735.03 of the Revised Code 2923
shall contain the same statement that is required on the 2924
statement displayed as provided in this section and shall be 2925
made available by real estate brokers and salespersons to their 2926
clients. The commission shall provide the wording and size of 2927
the pamphlet. 2928

Sec. 4735.55. (A) Each written agency agreement shall 2929
contain all of the following: 2930

(1) An expiration date; 2931

(2) A statement that it is illegal, pursuant to the Ohio 2932

fair housing law, division (H) of section 4112.02 of the Revised Code, and the federal fair housing law, 42 U.S.C.A. 3601, as amended, to refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, ancestry, or national origin, or familial status as defined in section 4112.01 of the Revised Code, ancestry, disability, sexual orientation, gender identity or expression, or military status as defined in that section, disability as defined in that section, or national origin, as those terms are defined in section 4112.01 of the Revised Code, or to so discriminate in advertising the sale or rental of housing, in the financing of housing, or in the provision of real estate brokerage services;

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

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

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

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

Sec. 4757.07. The counselor, social worker, and marriage and family therapist board and its professional standards committees shall not discriminate against any licensee, registrant, or applicant for a license or certificate of

registration under this chapter because of the person's race, 2962
color, religion, sex, age, or national origin~~;~~ disability, 2963
sexual orientation, or gender identity or expression as those 2964
terms are defined in section 4112.01 of the Revised Code~~, or~~ 2965
~~age~~. The board or committee, as appropriate, shall afford a 2966
hearing to any person who files with the board or committee a 2967
statement alleging discrimination based on any of those reasons. 2968

Sec. 4758.16. The chemical dependency professionals board 2969
shall not discriminate against any licensee, certificate holder, 2970
endorsement holder, or applicant for a license, certificate, or 2971
endorsement under this chapter because of the individual's race, 2972
color, religion, ~~gender, sex, age, or national origin~~~~;~~ or 2973
disability, sexual orientation, or gender identity or expression 2974
as those terms are defined in section 4112.01 of the Revised 2975
Code~~, or age~~. The board shall afford a hearing to any individual 2976
who files with the board a statement alleging discrimination 2977
based on any of those reasons. 2978

Sec. 4765.18. The state board of emergency medical, fire, 2979
and transportation services may suspend or revoke a certificate 2980
of accreditation or a certificate of approval issued under 2981
section 4765.17 of the Revised Code for any of the following 2982
reasons: 2983

(A) Violation of this chapter or any rule adopted under 2984
it; 2985

(B) Furnishing of false, misleading, or incomplete 2986
information to the board; 2987

(C) The signing of an application or the holding of a 2988
certificate of accreditation by a person who has pleaded guilty 2989
to or has been convicted of a felony, or has pleaded guilty to 2990

or been convicted of a crime involving moral turpitude; 2991

(D) The signing of an application or the holding of a 2992
certificate of accreditation by a person who is addicted to the 2993
use of any controlled substance or has been adjudicated 2994
incompetent for that purpose by a court, as provided in section 2995
5122.301 of the Revised Code; 2996

(E) Violation of any commitment made in an application for 2997
a certificate of accreditation or certificate of approval; 2998

(F) Presentation to prospective students of misleading, 2999
false, or fraudulent information relating to the emergency 3000
medical services training program or emergency medical services 3001
continuing education program, employment opportunities, or 3002
opportunities for enrollment in accredited institutions of 3003
higher education after entering or completing courses offered by 3004
the operator of a program; 3005

(G) Failure to maintain in a safe and sanitary condition 3006
premises and equipment used in conducting courses of study; 3007

(H) Failure to maintain financial resources adequate for 3008
the satisfactory conduct of courses of study or to retain a 3009
sufficient number of certified instructors; 3010

(I) Discrimination in the acceptance of students upon the 3011
basis of race, color, religion, sex, or national origin; or 3012
sexual orientation or gender identity or expression as those 3013
terms are defined in section 4112.01 of the Revised Code. 3014

Sec. 5104.09. No administrator, licensee, or child-care 3015
staff member shall discriminate in the enrollment of children in 3016
a child day-care center upon the basis of race, color, religion, 3017
sex, or national origin; or sexual orientation or gender 3018
identity or expression as those terms are defined in section 3019

4112.01 of the Revised Code. 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

<u>Code;</u>	3049
(2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;	3050 3051 3052
(3) Employment that has become unsuitable due to any of the following:	3053 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, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 178, as amended, an injunction has been issued under section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as amended, or an injunction has been issued under section 4117.16 of the Revised Code;	3056 3057 3058 3059 3060 3061 3062
(c) The documented degree of risk to the member or recipient's health and safety is unreasonable;	3063 3064
(d) The member or recipient is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.	3065 3066 3067
(4) Documented illness of the member or recipient or of another assistance group member of the member or recipient requiring the presence of the member or recipient;	3068 3069 3070
(5) A documented household emergency;	3071
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	3072 3073
Sec. 5123.351. The director of developmental disabilities, with respect to the eligibility for state reimbursement of	3074 3075

expenses incurred by facilities and programs established and 3076
operated under Chapter 5126. of the Revised Code for persons 3077
with developmental disabilities, shall do all of the following: 3078

(A) Make rules that may be necessary to carry out the 3079
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3080
5123.36 of the Revised Code; 3081

(B) Define minimum standards for qualifications of 3082
personnel, professional services, and in-service training and 3083
educational leave programs; 3084

(C) Review and evaluate community programs and make 3085
recommendations for needed improvements to county boards of 3086
developmental disabilities and to program directors; 3087

(D) Withhold state reimbursement, in whole or in part, 3088
from any county or combination of counties for failure to comply 3089
with Chapter 5126. or section 5123.35 or 5123.351 of the Revised 3090
Code or rules of the department of developmental disabilities; 3091

(E) Withhold state funds from an agency, corporation, or 3092
association denying or rendering service on the basis of race, 3093
color, sex, religion, ancestry, or national origin~~;~~ disability, or 3094
sexual orientation, or gender identity or expression as those 3095
terms are defined in section 4112.01 of the Revised Code~~;~~ or 3096
inability to pay; 3097

(F) Provide consultative staff service to communities to 3098
assist in ascertaining needs and in planning and establishing 3099
programs. 3100

Sec. 5126.07. No county board of developmental 3101
disabilities or any agency, corporation, or association under 3102
contract with a county board of developmental disabilities shall 3103
discriminate in the provision of services under its authority or 3104

contract on the basis of race, color, sex, creed, national 3105
origin, or disability,~~national origin,~~; sexual orientation or 3106
gender identity or expression as those terms are defined in 3107
section 4112.01 of the Revised Code; or the inability to pay. 3108

Each county board of developmental disabilities shall 3109
provide a plan of affirmative action describing its goals and 3110
methods for the provision of equal employment opportunities for 3111
all persons under its authority and shall ensure 3112
nondiscrimination in employment under its authority or contract 3113
on the basis of race, color, sex, creed, national origin, or 3114
disability,~~or national origin;~~ or sexual orientation or gender 3115
identity or expression as those terms are defined in section 3116
4112.01 of the Revised Code. 3117

Sec. 5165.08. (A) As used in this section: 3118

"Bed need" means the number of long-term care beds a 3119
county needs as determined by the director of health pursuant to 3120
division (B) (3) of section 3702.593 of the Revised Code. 3121

"Bed need excess" means that a county's bed need is such 3122
that one or more long-term care beds may be relocated from the 3123
county according to the director's determination of the county's 3124
bed need. 3125

(B) Every provider agreement with a nursing facility 3126
provider shall do both of the following: 3127

(1) Permit the provider to exclude one or more parts of 3128
the nursing facility from the provider agreement, even though 3129
those parts meet federal and state standards for medicaid 3130
certification, if all of the following apply: 3131

(a) The nursing facility initially obtained both its 3132
nursing home license under Chapter 3721. of the Revised Code and 3133

medicaid certification on or after January 1, 2008. 3134

(b) The nursing facility is located in a county that has a 3135
bed need excess at the time the provider excludes the parts from 3136
the provider agreement. 3137

(c) Federal law permits the provider to exclude the parts 3138
from the provider agreement. 3139

(d) The provider gives the department of medicaid written 3140
notice of the exclusion not less than forty-five days before the 3141
first day of the calendar quarter in which the exclusion is to 3142
occur. 3143

(2) Prohibit the provider from doing either of the 3144
following: 3145

(a) Discriminating against a resident on the basis of 3146
race, color, sex, creed, or national origin; or sexual 3147
orientation or gender identity or expression as those terms are 3148
defined in section 4112.01 of the Revised Code; 3149

(b) Subject to division (D) of this section, failing or 3150
refusing to do either of the following: 3151

(i) Except as otherwise prohibited under section 5165.82 3152
of the Revised Code, admit as a resident of the nursing facility 3153
an individual because the individual is, or may (as a resident 3154
of the nursing facility) become, a medicaid recipient unless at 3155
least twenty-five per cent of the nursing facility's medicaid- 3156
certified beds are occupied by medicaid recipients at the time 3157
the person would otherwise be admitted; 3158

(ii) Retain as a resident of the nursing facility an 3159
individual because the individual is, or may (as a resident of 3160
the nursing facility) become, a medicaid recipient. 3161

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

(D) 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;~~

~~(3) (2) 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;~~

~~(4) (3) 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:~~

(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 (D) ~~(4) (3)~~ (b) of this section.

(b) The number of medicaid recipients retained under division (D) ~~(4) (3)~~ of this section does not at any time exceed ten per cent of all the residents in the nursing facility.

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

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

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

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.

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

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

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

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

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

(5) To the extent physically and technically practical, it

shall state that the advertisement is a paid commercial 3219
advertisement and that the state does not endorse the product or 3220
service promoted by the advertisement or make any representation 3221
about the accuracy of the advertisement or the quality or 3222
performance of the product or service promoted by the 3223
advertisement. 3224

(6) It shall conform to all applicable rules adopted by 3225
the director of transportation under division (E) of this 3226
section. 3227

(C) Contracts entered into under this section shall be 3228
awarded only to the qualified bidder who submits the highest 3229
responsive bid or according to uniformly applied rate classes. 3230

(D) No person, except an advertiser alleging a breach of 3231
contract or the improper awarding of a contract, has a cause of 3232
action against the state with respect to any contract or 3233
advertising authorized by this section. Under no circumstances 3234
is the state liable for consequential or noneconomic damages 3235
with respect to any contract or advertising authorized under 3236
this section. 3237

(E) The director, in accordance with Chapter 119. of the 3238
Revised Code, shall adopt rules to implement this section. The 3239
rules shall be consistent with the policy of protecting the 3240
safety of the traveling public and consistent with the national 3241
policy governing the use and control of such roadside rest 3242
areas. The rules shall regulate the awarding of contracts and 3243
may regulate the content, display, and other aspects of the 3244
commercial advertising authorized by this section. 3245

Sec. 5709.832. The legislative authority of a county, 3246
township, or municipal corporation that grants an exemption from 3247

taxation under Chapter 725. or 1728. or section 3735.67, 3248
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 3249
or 5709.78 of the Revised Code shall develop policies to ensure 3250
that the recipient of the exemption practices nondiscriminatory 3251
hiring in its operations. As used in this section, 3252
"nondiscriminatory hiring" means that no individual may be 3253
denied employment solely on the basis of race, color, religion, 3254
sex, ancestry, national origin, or disability, ~~color, national-~~ 3255
~~origin, or ancestry~~; or sexual orientation or gender identity or 3256
expression as those terms are defined in section 4112.01 of the 3257
Revised Code. 3258

Section 2. That existing sections 9.03, 124.93, 125.111, 3259
153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 3260
2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3261
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.024, 3262
4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 3263
4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 3264
5515.08, and 5709.832 of the Revised Code are hereby repealed. 3265

Section 3. Section 4112.04 of the Revised Code is 3266
presented in this act as a composite of the section as amended 3267
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3268
Sub. H.B. 1 of the 128th General Assembly. The General Assembly, 3269
applying the principle stated in division (B) of section 1.52 of 3270
the Revised Code that amendments are to be harmonized if 3271
reasonably capable of simultaneous operation, finds that the 3272
composite is the resulting version of the section in effect 3273
prior to the effective date of the section as presented in this 3274
act. 3275