

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 229

Representatives Upchurch, Miller, A.

**Cosponsors: Representatives Kent, Smith, K., Boggs, Brent, Skindell, Weinstein,
Crawley**

A BILL

To amend sections 4112.01 and 4112.02 of the 1
Revised Code to prohibit discrimination in 2
rental housing based on lawful source of income. 3

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

Section 1. That sections 4112.01 and 4112.02 of the 4
Revised Code be amended to read as follows: 5

Sec. 4112.01. (A) As used in this chapter: 6

(1) "Person" includes one or more individuals, 7
partnerships, associations, organizations, corporations, legal 8
representatives, trustees, trustees in bankruptcy, receivers, 9
and other organized groups of persons. "Person" also includes, 10
but is not limited to, any owner, lessor, assignor, builder, 11
manager, broker, salesperson, appraiser, agent, employee, 12
lending institution, and the state and all political 13
subdivisions, authorities, agencies, boards, and commissions of 14
the state. 15

(2) "Employer" includes the state, any political 16
subdivision of the state, any person employing four or more 17

persons within the state, and any person acting directly or 18
indirectly in the interest of an employer. 19

(3) "Employee" means an individual employed by any 20
employer but does not include any individual employed in the 21
domestic service of any person. 22

(4) "Labor organization" includes any organization that 23
exists, in whole or in part, for the purpose of collective 24
bargaining or of dealing with employers concerning grievances, 25
terms or conditions of employment, or other mutual aid or 26
protection in relation to employment. 27

(5) "Employment agency" includes any person regularly 28
undertaking, with or without compensation, to procure 29
opportunities to work or to procure, recruit, refer, or place 30
employees. 31

(6) "Commission" means the Ohio civil rights commission 32
created by section 4112.03 of the Revised Code. 33

(7) "Discriminate" includes segregate or separate. 34

(8) "Unlawful discriminatory practice" means any act 35
prohibited by section 4112.02, 4112.021, or 4112.022 of the 36
Revised Code. 37

(9) "Place of public accommodation" means any inn, 38
restaurant, eating house, barbershop, public conveyance by air, 39
land, or water, theater, store, other place for the sale of 40
merchandise, or any other place of public accommodation or 41
amusement of which the accommodations, advantages, facilities, 42
or privileges are available to the public. 43

(10) "Housing accommodations" includes any building or 44
structure, or portion of a building or structure, that is used 45

or occupied or is intended, arranged, or designed to be used or 46
occupied as the home residence, dwelling, dwelling unit, or 47
sleeping place of one or more individuals, groups, or families 48
whether or not living independently of each other; and any 49
vacant land offered for sale or lease. "Housing accommodations" 50
also includes any housing accommodations held or offered for 51
sale or rent by a real estate broker, salesperson, or agent, by 52
any other person pursuant to authorization of the owner, by the 53
owner, or by the owner's legal representative. 54

(11) "Restrictive covenant" means any specification 55
limiting the transfer, rental, lease, or other use of any 56
housing accommodations because of race, color, religion, sex, 57
military status, familial status, national origin, disability, 58
or ancestry, or any limitation based upon affiliation with or 59
approval by any person, directly or indirectly, employing race, 60
color, religion, sex, military status, familial status, national 61
origin, disability, or ancestry as a condition of affiliation or 62
approval. 63

(12) "Burial lot" means any lot for the burial of deceased 64
persons within any public burial ground or cemetery, including, 65
but not limited to, cemeteries owned and operated by municipal 66
corporations, townships, or companies or associations 67
incorporated for cemetery purposes. 68

(13) "Disability" means a physical or mental impairment 69
that substantially limits one or more major life activities, 70
including the functions of caring for one's self, performing 71
manual tasks, walking, seeing, hearing, speaking, breathing, 72
learning, and working; a record of a physical or mental 73
impairment; or being regarded as having a physical or mental 74
impairment. 75

(14) Except as otherwise provided in section 4112.021 of	76
the Revised Code, "age" means at least forty years old.	77
(15) "Familial status" means either of the following:	78
(a) One or more individuals who are under eighteen years	79
of age and who are domiciled with a parent or guardian having	80
legal custody of the individual or domiciled, with the written	81
permission of the parent or guardian having legal custody, with	82
a designee of the parent or guardian;	83
(b) Any person who is pregnant or in the process of	84
securing legal custody of any individual who is under eighteen	85
years of age.	86
(16) (a) Except as provided in division (A) (16) (b) of this	87
section, "physical or mental impairment" includes any of the	88
following:	89
(i) Any physiological disorder or condition, cosmetic	90
disfigurement, or anatomical loss affecting one or more of the	91
following body systems: neurological; musculoskeletal; special	92
sense organs; respiratory, including speech organs;	93
cardiovascular; reproductive; digestive; genito-urinary; hemic	94
and lymphatic; skin; and endocrine;	95
(ii) Any mental or psychological disorder, including, but	96
not limited to, intellectual disability, organic brain syndrome,	97
emotional or mental illness, and specific learning disabilities;	98
(iii) Diseases and conditions, including, but not limited	99
to, orthopedic, visual, speech, and hearing impairments,	100
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple	101
sclerosis, cancer, heart disease, diabetes, human	102
immunodeficiency virus infection, intellectual disability,	103
emotional illness, drug addiction, and alcoholism.	104

(b) "Physical or mental impairment" does not include any	105
of the following:	106
(i) Homosexuality and bisexuality;	107
(ii) Transvestism, transsexualism, pedophilia,	108
exhibitionism, voyeurism, gender identity disorders not	109
resulting from physical impairments, or other sexual behavior	110
disorders;	111
(iii) Compulsive gambling, kleptomania, or pyromania;	112
(iv) Psychoactive substance use disorders resulting from	113
the current illegal use of a controlled substance or the current	114
use of alcoholic beverages.	115
(17) "Dwelling unit" means a single unit of residence for	116
a family of one or more persons.	117
(18) "Common use areas" means rooms, spaces, or elements	118
inside or outside a building that are made available for the use	119
of residents of the building or their guests, and includes, but	120
is not limited to, hallways, lounges, lobbies, laundry rooms,	121
refuse rooms, mail rooms, recreational areas, and passageways	122
among and between buildings.	123
(19) "Public use areas" means interior or exterior rooms	124
or spaces of a privately or publicly owned building that are	125
made available to the general public.	126
(20) "Controlled substance" has the same meaning as in	127
section 3719.01 of the Revised Code.	128
(21) "Disabled tenant" means a tenant or prospective	129
tenant who is a person with a disability.	130
(22) "Military status" means a person's status in "service	131

in the uniformed services" as defined in section 5923.05 of the Revised Code.

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

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

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

(24) "Lawful source of income" includes benefits or subsidy programs including housing assistance, housing vouchers, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity.

(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in division (B) of section 4111.17 of the Revised Code shall be interpreted to permit otherwise. This division shall not be construed to require an employer to pay for health

insurance benefits for abortion, except where the life of the 161
mother would be endangered if the fetus were carried to term or 162
except where medical complications have arisen from the 163
abortion, provided that nothing in this division precludes an 164
employer from providing abortion benefits or otherwise affects 165
bargaining agreements in regard to abortion. 166

Sec. 4112.02. It shall be an unlawful discriminatory 167
practice: 168

(A) For any employer, because of the race, color, 169
religion, sex, military status, national origin, disability, 170
age, or ancestry of any person, to discharge without just cause, 171
to refuse to hire, or otherwise to discriminate against that 172
person with respect to hire, tenure, terms, conditions, or 173
privileges of employment, or any matter directly or indirectly 174
related to employment. 175

(B) For an employment agency or personnel placement 176
service, because of race, color, religion, sex, military status, 177
national origin, disability, age, or ancestry, to do any of the 178
following: 179

(1) Refuse or fail to accept, register, classify properly, 180
or refer for employment, or otherwise discriminate against any 181
person; 182

(2) Comply with a request from an employer for referral of 183
applicants for employment if the request directly or indirectly 184
indicates that the employer fails to comply with the provisions 185
of sections 4112.01 to 4112.07 of the Revised Code. 186

(C) For any labor organization to do any of the following: 187

(1) Limit or classify its membership on the basis of race, 188
color, religion, sex, military status, national origin, 189

disability, age, or ancestry;	190
(2) Discriminate against, limit the employment	191
opportunities of, or otherwise adversely affect the employment	192
status, wages, hours, or employment conditions of any person as	193
an employee because of race, color, religion, sex, military	194
status, national origin, disability, age, or ancestry.	195
(D) For any employer, labor organization, or joint labor-	196
management committee controlling apprentice training programs to	197
discriminate against any person because of race, color,	198
religion, sex, military status, national origin, disability, or	199
ancestry in admission to, or employment in, any program	200
established to provide apprentice training.	201
(E) Except where based on a bona fide occupational	202
qualification certified in advance by the commission, for any	203
employer, employment agency, personnel placement service, or	204
labor organization, prior to employment or admission to	205
membership, to do any of the following:	206
(1) Elicit or attempt to elicit any information concerning	207
the race, color, religion, sex, military status, national	208
origin, disability, age, or ancestry of an applicant for	209
employment or membership;	210
(2) Make or keep a record of the race, color, religion,	211
sex, military status, national origin, disability, age, or	212
ancestry of any applicant for employment or membership;	213
(3) Use any form of application for employment, or	214
personnel or membership blank, seeking to elicit information	215
regarding race, color, religion, sex, military status, national	216
origin, disability, age, or ancestry; but an employer holding a	217
contract containing a nondiscrimination clause with the	218

government of the United States, or any department or agency of 219
that government, may require an employee or applicant for 220
employment to furnish documentary proof of United States 221
citizenship and may retain that proof in the employer's 222
personnel records and may use photographic or fingerprint 223
identification for security purposes; 224

(4) Print or publish or cause to be printed or published 225
any notice or advertisement relating to employment or membership 226
indicating any preference, limitation, specification, or 227
discrimination, based upon race, color, religion, sex, military 228
status, national origin, disability, age, or ancestry; 229

(5) Announce or follow a policy of denying or limiting, 230
through a quota system or otherwise, employment or membership 231
opportunities of any group because of the race, color, religion, 232
sex, military status, national origin, disability, age, or 233
ancestry of that group; 234

(6) Utilize in the recruitment or hiring of persons any 235
employment agency, personnel placement service, training school 236
or center, labor organization, or any other employee-referring 237
source known to discriminate against persons because of their 238
race, color, religion, sex, military status, national origin, 239
disability, age, or ancestry. 240

(F) For any person seeking employment to publish or cause 241
to be published any advertisement that specifies or in any 242
manner indicates that person's race, color, religion, sex, 243
military status, national origin, disability, age, or ancestry, 244
or expresses a limitation or preference as to the race, color, 245
religion, sex, military status, national origin, disability, 246
age, or ancestry of any prospective employer. 247

(G) For any proprietor or any employee, keeper, or manager 248
of a place of public accommodation to deny to any person, except 249
for reasons applicable alike to all persons regardless of race, 250
color, religion, sex, military status, national origin, 251
disability, age, or ancestry, the full enjoyment of the 252
accommodations, advantages, facilities, or privileges of the 253
place of public accommodation. 254

(H) Subject to section 4112.024 of the Revised Code, for 255
any person to do any of the following: 256

(1) Refuse to sell, transfer, assign, rent, lease, 257
sublease, or finance housing accommodations, refuse to negotiate 258
for the sale or rental of housing accommodations, or otherwise 259
deny or make unavailable housing accommodations because of race, 260
color, religion, sex, military status, familial status, 261
ancestry, disability, or national origin; 262

(2) Represent to any person that housing accommodations 263
are not available for inspection, sale, or rental, when in fact 264
they are available, because of race, color, religion, sex, 265
military status, familial status, ancestry, disability, or 266
national origin; 267

(3) Discriminate against any person in the making or 268
purchasing of loans or the provision of other financial 269
assistance for the acquisition, construction, rehabilitation, 270
repair, or maintenance of housing accommodations, or any person 271
in the making or purchasing of loans or the provision of other 272
financial assistance that is secured by residential real estate, 273
because of race, color, religion, sex, military status, familial 274
status, ancestry, disability, or national origin or because of 275
the racial composition of the neighborhood in which the housing 276
accommodations are located, provided that the person, whether an 277

individual, corporation, or association of any type, lends money 278
as one of the principal aspects or incident to the person's 279
principal business and not only as a part of the purchase price 280
of an owner-occupied residence the person is selling nor merely 281
casually or occasionally to a relative or friend; 282

(4) Discriminate against any person in the terms or 283
conditions of selling, transferring, assigning, renting, 284
leasing, or subleasing any housing accommodations or in 285
furnishing facilities, services, or privileges in connection 286
with the ownership, occupancy, or use of any housing 287
accommodations, including the sale of fire, extended coverage, 288
or homeowners insurance, because of race, color, religion, sex, 289
military status, familial status, ancestry, disability, or 290
national origin or because of the racial composition of the 291
neighborhood in which the housing accommodations are located; 292

(5) Discriminate against any person in the terms or 293
conditions of any loan of money, whether or not secured by 294
mortgage or otherwise, for the acquisition, construction, 295
rehabilitation, repair, or maintenance of housing accommodations 296
because of race, color, religion, sex, military status, familial 297
status, ancestry, disability, or national origin or because of 298
the racial composition of the neighborhood in which the housing 299
accommodations are located; 300

(6) Refuse to consider without prejudice the combined 301
income of both husband and wife for the purpose of extending 302
mortgage credit to a married couple or either member of a 303
married couple; 304

(7) Print, publish, or circulate any statement or 305
advertisement, or make or cause to be made any statement or 306
advertisement, relating to the sale, transfer, assignment, 307

rental, lease, sublease, or acquisition of any housing 308
accommodations, or relating to the loan of money, whether or not 309
secured by mortgage or otherwise, for the acquisition, 310
construction, rehabilitation, repair, or maintenance of housing 311
accommodations, that indicates any preference, limitation, 312
specification, or discrimination based upon race, color, 313
religion, sex, military status, familial status, ancestry, 314
disability, or national origin, or an intention to make any such 315
preference, limitation, specification, or discrimination; 316

(8) Except as otherwise provided in division (H) (8) or 317
(17) of this section, make any inquiry, elicit any information, 318
make or keep any record, or use any form of application 319
containing questions or entries concerning race, color, 320
religion, sex, military status, familial status, ancestry, 321
disability, or national origin in connection with the sale or 322
lease of any housing accommodations or the loan of any money, 323
whether or not secured by mortgage or otherwise, for the 324
acquisition, construction, rehabilitation, repair, or 325
maintenance of housing accommodations. Any person may make 326
inquiries, and make and keep records, concerning race, color, 327
religion, sex, military status, familial status, ancestry, 328
disability, or national origin for the purpose of monitoring 329
compliance with this chapter. 330

(9) Include in any transfer, rental, or lease of housing 331
accommodations any restrictive covenant, or honor or exercise, 332
or attempt to honor or exercise, any restrictive covenant; 333

(10) Induce or solicit, or attempt to induce or solicit, a 334
housing accommodations listing, sale, or transaction by 335
representing that a change has occurred or may occur with 336
respect to the racial, religious, sexual, military status, 337

familial status, or ethnic composition of the block, 338
neighborhood, or other area in which the housing accommodations 339
are located, or induce or solicit, or attempt to induce or 340
solicit, a housing accommodations listing, sale, or transaction 341
by representing that the presence or anticipated presence of 342
persons of any race, color, religion, sex, military status, 343
familial status, ancestry, disability, or national origin, in 344
the block, neighborhood, or other area will or may have results 345
including, but not limited to, the following: 346

(a) The lowering of property values; 347

(b) A change in the racial, religious, sexual, military 348
status, familial status, or ethnic composition of the block, 349
neighborhood, or other area; 350

(c) An increase in criminal or antisocial behavior in the 351
block, neighborhood, or other area; 352

(d) A decline in the quality of the schools serving the 353
block, neighborhood, or other area. 354

(11) Deny any person access to or membership or 355
participation in any multiple-listing service, real estate 356
brokers' organization, or other service, organization, or 357
facility relating to the business of selling or renting housing 358
accommodations, or discriminate against any person in the terms 359
or conditions of that access, membership, or participation, on 360
account of race, color, religion, sex, military status, familial 361
status, national origin, disability, or ancestry; 362

(12) Coerce, intimidate, threaten, or interfere with any 363
person in the exercise or enjoyment of, or on account of that 364
person's having exercised or enjoyed or having aided or 365
encouraged any other person in the exercise or enjoyment of, any 366

right granted or protected by division (H) of this section;	367
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	368 369 370 371 372
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	373 374 375 376 377
(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:	378 379 380
(a) The buyer or renter;	381
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	382 383 384
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	385 386
(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:	387 388 389 390 391
(a) That person;	392
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made	393 394

available;	395
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	396 397
(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:	398 399 400 401 402 403 404 405 406 407 408
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	409 410
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	411 412 413 414
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	415 416 417
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	418 419 420 421
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an	422 423

element of which is the illegal sale, offer to sell, 424
cultivation, manufacture, other production, shipment, 425
transportation, delivery, or other distribution of a controlled 426
substance. 427

(18) (a) Refuse to permit, at the expense of a person with 428
a disability, reasonable modifications of existing housing 429
accommodations that are occupied or to be occupied by the person 430
with a disability, if the modifications may be necessary to 431
afford the person with a disability full enjoyment of the 432
housing accommodations. This division does not preclude a 433
landlord of housing accommodations that are rented or to be 434
rented to a disabled tenant from conditioning permission for a 435
proposed modification upon the disabled tenant's doing one or 436
more of the following: 437

(i) Providing a reasonable description of the proposed 438
modification and reasonable assurances that the proposed 439
modification will be made in a workerlike manner and that any 440
required building permits will be obtained prior to the 441
commencement of the proposed modification; 442

(ii) Agreeing to restore at the end of the tenancy the 443
interior of the housing accommodations to the condition they 444
were in prior to the proposed modification, but subject to 445
reasonable wear and tear during the period of occupancy, if it 446
is reasonable for the landlord to condition permission for the 447
proposed modification upon the agreement; 448

(iii) Paying into an interest-bearing escrow account that 449
is in the landlord's name, over a reasonable period of time, a 450
reasonable amount of money not to exceed the projected costs at 451
the end of the tenancy of the restoration of the interior of the 452
housing accommodations to the condition they were in prior to 453

the proposed modification, but subject to reasonable wear and 454
tear during the period of occupancy, if the landlord finds the 455
account reasonably necessary to ensure the availability of funds 456
for the restoration work. The interest earned in connection with 457
an escrow account described in this division shall accrue to the 458
benefit of the disabled tenant who makes payments into the 459
account. 460

(b) A landlord shall not condition permission for a 461
proposed modification upon a disabled tenant's payment of a 462
security deposit that exceeds the customarily required security 463
deposit of all tenants of the particular housing accommodations. 464

(19) Refuse to make reasonable accommodations in rules, 465
policies, practices, or services when necessary to afford a 466
person with a disability equal opportunity to use and enjoy a 467
dwelling unit, including associated public and common use areas; 468

(20) Fail to comply with the standards and rules adopted 469
under division (A) of section 3781.111 of the Revised Code; 470

(21) Discriminate against any person in the selling, 471
brokering, or appraising of real property because of race, 472
color, religion, sex, military status, familial status, 473
ancestry, disability, or national origin; 474

(22) Fail to design and construct covered multifamily 475
dwellings for first occupancy on or after June 30, 1992, in 476
accordance with the following conditions: 477

(a) The dwellings shall have at least one building 478
entrance on an accessible route, unless it is impractical to do 479
so because of the terrain or unusual characteristics of the 480
site. 481

(b) With respect to dwellings that have a building 482

entrance on an accessible route, all of the following apply: 483

(i) The public use areas and common use areas of the 484
dwellings shall be readily accessible to and usable by persons 485
with a disability. 486

(ii) All the doors designed to allow passage into and 487
within all premises shall be sufficiently wide to allow passage 488
by persons with a disability who are in wheelchairs. 489

(iii) All premises within covered multifamily dwelling 490
units shall contain an accessible route into and through the 491
dwelling; all light switches, electrical outlets, thermostats, 492
and other environmental controls within such units shall be in 493
accessible locations; the bathroom walls within such units shall 494
contain reinforcements to allow later installation of grab bars; 495
and the kitchens and bathrooms within such units shall be 496
designed and constructed in a manner that enables an individual 497
in a wheelchair to maneuver about such rooms. 498

For purposes of division (H) (22) of this section, "covered 499
multifamily dwellings" means buildings consisting of four or 500
more units if such buildings have one or more elevators and 501
ground floor units in other buildings consisting of four or more 502
units. 503

(23) Refuse to rent or lease a housing accommodation, or 504
access to or use of the common areas and facilities of the 505
housing accommodation, serve a notice of termination of tenancy, 506
commence a forcible entry and detainer action on grounds not 507
authorized under section 1923.02 of the Revised Code, or 508
otherwise deny to or withhold from any person or persons, a 509
housing accommodation on the basis of lawful source of income. 510

(24) Represent to any person, on the basis of lawful 511

source of income, that a housing accommodation is not available 512
for inspection or rental when such housing accommodation is in 513
fact available for inspection or rental, or to require different 514
terms for such transactions on the basis of lawful source of 515
income. 516

(25) Make, print, or publish, or cause to be made, 517
printed, or published any notice, statement, sign, 518
advertisement, application, or contract with regard to renting 519
or leasing of a housing accommodation offered by that person 520
that indicates any preference, limitation, or discrimination 521
with respect to lawful source of income. 522

(I) For any person to discriminate in any manner against 523
any other person because that person has opposed any unlawful 524
discriminatory practice defined in this section or because that 525
person has made a charge, testified, assisted, or participated 526
in any manner in any investigation, proceeding, or hearing under 527
sections 4112.01 to 4112.07 of the Revised Code. 528

(J) For any person to aid, abet, incite, compel, or coerce 529
the doing of any act declared by this section to be an unlawful 530
discriminatory practice, to obstruct or prevent any person from 531
complying with this chapter or any order issued under it, or to 532
attempt directly or indirectly to commit any act declared by 533
this section to be an unlawful discriminatory practice. 534

(K) Nothing in divisions (A) to (E) of this section shall 535
be construed to require a person with a disability to be 536
employed or trained under circumstances that would significantly 537
increase the occupational hazards affecting either the person 538
with a disability, other employees, the general public, or the 539
facilities in which the work is to be performed, or to require 540
the employment or training of a person with a disability in a 541

job that requires the person with a disability routinely to 542
undertake any task, the performance of which is substantially 543
and inherently impaired by the person's disability. 544

(L) An aggrieved individual may enforce the individual's 545
rights relative to discrimination on the basis of age as 546
provided for in this section by instituting a civil action, 547
within one hundred eighty days after the alleged unlawful 548
discriminatory practice occurred, in any court with jurisdiction 549
for any legal or equitable relief that will effectuate the 550
individual's rights. 551

A person who files a civil action under this division is 552
barred, with respect to the practices complained of, from 553
instituting a civil action under section 4112.14 of the Revised 554
Code and from filing a charge with the commission under section 555
4112.05 of the Revised Code. 556

(M) With regard to age, it shall not be an unlawful 557
discriminatory practice and it shall not constitute a violation 558
of division (A) of section 4112.14 of the Revised Code for any 559
employer, employment agency, joint labor-management committee 560
controlling apprenticeship training programs, or labor 561
organization to do any of the following: 562

(1) Establish bona fide employment qualifications 563
reasonably related to the particular business or occupation that 564
may include standards for skill, aptitude, physical capability, 565
intelligence, education, maturation, and experience; 566

(2) Observe the terms of a bona fide seniority system or 567
any bona fide employee benefit plan, including, but not limited 568
to, a retirement, pension, or insurance plan, that is not a 569
subterfuge to evade the purposes of this section. However, no 570

such employee benefit plan shall excuse the failure to hire any 571
individual, and no such seniority system or employee benefit 572
plan shall require or permit the involuntary retirement of any 573
individual, because of the individual's age except as provided 574
for in the "Age Discrimination in Employment Act Amendment of 575
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 576
Discrimination in Employment Act Amendments of 1986," 100 Stat. 577
3342, 29 U.S.C.A. 623, as amended. 578

(3) Retire an employee who has attained sixty-five years 579
of age who, for the two-year period immediately before 580
retirement, is employed in a bona fide executive or a high 581
policymaking position, if the employee is entitled to an 582
immediate nonforfeitable annual retirement benefit from a 583
pension, profit-sharing, savings, or deferred compensation plan, 584
or any combination of those plans, of the employer of the 585
employee, which equals, in the aggregate, at least forty-four 586
thousand dollars, in accordance with the conditions of the "Age 587
Discrimination in Employment Act Amendment of 1978," 92 Stat. 588
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 589
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 590
631, as amended; 591

(4) Observe the terms of any bona fide apprenticeship 592
program if the program is registered with the Ohio 593
apprenticeship council pursuant to sections 4139.01 to 4139.06 594
of the Revised Code and is approved by the federal committee on 595
apprenticeship of the United States department of labor. 596

(N) Nothing in this chapter prohibiting age discrimination 597
and nothing in division (A) of section 4112.14 of the Revised 598
Code shall be construed to prohibit the following: 599

(1) The designation of uniform age the attainment of which 600

is necessary for public employees to receive pension or other 601
retirement benefits pursuant to Chapter 145., 742., 3307., 602
3309., or 5505. of the Revised Code; 603

(2) The mandatory retirement of uniformed patrol officers 604
of the state highway patrol as provided in section 5505.16 of 605
the Revised Code; 606

(3) The maximum age requirements for appointment as a 607
patrol officer in the state highway patrol established by 608
section 5503.01 of the Revised Code; 609

(4) The maximum age requirements established for original 610
appointment to a police department or fire department in 611
sections 124.41 and 124.42 of the Revised Code; 612

(5) Any maximum age not in conflict with federal law that 613
may be established by a municipal charter, municipal ordinance, 614
or resolution of a board of township trustees for original 615
appointment as a police officer or firefighter; 616

(6) Any mandatory retirement provision not in conflict 617
with federal law of a municipal charter, municipal ordinance, or 618
resolution of a board of township trustees pertaining to police 619
officers and firefighters; 620

(7) Until January 1, 1994, the mandatory retirement of any 621
employee who has attained seventy years of age and who is 622
serving under a contract of unlimited tenure, or similar 623
arrangement providing for unlimited tenure, at an institution of 624
higher education as defined in the "Education Amendments of 625
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 626

(0) (1) (a) Except as provided in division (0) (1) (b) of this 627
section, for purposes of divisions (A) to (E) of this section, a 628
disability does not include any physiological disorder or 629

condition, mental or psychological disorder, or disease or 630
condition caused by an illegal use of any controlled substance 631
by an employee, applicant, or other person, if an employer, 632
employment agency, personnel placement service, labor 633
organization, or joint labor-management committee acts on the 634
basis of that illegal use. 635

(b) Division (O) (1) (a) of this section does not apply to 636
an employee, applicant, or other person who satisfies any of the 637
following: 638

(i) The employee, applicant, or other person has 639
successfully completed a supervised drug rehabilitation program 640
and no longer is engaging in the illegal use of any controlled 641
substance, or the employee, applicant, or other person otherwise 642
successfully has been rehabilitated and no longer is engaging in 643
that illegal use. 644

(ii) The employee, applicant, or other person is 645
participating in a supervised drug rehabilitation program and no 646
longer is engaging in the illegal use of any controlled 647
substance. 648

(iii) The employee, applicant, or other person is 649
erroneously regarded as engaging in the illegal use of any 650
controlled substance, but the employee, applicant, or other 651
person is not engaging in that illegal use. 652

(2) Divisions (A) to (E) of this section do not prohibit 653
an employer, employment agency, personnel placement service, 654
labor organization, or joint labor-management committee from 655
doing any of the following: 656

(a) Adopting or administering reasonable policies or 657
procedures, including, but not limited to, testing for the 658

illegal use of any controlled substance, that are designed to 659
ensure that an individual described in division (O) (1) (b) (i) or 660
(ii) of this section no longer is engaging in the illegal use of 661
any controlled substance; 662

(b) Prohibiting the illegal use of controlled substances 663
and the use of alcohol at the workplace by all employees; 664

(c) Requiring that employees not be under the influence of 665
alcohol or not be engaged in the illegal use of any controlled 666
substance at the workplace; 667

(d) Requiring that employees behave in conformance with 668
the requirements established under "The Drug-Free Workplace Act 669
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 670

(e) Holding an employee who engages in the illegal use of 671
any controlled substance or who is an alcoholic to the same 672
qualification standards for employment or job performance, and 673
the same behavior, to which the employer, employment agency, 674
personnel placement service, labor organization, or joint labor- 675
management committee holds other employees, even if any 676
unsatisfactory performance or behavior is related to an 677
employee's illegal use of a controlled substance or alcoholism; 678

(f) Exercising other authority recognized in the 679
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 680
U.S.C.A. 12101, as amended, including, but not limited to, 681
requiring employees to comply with any applicable federal 682
standards. 683

(3) For purposes of this chapter, a test to determine the 684
illegal use of any controlled substance does not include a 685
medical examination. 686

(4) Division (O) of this section does not encourage, 687

prohibit, or authorize, and shall not be construed as 688
encouraging, prohibiting, or authorizing, the conduct of testing 689
for the illegal use of any controlled substance by employees, 690
applicants, or other persons, or the making of employment 691
decisions based on the results of that type of testing. 692

(P) This section does not apply to a religious 693
corporation, association, educational institution, or society 694
with respect to the employment of an individual of a particular 695
religion to perform work connected with the carrying on by that 696
religious corporation, association, educational institution, or 697
society of its activities. 698

The unlawful discriminatory practices defined in this 699
section do not make it unlawful for a person or an appointing 700
authority administering an examination under section 124.23 of 701
the Revised Code to obtain information about an applicant's 702
military status for the purpose of determining if the applicant 703
is eligible for the additional credit that is available under 704
that section. 705

Section 2. That existing sections 4112.01 and 4112.02 of 706
the Revised Code are hereby repealed. 707