

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 369**

**Representatives Hillyer, Skindell**

**Cosponsors: Representatives Kelly, Boyd, Smith, K., Russo, Crossman, Miller, A., Sobecki, Liston, Upchurch, Clites, Boggs, Weinstein, Miranda, Miller, J., Sweeney, Brent, West, Lightbody, Sykes, Crawley, Lepore-Hagan, Brown, Robinson, Denson, Galonski, Sheehy, Rogers, Strahorn, Cera, Leland, Kent, Hicks-Hudson, Blair, Ingram, Patterson, Howse, O'Brien**

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**A BILL**

To amend sections 9.03, 124.93, 340.12, 511.03, 1  
717.01, 1501.012, 1751.18, 2927.03, 3113.36, 2  
3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3  
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4  
4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 5  
4725.67, 4735.16, 4735.55, 4744.54, 4757.07, 6  
4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 7  
5126.07, 5165.08, 5312.04, 5515.08, and 5709.832 8  
of the Revised Code to enact the Ohio Fairness 9  
Act to prohibit discrimination on the basis of 10  
sexual orientation or gender identity or 11  
expression, to add mediation as an informal 12  
method that the Ohio Civil Rights Commission may 13  
use, and to uphold existing religious exemptions 14  
under Ohio's Civil Rights Law. 15

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

**Section 1.** That sections 9.03, 124.93, 340.12, 511.03, 16

717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 17  
3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 18  
4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4725.67, 19  
4735.16, 4735.55, 4744.54, 4757.07, 4758.16, 4765.18, 5104.09, 20  
5107.26, 5123.351, 5126.07, 5165.08, 5312.04, 5515.08, and 21  
5709.832 of the Revised Code be amended to read as follows: 22

**Sec. 9.03.** (A) As used in this section: 23

(1) "Political subdivision" means any body corporate and 24  
politic, except a municipal corporation that has adopted a 25  
charter under Section 7 of Article XVIII, Ohio Constitution, and 26  
except a county that has adopted a charter under Sections 3 and 27  
4 of Article X, Ohio Constitution, to which both of the 28  
following apply: 29

(a) It is responsible for governmental activities only in 30  
a geographic area smaller than the state. 31

(b) It is subject to the sovereign immunity of the state. 32

(2) "Cigarettes" and "tobacco product" have the same 33  
meanings as in section 5743.01 of the Revised Code. 34

(3) "Transaction" has the same meaning as in section 35  
1315.51 of the Revised Code. 36

(4) "Campaign committee," "campaign fund," "candidate," 37  
"legislative campaign fund," "political action committee," 38  
"political committee," "political party," and "separate 39  
segregated fund" have the same meanings as in section 3517.01 of 40  
the Revised Code. 41

(B) Except as otherwise provided in division (C) of this 42  
section, the governing body of a political subdivision may use 43  
public funds to publish and distribute newsletters, or to use 44

any other means, to communicate information about the plans, 45  
policies, and operations of the political subdivision to members 46  
of the public within the political subdivision and to other 47  
persons who may be affected by the political subdivision. 48

(C) Except as otherwise provided in division (A) (7) of 49  
section 340.03 of the Revised Code, no governing body of a 50  
political subdivision shall use public funds to do any of the 51  
following: 52

(1) Publish, distribute, or otherwise communicate 53  
information that does any of the following: 54

(a) Contains defamatory, libelous, or obscene matter; 55

(b) Promotes alcoholic beverages, cigarettes or other 56  
tobacco products, or any illegal product, service, or activity; 57

(c) Promotes illegal discrimination on the basis of race, 58  
color, religion, age, ancestry, national origin, or handicap, 59  
age, or ancestry; or sexual orientation or gender identity or 60  
expression as those terms are defined in section 4112.01 of the 61  
Revised Code; 62

(d) Supports or opposes any labor organization or any 63  
action by, on behalf of, or against any labor organization; 64

(e) Supports or opposes the nomination or election of a 65  
candidate for public office, the investigation, prosecution, or 66  
recall of a public official, or the passage of a levy or bond 67  
issue. 68

(2) Compensate any employee of the political subdivision 69  
for time spent on any activity to influence the outcome of an 70  
election for any of the purposes described in division (C) (1) (e) 71  
of this section. Division (C) (2) of this section does not 72

prohibit the use of public funds to compensate an employee of a 73  
political subdivision for attending a public meeting to present 74  
information about the political subdivision's finances, 75  
activities, and governmental actions in a manner that is not 76  
designed to influence the outcome of an election or the passage 77  
of a levy or bond issue, even though the election, levy, or bond 78  
issue is discussed or debated at the meeting. 79

(D) Except as otherwise provided in division (A) (7) of 80  
section 340.03 of the Revised Code or in division (E) of this 81  
section, no person shall knowingly conduct a direct or indirect 82  
transaction of public funds to the benefit of any of the 83  
following: 84

- (1) A campaign committee; 85
- (2) A political action committee; 86
- (3) A legislative campaign fund; 87
- (4) A political party; 88
- (5) A campaign fund; 89
- (6) A political committee; 90
- (7) A separate segregated fund; 91
- (8) A candidate. 92

(E) Division (D) of this section does not prohibit the 93  
utilization of any person's own time to speak in support of or 94  
in opposition to any candidate, recall, referendum, levy, or 95  
bond issue unless prohibited by any other section of the Revised 96  
Code. 97

(F) Nothing in this section prohibits or restricts any 98  
political subdivision from sponsoring, participating in, or 99

doing any of the following:	100
(1) Charitable or public service advertising that is not commercial in nature;	101 102
(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;	103 104 105 106
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	107 108
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	109 110
<b>Sec. 124.93.</b> (A) As used in this section, "physician" means any person who holds a valid license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code.	111 112 113 114
(B) No health insuring corporation that, on or after July 1, 1993, enters into or renews a contract with the department of administrative services under section 124.82 of the Revised Code, because of a physician's race, color, religion, sex, <u>age, ancestry, or national origin</u> ; <u>or disability, sexual orientation, gender identity or expression</u> , or military status as <u>those terms are</u> defined in section 4112.01 of the Revised Code, <del>age, or ancestry</del> , shall refuse to contract with that physician for the provision of health care services under section 124.82 of the Revised Code.	115 116 117 118 119 120 121 122 123 124
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.	125 126 127 128

(C) Each health insuring corporation that, on or after 129  
July 1, 1993, enters into or renews a contract with the 130  
department of administrative services under section 124.82 of 131  
the Revised Code and that refuses to contract with a physician 132  
for the provision of health care services under that section 133  
shall provide that physician with a written notice that clearly 134  
explains the reason or reasons for the refusal. The notice shall 135  
be sent to the physician by regular mail within thirty days 136  
after the refusal. 137

Any health insuring corporation that fails to provide 138  
notice in compliance with this division is deemed to have 139  
engaged in an unfair and deceptive act or practice in the 140  
business of insurance as defined in section 3901.21 of the 141  
Revised Code and is subject to sections 3901.19 to 3901.26 of 142  
the Revised Code. 143

**Sec. 340.12.** As used in this section, "disability," ~~has~~ 144  
"sexual orientation," and "gender identity or expression" have 145  
the same ~~meaning~~ meanings as in section 4112.01 of the Revised 146  
Code. 147

No board of alcohol, drug addiction, and mental health 148  
services or any community addiction services provider or 149  
community mental health services provider under contract with 150  
such a board shall discriminate in the provision of addiction 151  
services, mental health services, or recovery supports under its 152  
authority, in employment, or under a contract on the basis of 153  
race, color, religion, sex, age, ancestry, ~~military status, sex,~~ 154  
~~age, or national origin;~~ or disability, sexual orientation, 155  
gender identity or expression, or military status. 156

Each board, community addiction services provider, and 157  
community mental health services provider shall have a written 158

affirmative action program. The affirmative action program shall 159  
include goals for the employment and effective utilization of, 160  
including contracts with, members of economically disadvantaged 161  
groups as defined in division (E) (1) of section 122.71 of the 162  
Revised Code in percentages reflecting as nearly as possible the 163  
composition of the alcohol, drug addiction, and mental health 164  
service district served by the board. Each board and provider 165  
shall file a description of the affirmative action program and a 166  
progress report on its implementation with the department of 167  
mental health and addiction services. 168

**Sec. 511.03.** After an affirmative vote in an election held 169  
under sections 511.01 and 511.02 of the Revised Code, the board 170  
of township trustees may make all contracts necessary for the 171  
purchase of a site, and the erection, improvement, or 172  
enlargement of such building. The board shall have control of 173  
any town hall belonging to the township, and it may rent or 174  
lease all or part of any hall, lodge, or recreational facility 175  
belonging to the township, to any person or organization under 176  
terms the board considers proper, for which all rent shall be 177  
paid in advance or fully secured. In establishing the terms of 178  
any rental agreement or lease pursuant to this section, the 179  
board of township trustees may give preference to persons who 180  
are residents of or organizations that are headquartered in the 181  
township or that are charitable or fraternal in nature. All 182  
persons or organizations shall be treated on a like or similar 183  
basis, and no differentiation shall be made on the basis of 184  
race, color, religion, ~~national origin~~, sex, national origin, or 185  
political affiliation; or sexual orientation or gender identity 186  
or expression as those terms are defined in section 4112.01 of 187  
the Revised Code. The rents received for such facilities may be 188  
used for their repair or improvement, and any balance shall be 189

used for general township purposes.	190
<b>Sec. 717.01.</b> Each municipal corporation may do any of the	191
following:	192
(A) Acquire by purchase or condemnation real estate with	193
or without buildings on it, and easements or interests in real	194
estate;	195
(B) Extend, enlarge, reconstruct, repair, equip, furnish,	196
or improve a building or improvement that it is authorized to	197
acquire or construct;	198
(C) Erect a crematory or provide other means for disposing	199
of garbage or refuse, and erect public comfort stations;	200
(D) Purchase turnpike roads and make them free;	201
(E) Construct wharves and landings on navigable waters;	202
(F) Construct infirmaries, workhouses, prisons, police	203
stations, houses of refuge and correction, market houses, public	204
halls, public offices, municipal garages, repair shops, storage	205
houses, and warehouses;	206
(G) Construct or acquire waterworks for supplying water to	207
the municipal corporation and its inhabitants and extend the	208
waterworks system outside of the municipal corporation limits;	209
(H) Construct or purchase gas works or works for the	210
generation and transmission of electricity, for the supplying of	211
gas or electricity to the municipal corporation and its	212
inhabitants;	213
(I) Provide grounds for cemeteries or crematories, enclose	214
and embellish them, and construct vaults or crematories;	215
(J) Construct sewers, sewage disposal works, flushing	216



tunnels, drains, and ditches;	217
(K) Construct free public libraries and reading rooms, and free recreation centers;	218 219
(L) Establish free public baths and municipal lodging houses;	220 221
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	222 223 224
(N) Provide land for and improve parks, boulevards, and public playgrounds;	225 226
(O) Construct hospitals and pesthouses;	227
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	228 229
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	230 231 232
(R) Construct or improve viaducts, bridges, and culverts;	233
(S) (1) Construct any building necessary for the police or fire department;	234 235
(2) Purchase fire engines or fire boats;	236
(3) Construct water towers or fire cisterns;	237
(4) Place underground the wires or signal apparatus of any police or fire department.	238 239
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	240 241
(U) Construct subways under any street or boulevard or	242

elsewhere;	243
(V) Acquire by purchase, gift, devise, bequest, lease,	244
condemnation proceedings, or otherwise, real or personal	245
property, and thereon and thereof to establish, construct,	246
enlarge, improve, equip, maintain, and operate airports, landing	247
fields, or other air navigation facilities, either within or	248
outside the limits of a municipal corporation, and acquire by	249
purchase, gift, devise, lease, or condemnation proceedings	250
rights-of-way for connections with highways, waterways, and	251
electric, steam, and interurban railroads, and improve and equip	252
such facilities with structures necessary or appropriate for	253
such purposes. No municipal corporation may take or disturb	254
property or facilities belonging to any public utility or to a	255
common carrier engaged in interstate commerce, which property or	256
facilities are required for the proper and convenient operation	257
of the utility or carrier, unless provision is made for the	258
restoration, relocation, or duplication of the property or	259
facilities elsewhere at the sole cost of the municipal	260
corporation.	261
(W) Provide by agreement with any regional airport	262
authority, created under section 308.03 of the Revised Code, for	263
the making of necessary surveys, appraisals, and examinations	264
preliminary to the acquisition or construction of any airport or	265
airport facility and pay the portion of the expense of the	266
surveys, appraisals, and examinations as set forth in the	267
agreement;	268
(X) Provide by agreement with any regional airport	269
authority, created under section 308.03 of the Revised Code, for	270
the acquisition, construction, maintenance, or operation of any	271
airport or airport facility owned or to be owned and operated by	272

the regional airport authority or owned or to be owned and 273  
operated by the municipal corporation and pay the portion of the 274  
expense of it as set forth in the agreement; 275

(Y) Acquire by gift, purchase, lease, or condemnation, 276  
land, forest, and water rights necessary for conservation of 277  
forest reserves, water parks, or reservoirs, either within or 278  
without the limits of the municipal corporation, and improve and 279  
equip the forest and water parks with structures, equipment, and 280  
reforestation necessary or appropriate for any purpose for the 281  
utilization of any of the forest and water benefits that may 282  
properly accrue therefrom to the municipal corporation; 283

(Z) Acquire real property by purchase, gift, or devise and 284  
construct and maintain on it public swimming pools, either 285  
within or outside the limits of the municipal corporation; 286

(AA) Construct or rehabilitate, equip, maintain, operate, 287  
and lease facilities for housing of elderly persons and for 288  
persons of low and moderate income, and appurtenant facilities. 289  
No municipal corporation shall deny housing accommodations to or 290  
withhold housing accommodations from elderly persons or persons 291  
of low and moderate income because of race, color, religion, 292  
~~sex, ancestry, or national origin; or familial status as defined~~ 293  
~~in section 4112.01 of the Revised Code, military status as~~ 294  
~~defined in that section, disability as defined in that section,~~ 295  
~~ancestry, or national origin, sexual orientation, gender~~ 296  
identity or expression, or military status as those terms are 297  
defined in section 4112.01 of the Revised Code. Any elderly 298  
person or person of low or moderate income who is denied housing 299  
accommodations or has them withheld by a municipal corporation 300  
because of race, color, religion, sex, ancestry, or national 301  
origin; or familial status as defined in section 4112.01 of the 302

~~Revised Code, military status as defined in that section,~~ 303  
~~disability as defined in that section, ancestry, or national-~~ 304  
~~origin, sexual orientation, gender identity or expression, or~~ 305  
military status as those terms are defined in section 4112.01 of 306  
the Revised Code, may file a charge with the Ohio civil rights 307  
commission as provided in Chapter 4112. of the Revised Code. 308

(BB) Acquire, rehabilitate, and develop rail property or 309  
rail service, and enter into agreements with the Ohio rail 310  
development commission, boards of county commissioners, boards 311  
of township trustees, legislative authorities of other municipal 312  
corporations, with other governmental agencies or organizations, 313  
and with private agencies or organizations in order to achieve 314  
those purposes; 315

(CC) Appropriate and contribute money to a soil and water 316  
conservation district for use under Chapter 940. of the Revised 317  
Code; 318

(DD) Authorize the board of county commissioners, pursuant 319  
to a contract authorizing the action, to contract on the 320  
municipal corporation's behalf for the administration and 321  
enforcement within its jurisdiction of the state building code 322  
by another county or another municipal corporation located 323  
within or outside the county. The contract for administration 324  
and enforcement shall provide for obtaining certification 325  
pursuant to division (E) of section 3781.10 of the Revised Code 326  
for the exercise of administration and enforcement authority 327  
within the municipal corporation seeking those services and 328  
shall specify which political subdivision is responsible for 329  
securing that certification. 330

(EE) Expend money for providing and maintaining services 331  
and facilities for senior citizens. 332

"Airport," "landing field," and "air navigation facility," 333  
as defined in section 4561.01 of the Revised Code, apply to 334  
division (V) of this section. 335

As used in divisions (W) and (X) of this section, 336  
"airport" and "airport facility" have the same meanings as in 337  
section 308.01 of the Revised Code. 338

As used in division (BB) of this section, "rail property" 339  
and "rail service" have the same meanings as in section 4981.01 340  
of the Revised Code. 341

**Sec. 1501.012.** (A) The director of natural resources may 342  
lease lands in state parks, as defined in section 1501.07 of the 343  
Revised Code, and contract for the construction and operation of 344  
public service facilities, as mentioned in that section, and for 345  
major renovation or remodeling of existing public service 346  
facilities by the lessees on those lands. If the director 347  
determines that doing so would be consistent with long-range 348  
planning of the department of natural resources and in the best 349  
interests of the department and the division of parks and 350  
watercraft in the department, the director shall negotiate and 351  
execute a lease and contract for those purposes in accordance 352  
with this chapter except as otherwise provided in this section. 353

(B) The director shall draft a statement of intent 354  
describing any public service facility that the department 355  
wishes to have constructed in accordance with this section and 356  
establishing a procedure for the submission of proposals for 357  
providing the facility, including, but not limited to, a 358  
requirement that each prospective bidder or lessee of land shall 359  
submit with the proposal a completed questionnaire and financial 360  
statement, on forms prescribed and furnished by the department, 361  
to enable the department to ascertain the person's financial 362

worth and experience in maintaining and operating facilities 363  
similar or related to the public service facility in question. 364  
The completed questionnaire and financial statement shall be 365  
verified under oath by the prospective bidder or lessee. 366  
Questionnaires and financial statements submitted under this 367  
division are confidential and are not open to public inspection. 368  
Nothing in this division shall be construed to prevent use of or 369  
reference to questionnaires and financial statements in a civil 370  
action or criminal prosecution commenced by the state. 371

The director shall publish the statement of intent in at 372  
least three daily newspapers of general circulation in the state 373  
at least once each week for four consecutive weeks. The director 374  
then shall accept proposals in response to the statement of 375  
intent for at least thirty days following the final publication 376  
of the statement. At the end of the period during which 377  
proposals may be submitted under this division, the director 378  
shall select the proposal that the director determines best 379  
complies with the statement of intent and may negotiate a lease 380  
and contract with the person that submitted that proposal. 381

(C) Any lease and contract negotiated under this section 382  
shall include in its terms and conditions all of the following: 383

(1) The legal description of the leasehold; 384

(2) The duration of the lease and contract, which shall 385  
not exceed forty years, and a requirement that the lease and 386  
contract be nonrenewable; 387

(3) A requirement that the lessee maintain in full force 388  
and effect during the term of the lease and contract 389  
comprehensive liability insurance for injury, death, or loss to 390  
persons or property and fire casualty insurance for the public 391

service facility and all its structures in an amount established	392
by the director and naming the department as an additional	393
insured;	394
(4) A requirement that the lessee maintain in full force	395
and effect suitable performance bonds or other adequate security	396
pertaining to the construction and operation of the public	397
service facility;	398
(5) Detailed plans and specifications controlling the	399
construction of the public service facility that shall include	400
all of the following:	401
(a) The size and capacity of the facility;	402
(b) The type and quality of construction;	403
(c) Other criteria that the department considers necessary	404
and advisable.	405
(6) The manner of rental payment;	406
(7) A stipulation that the director shall have control and	407
supervision over all of the following:	408
(a) The operating season of the public service facility;	409
(b) The facility's hours of operation;	410
(c) The maximum rates to be charged guests using the	411
facility;	412
(d) The facility's sanitary conditions;	413
(e) The quality of food and service furnished the guests	414
of the facility;	415
(f) The lessee's general and structural maintenance	416
responsibilities at the facility.	417

(8) The disposition of the leasehold and improvements at 418  
the expiration of the lease and contract; 419

(9) A requirement that the public service facility be 420  
available to all members of the public without regard to ~~sex,~~ 421  
race, color, creed, sex, ancestry, or national origin,~~;~~ or 422  
disability, sexual orientation, gender identity or expression, 423  
or military status, as those terms are defined in section 424  
4112.01 of the Revised Code; 425

(10) Other terms and conditions that the director 426  
considers necessary and advisable to carry out the purposes of 427  
this section. 428

(D) The attorney general shall approve the form of the 429  
lease and contract prior to its execution by the director. 430

(E) The authority granted in this section to the director 431  
is in addition and supplemental to any other authority granted 432  
the director under state law. 433

**Sec. 1751.18.** (A) (1) No health insuring corporation shall 434  
cancel or fail to renew the coverage of a subscriber or enrollee 435  
because of any health status-related factor in relation to the 436  
subscriber or enrollee, the subscriber's or enrollee's 437  
requirements for health care services, or for any other reason 438  
designated under rules adopted by the superintendent of 439  
insurance. 440

(2) Unless otherwise required by state or federal law, no 441  
health insuring corporation, or health care facility or provider 442  
through which the health insuring corporation has made 443  
arrangements to provide health care services, shall discriminate 444  
against any individual with regard to enrollment, disenrollment, 445  
or the quality of health care services rendered, on the basis of 446



the individual's race, color, sex, religion, or age,~~religion,~~  
or sexual orientation, gender identity or expression, or  
military status, as those terms are defined in section 4112.01  
of the Revised Code~~;~~ or the individual's status as a recipient  
of medicare or medicaid~~;~~ or any health status-related factor in  
relation to the individual. However, a health insuring  
corporation shall not be required to accept a recipient of  
medicare or medical assistance, if an agreement has not been  
reached on appropriate payment mechanisms between the health  
insuring corporation and the governmental agency administering  
these programs. Further, except for open enrollment coverage  
under sections 3923.58 and 3923.581 of the Revised Code and  
except as provided in section 1751.65 of the Revised Code, a  
health insuring corporation may reject an applicant for nongroup  
enrollment on the basis of any health status-related factor in  
relation to the applicant.

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

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

insuring corporation, appeal the health insuring corporation's 478  
action or decision to the superintendent. 479

(D) As used in this section, "health status-related 480  
factor" means any of the following: 481

(1) Health status; 482

(2) Medical condition, including both physical and mental 483  
illnesses; 484

(3) Claims experience; 485

(4) Receipt of health care; 486

(5) Medical history; 487

(6) Genetic information; 488

(7) Evidence of insurability, including conditions arising 489  
out of acts of domestic violence; 490

(8) Disability. 491

**Sec. 2927.03.** (A) No person, whether or not acting under 492  
color of law, shall by force or threat of force willfully 493  
injure, intimidate, or interfere with, or attempt to injure, 494  
intimidate, or interfere with, any of the following: 495

(1) Any person because of race, color, religion, sex, 496  
~~ancestry, or national origin; or~~ familial status ~~as defined in~~ 497  
~~section 4112.01 of the Revised Code, national origin, military~~ 498  
~~status as defined in that section, disability as defined in that~~ 499  
~~section, sexual orientation, gender identity or expression, or~~ 500  
~~ancestry military status as those terms are defined in section~~ 501  
4112.01 of the Revised Code, and because that person is or has 502  
been selling, purchasing, renting, financing, occupying, 503  
contracting, or negotiating for the sale, purchase, rental, 504

financing, or occupation of any housing accommodations, or 505  
applying for or participating in any service, organization, or 506  
facility relating to the business of selling or renting housing 507  
accommodations; 508

(2) Any person because that person is or has been doing, 509  
or in order to intimidate that person or any other person or any 510  
class of persons from doing, either of the following: 511

(a) Participating, without discrimination on account of 512  
race, color, religion, sex, ancestry, or national origin, or 513  
familial status as defined in section 4112.01 of the Revised 514  
Code, national origin, military status as defined in that 515  
section, disability as defined in that section, sexual 516  
orientation, gender identity or expression, or ancestry, 517  
military status as those terms are defined in section 4112.01 of 518  
the Revised Code, in any of the activities, services, 519  
organizations, or facilities described in division (A) (1) of 520  
this section; 521

(b) Affording another person or class of persons 522  
opportunity or protection so to participate. 523

(3) Any person because that person is or has been, or in 524  
order to discourage that person or any other person from, 525  
lawfully aiding or encouraging other persons to participate, 526  
without discrimination on account of race, color, religion, sex, 527  
ancestry, or national origin; or familial status as defined in 528  
section 4112.01 of the Revised Code, national origin, military 529  
status as defined in that section, disability as defined in that 530  
section, sexual orientation, gender identity or expression, or 531  
ancestry, military status, as those terms are defined in section 532  
4112.01 of the Revised Code, in any of the activities, services, 533  
organizations, or facilities described in division (A) (1) of 534

this section, or participating lawfully in speech or peaceful 535  
assembly opposing any denial of the opportunity to so 536  
participate. 537

(B) Whoever violates division (A) of this section is 538  
guilty of a misdemeanor of the first degree. 539

**Sec. 3113.36.** (A) To qualify for funds under section 540  
3113.35 of the Revised Code, a shelter for victims of domestic 541  
violence shall meet all of the following requirements: 542

(1) Be incorporated in this state as a nonprofit 543  
corporation; 544

(2) Have trustees who represent the racial, ethnic, and 545  
socioeconomic diversity of the community to be served, including 546  
at least one person who is or has been a victim of domestic 547  
violence; 548

(3) Receive at least twenty-five per cent of its funds 549  
from sources other than funds distributed pursuant to section 550  
3113.35 of the Revised Code. These other sources may be public 551  
or private, and may include funds distributed pursuant to 552  
section 3113.37 of the Revised Code, and contributions of goods 553  
or services, including materials, commodities, transportation, 554  
office space, or other types of facilities or personal services. 555

(4) Provide residential service or facilities for children 556  
when accompanied by a parent, guardian, or custodian who is a 557  
victim of domestic violence and who is receiving temporary 558  
residential service at the shelter; 559

(5) Require persons employed by or volunteering services 560  
to the shelter to maintain the confidentiality of any 561  
information that would identify individuals served by the 562  
shelter. 563

(B) A shelter for victims of domestic violence does not 564  
qualify for funds if it discriminates in its admissions or 565  
provision of services on the basis of race, ~~religion,~~ color, 566  
religion, age, ancestry, national origin, or marital status, 567  
~~national origin, or ancestry;~~ or sexual orientation or gender 568  
identity or expression, as those terms are defined in section 569  
4112.01 of the Revised Code. A shelter does not qualify for 570  
funds in the second half of any year if its application projects 571  
the provision of residential service and such service has not 572  
been provided in the first half of that year; such a shelter 573  
does not qualify for funds in the following year. 574

**Sec. 3301.53.** (A) The state board of education, in 575  
consultation with the director of job and family services, shall 576  
formulate and prescribe by rule adopted under Chapter 119. of 577  
the Revised Code minimum standards to be applied to preschool 578  
programs operated by school district boards of education, county 579  
boards of developmental disabilities, community schools, or 580  
eligible nonpublic schools. The rules shall include the 581  
following: 582

(1) Standards ensuring that the preschool program is 583  
located in a safe and convenient facility that accommodates the 584  
enrollment of the program, is of the quality to support the 585  
growth and development of the children according to the program 586  
objectives, and meets the requirements of section 3301.55 of the 587  
Revised Code; 588

(2) Standards ensuring that supervision, discipline, and 589  
programs will be administered according to established 590  
objectives and procedures; 591

(3) Standards ensuring that preschool staff members and 592  
nonteaching employees are recruited, employed, assigned, 593

evaluated, and provided inservice education without 594  
discrimination on the basis of race, color, sex, age, color, or 595  
national origin, race, or sex; or sexual orientation or gender 596  
identity or expression, as those terms are defined in section 597  
4112.01 of the Revised Code, and that preschool staff members 598  
and nonteaching employees are assigned responsibilities in 599  
accordance with written position descriptions commensurate with 600  
their training and experience; 601

(4) A requirement that boards of education intending to 602  
establish a preschool program demonstrate a need for a preschool 603  
program prior to establishing the program; 604

(5) Requirements that children participating in preschool 605  
programs have been immunized to the extent considered 606  
appropriate by the state board to prevent the spread of 607  
communicable disease; 608

(6) Requirements that the parents of preschool children 609  
complete the emergency medical authorization form specified in 610  
section 3313.712 of the Revised Code. 611

(B) The state board of education in consultation with the 612  
director of job and family services shall ensure that the rules 613  
adopted by the state board under sections 3301.52 to 3301.58 of 614  
the Revised Code are consistent with and meet or exceed the 615  
requirements of Chapter 5104. of the Revised Code with regard to 616  
child day-care centers that serve preschool children. The state 617  
board and the director of job and family services shall review 618  
all such rules at least once every five years. 619

(C) The state board of education, in consultation with the 620  
director of job and family services, shall adopt rules for 621  
school child programs that are consistent with and meet or 622

exceed the requirements of the rules adopted for child day-care 623  
centers that serve school-age children under Chapter 5104. of 624  
the Revised Code. 625

**Sec. 3304.15.** (A) There is hereby created the 626  
opportunities for Ohioans with disabilities agency. The agency 627  
is the designated state unit authorized under the 628  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 629  
amended, to provide vocational rehabilitation services to 630  
eligible individuals with disabilities. 631

(B) The governor shall appoint an executive director of 632  
the opportunities for Ohioans with disabilities agency to serve 633  
at the pleasure of the governor and shall fix the executive 634  
director's compensation. The executive director shall devote the 635  
executive director's entire time to the duties of the executive 636  
director's office, shall hold no other office or position of 637  
trust and profit, and shall engage in no other business during 638  
the executive director's term of office. The governor may grant 639  
the executive director the authority to appoint, remove, and 640  
discipline without regard to ~~sex, race, creed, color,~~ creed, 641  
sex, age, or national origin; or sexual orientation or gender 642  
identity or expression, as those terms are defined in section 643  
4112.01 of the Revised Code, such other professional, 644  
administrative, and clerical staff members as are necessary to 645  
carry out the functions and duties of the agency. 646

The executive director of the opportunities for Ohioans 647  
with disabilities agency is the executive and administrative 648  
officer of the agency. Whenever the Revised Code imposes a duty 649  
on or requires an action of the agency, the executive director 650  
shall perform the duty or action on behalf of the agency. The 651  
executive director may establish procedures for all of the 652

following:	653
(1) The governance of the agency;	654
(2) The conduct of agency employees and officers;	655
(3) The performance of agency business;	656
(4) The custody, use, and preservation of agency records, papers, books, documents, and property.	657 658
(C) The executive director shall have exclusive authority to administer the daily operation and provision of vocational rehabilitation services under this chapter. In exercising that authority, the executive director may do all of the following:	659 660 661 662
(1) Adopt rules in accordance with Chapter 119. of the Revised Code;	663 664
(2) Prepare and submit an annual report to the governor;	665
(3) Certify any disbursement of funds available to the agency for vocational rehabilitation services;	666 667
(4) Take appropriate action to guarantee rights of vocational rehabilitation services to eligible individuals with disabilities;	668 669 670
(5) Consult with and advise other state agencies and coordinate programs for eligible individuals with disabilities;	671 672
(6) Comply with the requirements for match as part of budget submission;	673 674
(7) Establish research and demonstration projects;	675
(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation services;	676 677
(9) For the purposes of the business enterprise program	678



administered under sections 3304.28 to 3304.35 of the Revised Code: 679  
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(a) Establish and manage small business entities owned or operated by individuals who are blind; 681  
682

(b) Purchase insurance; 683

(c) Accept computers. 684

(10) Enter into contracts and other agreements for the provision of vocational rehabilitation services. 685  
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(D) The executive director, by rule adopted under Chapter 119. of the Revised Code, shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50. 687  
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**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 the executive director's compensation. The executive director shall not be considered a public employee for purposes of Chapter 4117. of the Revised Code. The council may delegate to the executive director the authority to appoint, remove, and discipline, without regard to sex, race, ~~creed,~~ color, creed, age, or national origin; or sexual orientation or gender identity or expression, as those terms are defined in section 4112.01 of the Revised Code, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the council. 691  
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**Sec. 3314.06.** The governing authority of each community 707

school established under this chapter shall adopt admission 708  
procedures that specify the following: 709

(A) That, except as otherwise provided in this section, 710  
admission to the school shall be open to any individual age five 711  
to twenty-two entitled to attend school pursuant to section 712  
3313.64 or 3313.65 of the Revised Code in a school district in 713  
the state. 714

Additionally, except as otherwise provided in this 715  
section, admission to the school may be open on a tuition basis 716  
to any individual age five to twenty-two who is not a resident 717  
of this state. The school shall not receive state funds under 718  
section 3314.08 of the Revised Code for any student who is not a 719  
resident of this state. 720

An individual younger than five years of age may be 721  
admitted to the school in accordance with division (A) (2) of 722  
section 3321.01 of the Revised Code. The school shall receive 723  
funds for an individual admitted under that division in the 724  
manner provided under section 3314.08 of the Revised Code. 725

If the school operates a program that uses the Montessori 726  
method endorsed by the American Montessori society, the 727  
Montessori accreditation council for teacher education, or the 728  
association Montessori internationale as its primary method of 729  
instruction, admission to the school may be open to individuals 730  
younger than five years of age. The department of education 731  
shall pay the school an amount equal to the formula amount, as 732  
defined in section 3317.02 of the Revised Code, for each of 733  
these students younger than four years of age. However, the 734  
school shall not receive any other funds under this chapter for 735  
those individuals. Notwithstanding anything to the contrary in 736  
this chapter, individuals younger than five years of age who are 737

enrolled in a Montessori program shall be offered at least four 738  
hundred fifty-five hours of learning opportunities per school 739  
year. 740

If the school operates a preschool program that is 741  
licensed by the department of education under sections 3301.52 742  
to 3301.59 of the Revised Code, admission to the school may be 743  
open to individuals who are younger than five years of age, but 744  
the school shall not receive funds under this chapter for those 745  
individuals. 746

(B) (1) That admission to the school may be limited to 747  
students who have attained a specific grade level or are within 748  
a specific age group; to students that meet a definition of "at- 749  
risk," as defined in the contract; to residents of a specific 750  
geographic area within the district, as defined in the contract; 751  
or to separate groups of autistic students and nondisabled 752  
students, as authorized in section 3314.061 of the Revised Code 753  
and as defined in the contract. 754

(2) For purposes of division (B) (1) of this section, "at- 755  
risk" students may include those students identified as gifted 756  
students under section 3324.03 of the Revised Code. 757

(C) Whether enrollment is limited to students who reside 758  
in the district in which the school is located or is open to 759  
residents of other districts, as provided in the policy adopted 760  
pursuant to the contract. 761

(D) (1) That there will be no discrimination in the 762  
admission of students to the school on the basis of race, ~~creed,~~ 763  
color, creed, or sex; or disability, ~~or sex~~ sexual orientation, 764  
or gender identity or expression, as those terms are defined in 765  
section 4112.01 of the Revised Code, except that: 766

(a) The governing authority may do either of the following 767  
for the purpose described in division (G) of this section: 768

(i) Establish a single-gender school for either sex; 769

(ii) Establish single-gender schools for each sex under 770  
the same contract, provided substantially equal facilities and 771  
learning opportunities are offered for both boys and girls. Such 772  
facilities and opportunities may be offered for each sex at 773  
separate locations. 774

(b) The governing authority may establish a school that 775  
simultaneously serves a group of students identified as autistic 776  
and a group of students who are not disabled, as authorized in 777  
section 3314.061 of the Revised Code. However, unless the total 778  
capacity established for the school has been filled, no student 779  
with any disability shall be denied admission on the basis of 780  
that disability. 781

(2) That upon admission of any student with a disability, 782  
the community school will comply with all federal and state laws 783  
regarding the education of students with disabilities. 784

(E) That the school may not limit admission to students on 785  
the basis of intellectual ability, measures of achievement or 786  
aptitude, or athletic ability, except that a school may limit 787  
its enrollment to students as described in division (B) of this 788  
section. 789

(F) That the community school will admit the number of 790  
students that does not exceed the capacity of the school's 791  
programs, classes, grade levels, or facilities. 792

(G) That the purpose of single-gender schools that are 793  
established shall be to take advantage of the academic benefits 794  
some students realize from single-gender instruction and 795

facilities and to offer students and parents residing in the 796  
district the option of a single-gender education. 797

(H) That, except as otherwise provided under division (B) 798  
of this section or section 3314.061 of the Revised Code, if the 799  
number of applicants exceeds the capacity restrictions of 800  
division (F) of this section, students shall be admitted by lot 801  
from all those submitting applications, except preference shall 802  
be given to students attending the school the previous year and 803  
to students who reside in the district in which the school is 804  
located. Preference may be given to siblings of students 805  
attending the school the previous year. Preference also may be 806  
given to students who are the children of full-time staff 807  
members employed by the school, provided the total number of 808  
students receiving this preference is less than five per cent of 809  
the school's total enrollment. 810

Notwithstanding divisions (A) to (H) of this section, in 811  
the event the racial composition of the enrollment of the 812  
community school is violative of a federal desegregation order, 813  
the community school shall take any and all corrective measures 814  
to comply with the desegregation order. 815

**Sec. 3332.09.** The state board of career colleges and 816  
schools may limit, suspend, revoke, or refuse to issue or renew 817  
a certificate of registration or program authorization or may 818  
impose a penalty pursuant to section 3332.091 of the Revised 819  
Code for any one or combination of the following causes: 820

(A) Violation of any provision of sections 3332.01 to 821  
3332.09 of the Revised Code, the board's minimum standards, or 822  
any rule made by the board; 823

(B) Furnishing of false, misleading, deceptive, altered, 824

or incomplete information or documents to the board;	825
(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;	826 827 828 829
(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;	830 831 832 833
(E) Violation of any commitment made in an application for a certificate of registration or program authorization;	834 835
(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;	836 837 838 839 840 841 842
(G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	843 844
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	845 846
(I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be licensed by the state board of education or to hold any type of post-high school degree;	847 848 849 850 851 852

(J) Offering training or programs other than those 853  
presented in the application, except that schools may offer 854  
special courses adapted to the needs of individual students when 855  
the special courses are in the subject field specified in the 856  
application; 857

(K) Discrimination in the acceptance of students upon the 858  
basis of race, color, religion, sex, or national origin; or 859  
sexual orientation or gender identity or expression, as those 860  
terms are defined in section 4112.01 of the Revised Code; 861

(L) Accepting the services of an agent not holding a valid 862  
permit issued under section 3332.10 or 3332.11 of the Revised 863  
Code; 864

(M) The use of monetary or other valuable consideration by 865  
the school's agents or representatives to induce prospective 866  
students to enroll in the school, or the practice of awarding 867  
monetary or other valuable considerations without board approval 868  
to students in exchange for procuring the enrollment of others; 869

(N) Failure to provide at the request of the board, any 870  
information, records, or files pertaining to the operation of 871  
the school or recruitment and enrollment of students. 872

If the board modifies or adopts additional minimum 873  
standards or rules pursuant to section 3332.031 of the Revised 874  
Code, all schools and agents shall have sixty days from the 875  
effective date of the modifications or additional standards or 876  
rules to comply with such modifications or additions. 877

**Sec. 3721.13.** (A) The rights of residents of a home shall 878  
include, but are not limited to, the following: 879

(1) The right to a safe and clean living environment 880  
pursuant to the medicare and medicaid programs and applicable 881

state laws and rules adopted by the director of health; 882

(2) The right to be free from physical, verbal, mental, 883  
and emotional abuse and to be treated at all times with 884  
courtesy, respect, and full recognition of dignity and 885  
individuality; 886

(3) Upon admission and thereafter, the right to adequate 887  
and appropriate medical treatment and nursing care and to other 888  
ancillary services that comprise necessary and appropriate care 889  
consistent with the program for which the resident contracted. 890  
This care shall be provided without regard to considerations 891  
such as race, color, religion, age, or national origin,~~age,~~ 892  
sexual orientation or gender identity or expression, as those 893  
terms are defined in section 4112.01 of the Revised Code; or 894  
source of payment for care. 895

(4) The right to have all reasonable requests and 896  
inquiries responded to promptly; 897

(5) The right to have clothes and bed sheets changed as 898  
the need arises, to ensure the resident's comfort or sanitation; 899

(6) The right to obtain from the home, upon request, the 900  
name and any specialty of any physician or other person 901  
responsible for the resident's care or for the coordination of 902  
care; 903

(7) The right, upon request, to be assigned, within the 904  
capacity of the home to make the assignment, to the staff 905  
physician of the resident's choice, and the right, in accordance 906  
with the rules and written policies and procedures of the home, 907  
to select as the attending physician a physician who is not on 908  
the staff of the home. If the cost of a physician's services is 909  
to be met under a federally supported program, the physician 910



shall meet the federal laws and regulations governing such 911  
services. 912

(8) The right to participate in decisions that affect the 913  
resident's life, including the right to communicate with the 914  
physician and employees of the home in planning the resident's 915  
treatment or care and to obtain from the attending physician 916  
complete and current information concerning medical condition, 917  
prognosis, and treatment plan, in terms the resident can 918  
reasonably be expected to understand; the right of access to all 919  
information in the resident's medical record; and the right to 920  
give or withhold informed consent for treatment after the 921  
consequences of that choice have been carefully explained. When 922  
the attending physician finds that it is not medically advisable 923  
to give the information to the resident, the information shall 924  
be made available to the resident's sponsor on the resident's 925  
behalf, if the sponsor has a legal interest or is authorized by 926  
the resident to receive the information. The home is not liable 927  
for a violation of this division if the violation is found to be 928  
the result of an act or omission on the part of a physician 929  
selected by the resident who is not otherwise affiliated with 930  
the home. 931

(9) The right to withhold payment for physician visitation 932  
if the physician did not visit the resident; 933

(10) The right to confidential treatment of personal and 934  
medical records, and the right to approve or refuse the release 935  
of these records to any individual outside the home, except in 936  
case of transfer to another home, hospital, or health care 937  
system, as required by law or rule, or as required by a third- 938  
party payment contract; 939

(11) The right to privacy during medical examination or 940

treatment and in the care of personal or bodily needs; 941

(12) The right to refuse, without jeopardizing access to 942  
appropriate medical care, to serve as a medical research 943  
subject; 944

(13) The right to be free from physical or chemical 945  
restraints or prolonged isolation except to the minimum extent 946  
necessary to protect the resident from injury to self, others, 947  
or to property and except as authorized in writing by the 948  
attending physician for a specified and limited period of time 949  
and documented in the resident's medical record. Prior to 950  
authorizing the use of a physical or chemical restraint on any 951  
resident, the attending physician shall make a personal 952  
examination of the resident and an individualized determination 953  
of the need to use the restraint on that resident. 954

Physical or chemical restraints or isolation may be used 955  
in an emergency situation without authorization of the attending 956  
physician only to protect the resident from injury to self or 957  
others. Use of the physical or chemical restraints or isolation 958  
shall not be continued for more than twelve hours after the 959  
onset of the emergency without personal examination and 960  
authorization by the attending physician. The attending 961  
physician or a staff physician may authorize continued use of 962  
physical or chemical restraints for a period not to exceed 963  
thirty days, and at the end of this period and any subsequent 964  
period may extend the authorization for an additional period of 965  
not more than thirty days. The use of physical or chemical 966  
restraints shall not be continued without a personal examination 967  
of the resident and the written authorization of the attending 968  
physician stating the reasons for continuing the restraint. 969

If physical or chemical restraints are used under this 970

division, the home shall ensure that the restrained resident 971  
receives a proper diet. In no event shall physical or chemical 972  
restraints or isolation be used for punishment, incentive, or 973  
convenience. 974

(14) The right to the pharmacist of the resident's choice 975  
and the right to receive pharmaceutical supplies and services at 976  
reasonable prices not exceeding applicable and normally accepted 977  
prices for comparably packaged pharmaceutical supplies and 978  
services within the community; 979

(15) The right to exercise all civil rights, unless the 980  
resident has been adjudicated incompetent pursuant to Chapter 981  
2111. of the Revised Code and has not been restored to legal 982  
capacity, as well as the right to the cooperation of the home's 983  
administrator in making arrangements for the exercise of the 984  
right to vote; 985

(16) The right of access to opportunities that enable the 986  
resident, at the resident's own expense or at the expense of a 987  
third-party payer, to achieve the resident's fullest potential, 988  
including educational, vocational, social, recreational, and 989  
habilitation programs; 990

(17) The right to consume a reasonable amount of alcoholic 991  
beverages at the resident's own expense, unless not medically 992  
advisable as documented in the resident's medical record by the 993  
attending physician or unless contradictory to written admission 994  
policies; 995

(18) The right to use tobacco at the resident's own 996  
expense under the home's safety rules and under applicable laws 997  
and rules of the state, unless not medically advisable as 998  
documented in the resident's medical record by the attending 999

physician or unless contradictory to written admission policies;	1000
(19) The right to retire and rise in accordance with the	1001
resident's reasonable requests, if the resident does not disturb	1002
others or the posted meal schedules and upon the home's request	1003
remains in a supervised area, unless not medically advisable as	1004
documented by the attending physician;	1005
(20) The right to observe religious obligations and	1006
participate in religious activities; the right to maintain	1007
individual and cultural identity; and the right to meet with and	1008
participate in activities of social and community groups at the	1009
resident's or the group's initiative;	1010
(21) The right upon reasonable request to private and	1011
unrestricted communications with the resident's family, social	1012
worker, and any other person, unless not medically advisable as	1013
documented in the resident's medical record by the attending	1014
physician, except that communications with public officials or	1015
with the resident's attorney or physician shall not be	1016
restricted. Private and unrestricted communications shall	1017
include, but are not limited to, the right to:	1018
(a) Receive, send, and mail sealed, unopened	1019
correspondence;	1020
(b) Reasonable access to a telephone for private	1021
communications;	1022
(c) Private visits at any reasonable hour.	1023
(22) The right to assured privacy for visits by the	1024
spouse, or if both are residents of the same home, the right to	1025
share a room within the capacity of the home, unless not	1026
medically advisable as documented in the resident's medical	1027
record by the attending physician;	1028

(23) The right upon reasonable request to have room doors 1029  
closed and to have them not opened without knocking, except in 1030  
the case of an emergency or unless not medically advisable as 1031  
documented in the resident's medical record by the attending 1032  
physician; 1033

(24) The right to retain and use personal clothing and a 1034  
reasonable amount of possessions, in a reasonably secure manner, 1035  
unless to do so would infringe on the rights of other residents 1036  
or would not be medically advisable as documented in the 1037  
resident's medical record by the attending physician; 1038

(25) The right to be fully informed, prior to or at the 1039  
time of admission and during the resident's stay, in writing, of 1040  
the basic rate charged by the home, of services available in the 1041  
home, and of any additional charges related to such services, 1042  
including charges for services not covered under the medicare or 1043  
medicaid program. The basic rate shall not be changed unless 1044  
thirty days' notice is given to the resident or, if the resident 1045  
is unable to understand this information, to the resident's 1046  
sponsor. 1047

(26) The right of the resident and person paying for the 1048  
care to examine and receive a bill at least monthly for the 1049  
resident's care from the home that itemizes charges not included 1050  
in the basic rates; 1051

(27) (a) The right to be free from financial exploitation; 1052

(b) The right to manage the resident's own personal 1053  
financial affairs, or, if the resident has delegated this 1054  
responsibility in writing to the home, to receive upon written 1055  
request at least a quarterly accounting statement of financial 1056  
transactions made on the resident's behalf. The statement shall 1057

include:	1058
(i) A complete record of all funds, personal property, or possessions of a resident from any source whatsoever, that have been deposited for safekeeping with the home for use by the resident or the resident's sponsor;	1059 1060 1061 1062
(ii) A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts which shall be available for inspection and copying by the resident or sponsor.	1063 1064 1065
(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;	1066 1067 1068 1069 1070
(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.	1071 1072 1073
(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:	1074 1075 1076
(a) The welfare and needs of the resident cannot be met in the home.	1077 1078
(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.	1079 1080 1081
(c) The safety of individuals in the home is endangered.	1082
(d) The health of individuals in the home would otherwise be endangered.	1083 1084

(e) The resident has failed, after reasonable and 1085  
appropriate notice, to pay or to have the medicare or medicaid 1086  
program pay on the resident's behalf, for the care provided by 1087  
the home. A resident shall not be considered to have failed to 1088  
have the resident's care paid for if the resident has applied 1089  
for medicaid, unless both of the following are the case: 1090

(i) The resident's application, or a substantially similar 1091  
previous application, has been denied. 1092

(ii) If the resident appealed the denial, the denial was 1093  
upheld. 1094

(f) The home's license has been revoked, the home is being 1095  
closed pursuant to section 3721.08, sections 5165.60 to 5165.89, 1096  
or section 5155.31 of the Revised Code, or the home otherwise 1097  
ceases to operate. 1098

(g) The resident is a recipient of medicaid, and the 1099  
home's participation in the medicaid program is involuntarily 1100  
terminated or denied. 1101

(h) The resident is a beneficiary under the medicare 1102  
program, and the home's participation in the medicare program is 1103  
involuntarily terminated or denied. 1104

(31) The right to voice grievances and recommend changes 1105  
in policies and services to the home's staff, to employees of 1106  
the department of health, or to other persons not associated 1107  
with the operation of the home, of the resident's choice, free 1108  
from restraint, interference, coercion, discrimination, or 1109  
reprisal. This right includes access to a residents' rights 1110  
advocate, and the right to be a member of, to be active in, and 1111  
to associate with persons who are active in organizations of 1112  
relatives and friends of nursing home residents and other 1113

organizations engaged in assisting residents. 1114

(32) The right to have any significant change in the 1115  
resident's health status reported to the resident's sponsor. As 1116  
soon as such a change is known to the home's staff, the home 1117  
shall make a reasonable effort to notify the sponsor within 1118  
twelve hours. 1119

(33) The right, if the resident has requested the care and 1120  
services of a hospice care program, to choose a hospice care 1121  
program licensed under Chapter 3712. of the Revised Code that 1122  
best meets the resident's needs. 1123

(B) A sponsor may act on a resident's behalf to assure 1124  
that the home does not deny the residents' rights under sections 1125  
3721.10 to 3721.17 of the Revised Code. 1126

(C) Any attempted waiver of the rights listed in division 1127  
(A) of this section is void. 1128

**Sec. 3905.55.** (A) Except as provided in division (B) of 1129  
this section, an agent may charge a consumer a fee if all of the 1130  
following conditions are met: 1131

(1) The fee is disclosed to the consumer in a manner that 1132  
separately identifies the fee and the premium. 1133

(2) The fee is not calculated as a percentage of the 1134  
premium. 1135

(3) The fee is not refunded, forgiven, waived, offset, or 1136  
reduced by any commission earned or received for any policy or 1137  
coverage sold. 1138

(4) The amount of the fee, and the consumer's obligation 1139  
to pay the fee, are not conditioned upon the occurrence of a 1140  
future event or condition, such as the purchase, cancellation, 1141



lapse, declination, or nonrenewal of insurance. 1142

(5) The agent discloses to the consumer that the fee is 1143  
being charged by the agent and not by the insurance company, 1144  
that neither state law nor the insurance company requires the 1145  
agent to charge the fee, and that the fee is not refundable. 1146

(6) The consumer consents to the fee. 1147

(7) The agent, in charging the fee, does not discriminate 1148  
on the basis of race, sex, religion, age, national origin, 1149  
~~religion, disability marital status~~, health status, ~~age, marital~~ 1150  
~~status, or geographic location; or disability, sexual~~ 1151  
orientation, gender identity or expression, or military status, 1152  
as those terms are defined in section 4112.01 of the Revised 1153  
Code, ~~or geographic location~~, and does not unfairly discriminate 1154  
between persons of essentially the same class and of essentially 1155  
the same hazard or expectation of life. 1156

(B) A fee may not be charged for taking or submitting an 1157  
initial application for coverage with any one insurer or 1158  
different programs with the same insurer, or processing a change 1159  
to an existing policy, a cancellation, a claim, or a renewal, in 1160  
connection with any of the following personal lines policies: 1161

(1) Private passenger automobile; 1162

(2) Homeowners, including coverage for tenants or 1163  
condominium owners, owner-occupied fire or dwelling property 1164  
coverage, personal umbrella liability, or any other personal 1165  
lines-related coverage whether sold as a separate policy or as 1166  
an endorsement to another personal lines policy; 1167

(3) Individual life insurance; 1168

(4) Individual sickness or accident insurance; 1169

(5) Disability income policies;	1170
(6) Credit insurance products.	1171
(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.	1172 1173 1174 1175 1176
(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.	1177 1178 1179
(E) (1) No person shall fail to comply with this section.	1180
(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.	1181 1182 1183 1184
(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.	1185 1186 1187 1188
<b>Sec. 4111.17.</b> (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</u> , <del>;</del> <u>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	1189 1190 1191 1192 1193 1194 1195 1196 1197 1198

conditions. 1199

(B) Nothing in this section prohibits an employer from 1200  
paying wages to one employee at a rate different from that at 1201  
which the employer pays another employee for the performance of 1202  
equal work under similar conditions on jobs requiring equal 1203  
skill, effort, and responsibility, when the payment is made 1204  
pursuant to any of the following: 1205

(1) A seniority system; 1206

(2) A merit system; 1207

(3) A system which measures earnings by the quantity or 1208  
quality of production; 1209

(4) A wage rate differential determined by any factor 1210  
other than race, color, religion, sex, age, ancestry, or 1211  
national origin, or ancestry; or sexual orientation or gender 1212  
identity or expression, as those terms are defined in section 1213  
4112.01 of the Revised Code. 1214

(C) No employer shall reduce the wage rate of any employee 1215  
in order to comply with this section. 1216

(D) The director of commerce shall carry out, administer, 1217  
and enforce this section. Any employee discriminated against in 1218  
violation of this section may sue in any court of competent 1219  
jurisdiction to recover two times the amount of the difference 1220  
between the wages actually received and the wages received by a 1221  
person performing equal work for the employer, from the date of 1222  
the commencement of the violation, and for costs, including 1223  
attorney fees. The director may take an assignment of any such 1224  
wage claim in trust for such employee and sue in the employee's 1225  
behalf. In any civil action under this section, two or more 1226  
employees of the same employer may join as co-plaintiffs in one 1227

action. The director may sue in one action for claims assigned 1228  
to the director by two or more employees of the same employer. 1229  
No agreement to work for a discriminatory wage constitutes a 1230  
defense for any civil or criminal action to enforce this 1231  
section. No employer shall discriminate against any employee 1232  
because such employee makes a complaint or institutes, or 1233  
testifies in, any proceeding under this section. 1234

(E) Any action arising under this section shall be 1235  
initiated within one year after the date of violation. 1236

**Sec. 4112.01.** (A) As used in this chapter: 1237

(1) "Person" includes one or more individuals, 1238  
partnerships, associations, organizations, corporations, legal 1239  
representatives, trustees, trustees in bankruptcy, receivers, 1240  
and other organized groups of persons. "Person" also includes, 1241  
but is not limited to, any owner, lessor, assignor, builder, 1242  
manager, broker, salesperson, appraiser, agent, employee, 1243  
lending institution, and the state and all political 1244  
subdivisions, authorities, agencies, boards, and commissions of 1245  
the state. 1246

(2) "Employer" includes the state, any political 1247  
subdivision of the state, any person employing four or more 1248  
persons within the state, and any person acting directly or 1249  
indirectly in the interest of an employer. 1250

(3) "Employee" means an individual employed by any 1251  
employer but does not include any individual employed in the 1252  
domestic service of any person. 1253

(4) "Labor organization" includes any organization that 1254  
exists, in whole or in part, for the purpose of collective 1255  
bargaining or of dealing with employers concerning grievances, 1256

terms or conditions of employment, or other mutual aid or 1257  
protection in relation to employment. 1258

(5) "Employment agency" includes any person regularly 1259  
undertaking, with or without compensation, to procure 1260  
opportunities to work or to procure, recruit, refer, or place 1261  
employees. 1262

(6) "Commission" means the Ohio civil rights commission 1263  
created by section 4112.03 of the Revised Code. 1264

(7) "Discriminate" includes segregate or separate. 1265

(8) "Unlawful discriminatory practice" means any act 1266  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1267  
Revised Code. 1268

(9) "Place of public accommodation" means any inn, 1269  
restaurant, eating house, barbershop, public conveyance by air, 1270  
land, or water, theater, store, other place for the sale of 1271  
merchandise, or any other place of public accommodation or 1272  
amusement of which the accommodations, advantages, facilities, 1273  
or privileges are available to the public. 1274

(10) "Housing accommodations" includes any building or 1275  
structure, or portion of a building or structure, that is used 1276  
or occupied or is intended, arranged, or designed to be used or 1277  
occupied as the home residence, dwelling, dwelling unit, or 1278  
sleeping place of one or more individuals, groups, or families 1279  
whether or not living independently of each other; and any 1280  
vacant land offered for sale or lease. "Housing accommodations" 1281  
also includes any housing accommodations held or offered for 1282  
sale or rent by a real estate broker, salesperson, or agent, by 1283  
any other person pursuant to authorization of the owner, by the 1284  
owner, or by the owner's legal representative. 1285

(11) "Restrictive covenant" means any specification 1286  
limiting the transfer, rental, lease, or other use of any 1287  
housing accommodations because of race, color, religion, sex, 1288  
~~military status, familial status~~ancestry, national origin, 1289  
familial status, disability, or ancestry sexual orientation, 1290  
gender identity or expression, or military status, or any 1291  
limitation based upon affiliation with or approval by any 1292  
person, directly or indirectly, employing race, color, religion, 1293  
sex, ~~military status, familial status~~ ancestry, national origin, 1294  
familial status, disability, or ancestry sexual orientation, 1295  
gender identity or expression, or military status, as a 1296  
condition of affiliation or approval. 1297

(12) "Burial lot" means any lot for the burial of deceased 1298  
persons within any public burial ground or cemetery, including, 1299  
but not limited to, cemeteries owned and operated by municipal 1300  
corporations, townships, or companies or associations 1301  
incorporated for cemetery purposes. 1302

(13) "Disability" means a physical or mental impairment 1303  
that substantially limits one or more major life activities, 1304  
including the functions of caring for one's self, performing 1305  
manual tasks, walking, seeing, hearing, speaking, breathing, 1306  
learning, and working; a record of a physical or mental 1307  
impairment; or being regarded as having a physical or mental 1308  
impairment. 1309

(14) Except as otherwise provided in section 4112.021 of 1310  
the Revised Code, "age" means at least forty years old. 1311

(15) "Familial status" means either of the following: 1312

(a) One or more individuals who are under eighteen years 1313  
of age and who are domiciled with a parent or guardian having 1314

legal custody of the individual or domiciled, with the written 1315  
permission of the parent or guardian having legal custody, with 1316  
a designee of the parent or guardian; 1317

(b) Any person who is pregnant or in the process of 1318  
securing legal custody of any individual who is under eighteen 1319  
years of age. 1320

(16) (a) Except as provided in division (A) (16) (b) of this 1321  
section, "physical or mental impairment" includes any of the 1322  
following: 1323

(i) Any physiological disorder or condition, cosmetic 1324  
disfigurement, or anatomical loss affecting one or more of the 1325  
following body systems: neurological; musculoskeletal; special 1326  
sense organs; respiratory, including speech organs; 1327  
cardiovascular; reproductive; digestive; genito-urinary; hemic 1328  
and lymphatic; skin; and endocrine; 1329

(ii) Any mental or psychological disorder, including, but 1330  
not limited to, intellectual disability, organic brain syndrome, 1331  
emotional or mental illness, and specific learning disabilities; 1332

(iii) Diseases and conditions, including, but not limited 1333  
to, orthopedic, visual, speech, and hearing impairments, 1334  
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1335  
sclerosis, cancer, heart disease, diabetes, human 1336  
immunodeficiency virus infection, intellectual disability, 1337  
emotional illness, drug addiction, and alcoholism. 1338

(b) "Physical or mental impairment" does not include any 1339  
of the following: 1340

~~(i) Homosexuality and bisexuality;~~ 1341

~~(ii) Transvestism, transsexualism, pedophilia, Pedophilia,~~ 1342

exhibitionism, voyeurism, ~~gender identity disorders not~~ 1343  
~~resulting from physical impairments,~~ or other sexual behavior 1344  
disorders with corresponding criminal behavior; 1345

~~(iii)~~ (ii) Compulsive gambling, kleptomania, or pyromania; 1346

~~(iv)~~ (iii) Psychoactive substance use disorders resulting 1347  
from the current illegal use of a controlled substance or the 1348  
current use of alcoholic beverages. 1349

(17) "Dwelling unit" means a single unit of residence for 1350  
a family of one or more persons. 1351

(18) "Common use areas" means rooms, spaces, or elements 1352  
inside or outside a building that are made available for the use 1353  
of residents of the building or their guests, and includes, but 1354  
is not limited to, hallways, lounges, lobbies, laundry rooms, 1355  
refuse rooms, mail rooms, recreational areas, and passageways 1356  
among and between buildings. 1357

(19) "Public use areas" means interior or exterior rooms 1358  
or spaces of a privately or publicly owned building that are 1359  
made available to the general public. 1360

(20) "Controlled substance" has the same meaning as in 1361  
section 3719.01 of the Revised Code. 1362

(21) "Disabled tenant" means a tenant or prospective 1363  
tenant who is a person with a disability. 1364

(22) "Military status" means a person's status in "service 1365  
in the uniformed services" as defined in section 5923.05 of the 1366  
Revised Code. 1367

(23) "Aggrieved person" includes both of the following: 1368

(a) Any person who claims to have been injured by any 1369



unlawful discriminatory practice described in division (H) of 1370  
section 4112.02 of the Revised Code; 1371

(b) Any person who believes that the person will be 1372  
injured by, any unlawful discriminatory practice described in 1373  
division (H) of section 4112.02 of the Revised Code that is 1374  
about to occur. 1375

(24) "Sexual orientation" means actual or perceived, 1376  
heterosexuality, homosexuality, or bisexuality. 1377

(25) "Gender identity or expression" means the gender- 1378  
related identity, appearance, or mannerisms or other gender- 1379  
related characteristics of an individual, without regard to the 1380  
individual's designated sex at birth. 1381

(B) For the purposes of divisions (A) to (F) of section 1382  
4112.02 of the Revised Code, the terms "because of sex" and "on 1383  
the basis of sex" include, but are not limited to, because of or 1384  
on the basis of pregnancy, any illness arising out of and 1385  
occurring during the course of a pregnancy, childbirth, or 1386  
related medical conditions. Women affected by pregnancy, 1387  
childbirth, or related medical conditions shall be treated the 1388  
same for all employment-related purposes, including receipt of 1389  
benefits under fringe benefit programs, as other persons not so 1390  
affected but similar in their ability or inability to work, and 1391  
nothing in division (B) of section 4111.17 of the Revised Code 1392  
shall be interpreted to permit otherwise. This division shall 1393  
not be construed to require an employer to pay for health 1394  
insurance benefits for abortion, except where the life of the 1395  
mother would be endangered if the fetus were carried to term or 1396  
except where medical complications have arisen from the 1397  
abortion, provided that nothing in this division precludes an 1398  
employer from providing abortion benefits or otherwise affects 1399

bargaining agreements in regard to abortion. 1400

**Sec. 4112.02.** It shall be an unlawful discriminatory 1401  
practice: 1402

(A) For any employer, because of the race, color, 1403  
religion, sex, age, ancestry, national origin, disability, 1404  
sexual orientation, gender identity or expression, or military 1405  
status, ~~national origin, disability, age, or ancestry~~ of any 1406  
person, to discharge without just cause, to refuse to hire, or 1407  
otherwise to discriminate against that person with respect to 1408  
hire, tenure, terms, conditions, or privileges of employment, or 1409  
any matter directly or indirectly related to employment. 1410

(B) For an employment agency or personnel placement 1411  
service, because of race, color, religion, sex, age, ancestry, 1412  
national origin, disability, sexual orientation, gender identity 1413  
or expression, or military status, ~~national origin, disability,~~ 1414  
~~age, or ancestry,~~ to do any of the following: 1415

(1) Refuse or fail to accept, register, classify properly, 1416  
or refer for employment, or otherwise discriminate against any 1417  
person; 1418

(2) Comply with a request from an employer for referral of 1419  
applicants for employment if the request directly or indirectly 1420  
indicates that the employer fails to comply with the provisions 1421  
of sections 4112.01 to 4112.07 of the Revised Code. 1422

(C) For any labor organization to do any of the following: 1423

(1) Limit or classify its membership on the basis of race, 1424  
color, religion, sex, age, ancestry, national origin, 1425  
disability, sexual orientation, gender identity or expression, 1426  
or military status, ~~national origin, disability, age, or~~ 1427  
~~ancestry;~~ 1428

(2) Discriminate against, limit the employment 1429  
opportunities of, or otherwise adversely affect the employment 1430  
status, wages, hours, or employment conditions of any person as 1431  
an employee because of race, color, religion, sex, age, 1432  
ancestry, national origin, disability, sexual orientation, 1433  
gender identity or expression, or military status,~~national~~ 1434  
~~origin, disability, age, or ancestry.~~ 1435

(D) For any employer, labor organization, or joint labor- 1436  
management committee controlling apprentice training programs to 1437  
discriminate against any person because of race, color, 1438  
religion, sex, ancestry, national origin, disability, sexual 1439  
orientation, gender identity or expression, or military status, ~~1440  
national origin, disability, or ancestry~~ in admission to, or 1441  
employment in, any program established to provide apprentice 1442  
training. 1443

(E) Except where based on a bona fide occupational 1444  
qualification certified in advance by the commission, for any 1445  
employer, employment agency, personnel placement service, or 1446  
labor organization, prior to employment or admission to 1447  
membership, to do any of the following: 1448

(1) Elicit or attempt to elicit any information concerning 1449  
the race, color, religion, sex, age, ancestry, national origin, 1450  
disability, sexual orientation, gender identity or expression, 1451  
or military status,~~national origin, disability, age, or~~ 1452  
~~ancestry~~ of an applicant for employment or membership; 1453

(2) Make or keep a record of the race, color, religion, 1454  
sex, age, ancestry, national origin, disability, sexual 1455  
orientation, gender identity or expression, or military status, ~~1456  
national origin, disability, age, or ancestry~~ of any applicant 1457  
for employment or membership; 1458

(3) Use any form of application for employment, or 1459  
personnel or membership blank, seeking to elicit information 1460  
regarding race, color, religion, sex, age, ancestry, national 1461  
origin, disability, sexual orientation, gender identity or 1462  
expression, or military status,~~national origin, disability,~~ 1463  
~~age, or ancestry;~~ but an employer holding a contract containing 1464  
a nondiscrimination clause with the government of the United 1465  
States, or any department or agency of that government, may 1466  
require an employee or applicant for employment to furnish 1467  
documentary proof of United States citizenship and may retain 1468  
that proof in the employer's personnel records and may use 1469  
photographic or fingerprint identification for security 1470  
purposes; 1471

(4) Print or publish or cause to be printed or published 1472  
any notice or advertisement relating to employment or membership 1473  
indicating any preference, limitation, specification, or 1474  
discrimination, based upon race, color, religion, sex, age, 1475  
ancestry, national origin, disability, sexual orientation, 1476  
gender identity or expression, or military status,~~national~~ 1477  
~~origin, disability, age, or ancestry;~~ 1478

(5) Announce or follow a policy of denying or limiting, 1479  
through a quota system or otherwise, employment or membership 1480  
opportunities of any group because of the race, color, religion, 1481  
sex, age, ancestry, national origin, disability, sexual 1482  
orientation, gender identity or expression, or military status, ~~1483~~  
~~national origin, disability, age, or ancestry~~ of that group; 1484

(6) Utilize in the recruitment or hiring of persons any 1485  
employment agency, personnel placement service, training school 1486  
or center, labor organization, or any other employee-referring 1487  
source known to discriminate against persons because of their 1488

race, color, religion, sex, age, ancestry, national origin, 1489  
disability, sexual orientation, gender identity or expression, 1490  
or military status, ~~national origin, disability, age, or~~ 1491  
~~ancestry.~~ 1492

(F) For any person seeking employment to publish or cause 1493  
to be published any advertisement that specifies or in any 1494  
manner indicates that person's race, color, religion, sex, age, 1495  
ancestry, national origin, disability, sexual orientation, 1496  
gender identity or expression, or military status, ~~national~~ 1497  
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1498  
or preference as to the race, color, religion, sex, age, 1499  
ancestry, national origin, disability, sexual orientation, 1500  
gender identity or expression, or military status, ~~national~~ 1501  
~~origin, disability, age, or ancestry~~ of any prospective 1502  
employer. 1503

(G) For any proprietor or any employee, keeper, or manager 1504  
of a place of public accommodation to deny to any person, except 1505  
for reasons applicable alike to all persons regardless of race, 1506  
color, religion, sex, age, ancestry, national origin, 1507  
disability, sexual orientation, gender identity or expression, 1508  
or military status, ~~national origin, disability, age, or~~ 1509  
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1510  
facilities, or privileges of the place of public accommodation. 1511

(H) Subject to section 4112.024 of the Revised Code, for 1512  
any person to do any of the following: 1513

(1) Refuse to sell, transfer, assign, rent, lease, 1514  
sublease, or finance housing accommodations, refuse to negotiate 1515  
for the sale or rental of housing accommodations, or otherwise 1516  
deny or make unavailable housing accommodations because of race, 1517  
color, religion, sex, ancestry, national origin, familial 1518

status, disability, sexual orientation, gender identity or 1519  
expression, or military status, familial status, ancestry, 1520  
disability, or national origin; 1521

(2) Represent to any person that housing accommodations 1522  
are not available for inspection, sale, or rental, when in fact 1523  
they are available, because of race, color, religion, sex, 1524  
ancestry, national origin, familial status, disability, sexual 1525  
orientation, gender identity or expression, or military status, 1526  
familial status, ancestry, disability, or national origin; 1527

(3) Discriminate against any person in the making or 1528  
purchasing of loans or the provision of other financial 1529  
assistance for the acquisition, construction, rehabilitation, 1530  
repair, or maintenance of housing accommodations, or any person 1531  
in the making or purchasing of loans or the provision of other 1532  
financial assistance that is secured by residential real estate, 1533  
because of race, color, religion, sex, ancestry, national 1534  
origin, familial status, disability, sexual orientation, gender 1535  
identity or expression, or military status, familial status, 1536  
ancestry, disability, or national origin or because of the 1537  
racial composition of the neighborhood in which the housing 1538  
accommodations are located, provided that the person, whether an 1539  
individual, corporation, or association of any type, lends money 1540  
as one of the principal aspects or incident to the person's 1541  
principal business and not only as a part of the purchase price 1542  
of an owner-occupied residence the person is selling nor merely 1543  
casually or occasionally to a relative or friend; 1544

(4) Discriminate against any person in the terms or 1545  
conditions of selling, transferring, assigning, renting, 1546  
leasing, or subleasing any housing accommodations or in 1547  
furnishing facilities, services, or privileges in connection 1548

with the ownership, occupancy, or use of any housing 1549  
accommodations, including the sale of fire, extended coverage, 1550  
or homeowners insurance, because of race, color, religion, sex, 1551  
ancestry, national origin, familial status, disability, sexual 1552  
orientation, gender identity or expression, or military status, 1553  
~~familial status, ancestry, disability, or national origin~~ or 1554  
because of the racial composition of the neighborhood in which 1555  
the housing accommodations are located; 1556

(5) Discriminate against any person in the terms or 1557  
conditions of any loan of money, whether or not secured by 1558  
mortgage or otherwise, for the acquisition, construction, 1559  
rehabilitation, repair, or maintenance of housing accommodations 1560  
because of race, color, religion, sex, ancestry, national 1561  
origin, familial status, disability, sexual orientation, gender 1562  
identity or expression, or military status, ~~familial status,~~ 1563  
~~ancestry, disability, or national origin~~ or because of the 1564  
racial composition of the neighborhood in which the housing 1565  
accommodations are located; 1566

(6) Refuse to consider without prejudice the combined 1567  
income of both husband and wife for the purpose of extending 1568  
mortgage credit to a married couple or either member of a 1569  
married couple; 1570

(7) Print, publish, or circulate any statement or 1571  
advertisement, or make or cause to be made any statement or 1572  
advertisement, relating to the sale, transfer, assignment, 1573  
rental, lease, sublease, or acquisition of any housing 1574  
accommodations, or relating to the loan of money, whether or not 1575  
secured by mortgage or otherwise, for the acquisition, 1576  
construction, rehabilitation, repair, or maintenance of housing 1577  
accommodations, that indicates any preference, limitation, 1578

specification, or discrimination based upon race, color, 1579  
religion, sex, ancestry, national origin, familial status, 1580  
disability, sexual orientation, gender identity or expression, 1581  
or military status, ~~familial status, ancestry, disability, or~~ 1582  
~~national origin,~~ or an intention to make any such preference, 1583  
limitation, specification, or discrimination; 1584

(8) Except as otherwise provided in division (H) (8) or 1585  
(17) of this section, make any inquiry, elicit any information, 1586  
make or keep any record, or use any form of application 1587  
containing questions or entries concerning race, color, 1588  
religion, sex, ancestry, national origin, familial status, 1589  
disability, sexual orientation, gender identity or expression, 1590  
or military status, ~~familial status, ancestry, disability, or~~ 1591  
~~national origin~~ in connection with the sale or lease of any 1592  
housing accommodations or the loan of any money, whether or not 1593  
secured by mortgage or otherwise, for the acquisition, 1594  
construction, rehabilitation, repair, or maintenance of housing 1595  
accommodations. Any person may make inquiries, and make and keep 1596  
records, concerning race, color, religion, sex, ancestry, 1597  
national origin, familial status, disability, sexual 1598  
orientation, gender identity or expression, or military status, 1599  
~~familial status, ancestry, disability, or national origin~~ for 1600  
the purpose of monitoring compliance with this chapter. 1601

(9) Include in any transfer, rental, or lease of housing 1602  
accommodations any restrictive covenant, or honor or exercise, 1603  
or attempt to honor or exercise, any restrictive covenant; 1604

(10) Induce or solicit, or attempt to induce or solicit, a 1605  
housing accommodations listing, sale, or transaction by 1606  
representing that a change has occurred or may occur with 1607  
respect to the racial, religious, sexual, familial status, 1608



sexual orientation, gender identity or expression, military 1609  
status, ~~familial status,~~ or ethnic composition of the block, 1610  
neighborhood, or other area in which the housing accommodations 1611  
are located, or induce or solicit, or attempt to induce or 1612  
solicit, a housing accommodations listing, sale, or transaction 1613  
by representing that the presence or anticipated presence of 1614  
persons of any race, color, religion, sex, ancestry, national 1615  
origin, familial status, disability, sexual orientation, gender 1616  
identity or expression, or military status, ~~familial status,~~ 1617  
ancestry, disability, or national origin, in the block, 1618  
neighborhood, or other area will or may have results including, 1619  
but not limited to, the following: 1620

(a) The lowering of property values; 1621

(b) A change in the racial, religious, sexual, familial 1622  
status, sexual orientation, gender identity or expression, 1623  
military status, ~~familial status,~~ or ethnic composition of the 1624  
block, neighborhood, or other area; 1625

(c) An increase in criminal or antisocial behavior in the 1626  
block, neighborhood, or other area; 1627

(d) A decline in the quality of the schools serving the 1628  
block, neighborhood, or other area. 1629

(11) Deny any person access to or membership or 1630  
participation in any multiple-listing service, real estate 1631  
brokers' organization, or other service, organization, or 1632  
facility relating to the business of selling or renting housing 1633  
accommodations, or discriminate against any person in the terms 1634  
or conditions of that access, membership, or participation, on 1635  
account of race, color, religion, sex, ancestry, national 1636  
origin, familial status, disability, sexual orientation, gender 1637

~~identity or expression, or military status, familial status,~~ 1638  
~~national origin, disability, or ancestry;~~ 1639

(12) Coerce, intimidate, threaten, or interfere with any 1640  
person in the exercise or enjoyment of, or on account of that 1641  
person's having exercised or enjoyed or having aided or 1642  
encouraged any other person in the exercise or enjoyment of, any 1643  
right granted or protected by division (H) of this section; 1644

(13) Discourage or attempt to discourage the purchase by a 1645  
prospective purchaser of housing accommodations, by representing 1646  
that any block, neighborhood, or other area has undergone or 1647  
might undergo a change with respect to its racial, religious, 1648  
~~racial, sexual, familial status, sexual orientation, gender~~ 1649  
identity or expression, military status, familial status, or 1650  
ethnic composition; 1651

(14) Refuse to sell, transfer, assign, rent, lease, 1652  
sublease, or finance, or otherwise deny or withhold, a burial 1653  
lot from any person because of the race, color, sex, age, 1654  
ancestry, national origin, familial status, disability, sexual 1655  
orientation, gender identity or expression, or military status, 1656  
~~familial status, age, ancestry, disability, or national origin~~ 1657  
of any prospective owner or user of the lot; 1658

(15) Discriminate in the sale or rental of, or otherwise 1659  
make unavailable or deny, housing accommodations to any buyer or 1660  
renter because of a disability of any of the following: 1661

(a) The buyer or renter; 1662

(b) A person residing in or intending to reside in the 1663  
housing accommodations after they are sold, rented, or made 1664  
available; 1665

(c) Any individual associated with the person described in 1666

division (H) (15) (b) of this section. 1667

(16) Discriminate in the terms, conditions, or privileges 1668  
of the sale or rental of housing accommodations to any person or 1669  
in the provision of services or facilities to any person in 1670  
connection with the housing accommodations because of a 1671  
disability of any of the following: 1672

(a) That person; 1673

(b) A person residing in or intending to reside in the 1674  
housing accommodations after they are sold, rented, or made 1675  
available; 1676

(c) Any individual associated with the person described in 1677  
division (H) (16) (b) of this section. 1678

(17) Except as otherwise provided in division (H) (17) of 1679  
this section, make an inquiry to determine whether an applicant 1680  
for the sale or rental of housing accommodations, a person 1681  
residing in or intending to reside in the housing accommodations 1682  
after they are sold, rented, or made available, or any 1683  
individual associated with that person has a disability, or make 1684  
an inquiry to determine the nature or severity of a disability 1685  
of the applicant or such a person or individual. The following 1686  
inquiries may be made of all applicants for the sale or rental 1687  
of housing accommodations, regardless of whether they have 1688  
disabilities: 1689

(a) An inquiry into an applicant's ability to meet the 1690  
requirements of ownership or tenancy; 1691

(b) An inquiry to determine whether an applicant is 1692  
qualified for housing accommodations available only to persons 1693  
with disabilities or persons with a particular type of 1694  
disability; 1695

(c) An inquiry to determine whether an applicant is 1696  
qualified for a priority available to persons with disabilities 1697  
or persons with a particular type of disability; 1698

(d) An inquiry to determine whether an applicant currently 1699  
uses a controlled substance in violation of section 2925.11 of 1700  
the Revised Code or a substantively comparable municipal 1701  
ordinance; 1702

(e) An inquiry to determine whether an applicant at any 1703  
time has been convicted of or pleaded guilty to any offense, an 1704  
element of which is the illegal sale, offer to sell, 1705  
cultivation, manufacture, other production, shipment, 1706  
transportation, delivery, or other distribution of a controlled 1707  
substance. 1708

(18) (a) Refuse to permit, at the expense of a person with 1709  
a disability, reasonable modifications of existing housing 1710  
accommodations that are occupied or to be occupied by the person 1711  
with a disability, if the modifications may be necessary to 1712  
afford the person with a disability full enjoyment of the 1713  
housing accommodations. This division does not preclude a 1714  
landlord of housing accommodations that are rented or to be 1715  
rented to a disabled tenant from conditioning permission for a 1716  
proposed modification upon the disabled tenant's doing one or 1717  
more of the following: 1718

(i) Providing a reasonable description of the proposed 1719  
modification and reasonable assurances that the proposed 1720  
modification will be made in a workerlike manner and that any 1721  
required building permits will be obtained prior to the 1722  
commencement of the proposed modification; 1723

(ii) Agreeing to restore at the end of the tenancy the 1724

interior of the housing accommodations to the condition they 1725  
were in prior to the proposed modification, but subject to 1726  
reasonable wear and tear during the period of occupancy, if it 1727  
is reasonable for the landlord to condition permission for the 1728  
proposed modification upon the agreement; 1729

(iii) Paying into an interest-bearing escrow account that 1730  
is in the landlord's name, over a reasonable period of time, a 1731  
reasonable amount of money not to exceed the projected costs at 1732  
the end of the tenancy of the restoration of the interior of the 1733  
housing accommodations to the condition they were in prior to 1734  
the proposed modification, but subject to reasonable wear and 1735  
tear during the period of occupancy, if the landlord finds the 1736  
account reasonably necessary to ensure the availability of funds 1737  
for the restoration work. The interest earned in connection with 1738  
an escrow account described in this division shall accrue to the 1739  
benefit of the disabled tenant who makes payments into the 1740  
account. 1741

(b) A landlord shall not condition permission for a 1742  
proposed modification upon a disabled tenant's payment of a 1743  
security deposit that exceeds the customarily required security 1744  
deposit of all tenants of the particular housing accommodations. 1745

(19) Refuse to make reasonable accommodations in rules, 1746  
policies, practices, or services when necessary to afford a 1747  
person with a disability equal opportunity to use and enjoy a 1748  
dwelling unit, including associated public and common use areas; 1749

(20) Fail to comply with the standards and rules adopted 1750  
under division (A) of section 3781.111 of the Revised Code; 1751

(21) Discriminate against any person in the selling, 1752  
brokering, or appraising of real property because of race, 1753

color, religion, sex, ancestry, national origin, familial 1754  
status, disability, sexual orientation, gender identity or 1755  
expression, or military status, ~~familial status, ancestry,~~ 1756  
~~disability, or national origin;~~ 1757

(22) Fail to design and construct covered multifamily 1758  
dwellings for first occupancy on or after June 30, 1992, in 1759  
accordance with the following conditions: 1760

(a) The dwellings shall have at least one building 1761  
entrance on an accessible route, unless it is impractical to do 1762  
so because of the terrain or unusual characteristics of the 1763  
site. 1764

(b) With respect to dwellings that have a building 1765  
entrance on an accessible route, all of the following apply: 1766

(i) The public use areas and common use areas of the 1767  
dwellings shall be readily accessible to and usable by persons 1768  
with a disability. 1769

(ii) All the doors designed to allow passage into and 1770  
within all premises shall be sufficiently wide to allow passage 1771  
by persons with a disability who are in wheelchairs. 1772

(iii) All premises within covered multifamily dwelling 1773  
units shall contain an accessible route into and through the 1774  
dwelling; all light switches, electrical outlets, thermostats, 1775  
and other environmental controls within such units shall be in 1776  
accessible locations; the bathroom walls within such units shall 1777  
contain reinforcements to allow later installation of grab bars; 1778  
and the kitchens and bathrooms within such units shall be 1779  
designed and constructed in a manner that enables an individual 1780  
in a wheelchair to maneuver about such rooms. 1781

For purposes of division (H) (22) of this section, "covered 1782

multifamily dwellings" means buildings consisting of four or 1783  
more units if such buildings have one or more elevators and 1784  
ground floor units in other buildings consisting of four or more 1785  
units. 1786

(I) For any person to discriminate in any manner against 1787  
any other person because that person has opposed any unlawful 1788  
discriminatory practice defined in this section or because that 1789  
person has made a charge, testified, assisted, or participated 1790  
in any manner in any investigation, proceeding, or hearing under 1791  
sections 4112.01 to 4112.07 of the Revised Code. 1792

(J) For any person to aid, abet, incite, compel, or coerce 1793  
the doing of any act declared by this section to be an unlawful 1794  
discriminatory practice, to obstruct or prevent any person from 1795  
complying with this chapter or any order issued under it, or to 1796  
attempt directly or indirectly to commit any act declared by 1797  
this section to be an unlawful discriminatory practice. 1798

(K) Nothing in divisions (A) to (E) of this section shall 1799  
be construed to require a person with a disability to be 1800  
employed or trained under circumstances that would significantly 1801  
increase the occupational hazards affecting either the person 1802  
with a disability, other employees, the general public, or the 1803  
facilities in which the work is to be performed, or to require 1804  
the employment or training of a person with a disability in a 1805  
job that requires the person with a disability routinely to 1806  
undertake any task, the performance of which is substantially 1807  
and inherently impaired by the person's disability. 1808

(L) An aggrieved individual may enforce the individual's 1809  
rights relative to discrimination on the basis of age as 1810  
provided for in this section by instituting a civil action, 1811  
within one hundred eighty days after the alleged unlawful 1812

discriminatory practice occurred, in any court with jurisdiction 1813  
for any legal or equitable relief that will effectuate the 1814  
individual's rights. 1815

A person who files a civil action under this division is 1816  
barred, with respect to the practices complained of, from 1817  
instituting a civil action under section 4112.14 of the Revised 1818  
Code and from filing a charge with the commission under section 1819  
4112.05 of the Revised Code. 1820

(M) With regard to age, it shall not be an unlawful 1821  
discriminatory practice and it shall not constitute a violation 1822  
of division (A) of section 4112.14 of the Revised Code for any 1823  
employer, employment agency, joint labor-management committee 1824  
controlling apprenticeship training programs, or labor 1825  
organization to do any of the following: 1826

(1) Establish bona fide employment qualifications 1827  
reasonably related to the particular business or occupation that 1828  
may include standards for skill, aptitude, physical capability, 1829  
intelligence, education, maturation, and experience; 1830

(2) Observe the terms of a bona fide seniority system or 1831  
any bona fide employee benefit plan, including, but not limited 1832  
to, a retirement, pension, or insurance plan, that is not a 1833  
subterfuge to evade the purposes of this section. However, no 1834  
such employee benefit plan shall excuse the failure to hire any 1835  
individual, and no such seniority system or employee benefit 1836  
plan shall require or permit the involuntary retirement of any 1837  
individual, because of the individual's age except as provided 1838  
for in the "Age Discrimination in Employment Act Amendment of 1839  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 1840  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1841  
3342, 29 U.S.C.A. 623, as amended. 1842



(3) Retire an employee who has attained sixty-five years 1843  
of age who, for the two-year period immediately before 1844  
retirement, is employed in a bona fide executive or a high 1845  
policymaking position, if the employee is entitled to an 1846  
immediate nonforfeitable annual retirement benefit from a 1847  
pension, profit-sharing, savings, or deferred compensation plan, 1848  
or any combination of those plans, of the employer of the 1849  
employee, which equals, in the aggregate, at least forty-four 1850  
thousand dollars, in accordance with the conditions of the "Age 1851  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 1852  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 1853  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1854  
631, as amended; 1855

(4) Observe the terms of any bona fide apprenticeship 1856  
program if the program is registered with the Ohio 1857  
apprenticeship council pursuant to sections 4139.01 to 4139.06 1858  
of the Revised Code and is approved by the federal committee on 1859  
apprenticeship of the United States department of labor. 1860

(N) Nothing in this chapter prohibiting age discrimination 1861  
and nothing in division (A) of section 4112.14 of the Revised 1862  
Code shall be construed to prohibit the following: 1863

(1) The designation of uniform age the attainment of which 1864  
is necessary for public employees to receive pension or other 1865  
retirement benefits pursuant to Chapter 145., 742., 3307., 1866  
3309., or 5505. of the Revised Code; 1867

(2) The mandatory retirement of uniformed patrol officers 1868  
of the state highway patrol as provided in section 5505.16 of 1869  
the Revised Code; 1870

(3) The maximum age requirements for appointment as a 1871

patrol officer in the state highway patrol established by 1872  
section 5503.01 of the Revised Code; 1873

(4) The maximum age requirements established for original 1874  
appointment to a police department or fire department in 1875  
sections 124.41 and 124.42 of the Revised Code; 1876

(5) Any maximum age not in conflict with federal law that 1877  
may be established by a municipal charter, municipal ordinance, 1878  
or resolution of a board of township trustees for original 1879  
appointment as a police officer or firefighter; 1880

(6) Any mandatory retirement provision not in conflict 1881  
with federal law of a municipal charter, municipal ordinance, or 1882  
resolution of a board of township trustees pertaining to police 1883  
officers and firefighters; 1884

(7) Until January 1, 1994, the mandatory retirement of any 1885  
employee who has attained seventy years of age and who is 1886  
serving under a contract of unlimited tenure, or similar 1887  
arrangement providing for unlimited tenure, at an institution of 1888  
higher education as defined in the "Education Amendments of 1889  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 1890

(O) (1) (a) Except as provided in division (O) (1) (b) of this 1891  
section, for purposes of divisions (A) to (E) of this section, a 1892  
disability does not include any physiological disorder or 1893  
condition, mental or psychological disorder, or disease or 1894  
condition caused by an illegal use of any controlled substance 1895  
by an employee, applicant, or other person, if an employer, 1896  
employment agency, personnel placement service, labor 1897  
organization, or joint labor-management committee acts on the 1898  
basis of that illegal use. 1899

(b) Division (O) (1) (a) of this section does not apply to 1900

an employee, applicant, or other person who satisfies any of the 1901  
following: 1902

(i) The employee, applicant, or other person has 1903  
successfully completed a supervised drug rehabilitation program 1904  
and no longer is engaging in the illegal use of any controlled 1905  
substance, or the employee, applicant, or other person otherwise 1906  
successfully has been rehabilitated and no longer is engaging in 1907  
that illegal use. 1908

(ii) The employee, applicant, or other person is 1909  
participating in a supervised drug rehabilitation program and no 1910  
longer is engaging in the illegal use of any controlled 1911  
substance. 1912

(iii) The employee, applicant, or other person is 1913  
erroneously regarded as engaging in the illegal use of any 1914  
controlled substance, but the employee, applicant, or other 1915  
person is not engaging in that illegal use. 1916

(2) Divisions (A) to (E) of this section do not prohibit 1917  
an employer, employment agency, personnel placement service, 1918  
labor organization, or joint labor-management committee from 1919  
doing any of the following: 1920

(a) Adopting or administering reasonable policies or 1921  
procedures, including, but not limited to, testing for the 1922  
illegal use of any controlled substance, that are designed to 1923  
ensure that an individual described in division (0) (1) (b) (i) or 1924  
(ii) of this section no longer is engaging in the illegal use of 1925  
any controlled substance; 1926

(b) Prohibiting the illegal use of controlled substances 1927  
and the use of alcohol at the workplace by all employees; 1928

(c) Requiring that employees not be under the influence of 1929

alcohol or not be engaged in the illegal use of any controlled substance at the workplace; 1930  
1931

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 1932  
1933  
1934

(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism; 1935  
1936  
1937  
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(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards. 1943  
1944  
1945  
1946  
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(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination. 1948  
1949  
1950

(4) Division (O) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing. 1951  
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(P) This section does not apply to a religious corporation, association, educational institution, or society 1957  
1958

with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.

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

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

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

(2) "Creditor" means any person who regularly extends, renews, or continues credit, any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit, whether or not any interest or finance charge is required.

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

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

(B) It shall be an unlawful discriminatory practice:

(1) For any creditor to do any of the following:	1987
(a) Discriminate against any applicant for credit in the	1988
granting, withholding, extending, or renewing of credit, or in	1989
the fixing of the rates, terms, or conditions of any form of	1990
credit, on the basis of race, color, religion, <u>sex</u> , age, <del>sex</del>	1991
<u>ancestry, national origin, marital status, disability, sexual</u>	1992
<u>orientation, gender identity or expression, or military status,</u>	1993
<del>marital status, national origin, disability, or ancestry,</del> except	1994
that this division shall not apply with respect to age in any	1995
real estate transaction between a financial institution, a	1996
dealer in intangibles, or an insurance company as defined in	1997
section 5725.01 of the Revised Code and its customers;	1998
(b) Use or make any inquiry as to race, color, religion,	1999
<u>sex</u> , age, <del>sex</del> <u>ancestry, national origin, marital status,</u>	2000
<u>disability, sexual orientation, gender identity or expression,</u>	2001
<u>or military status,</u> <del>marital status, national origin, disability,</del>	2002
<del>or ancestry</del> for the purpose of limiting or specifying those	2003
persons to whom credit will be granted, except that an inquiry	2004
of marital status does not constitute discrimination for the	2005
purposes of this section if the inquiry is made for the purpose	2006
of ascertaining the creditor's rights and remedies applicable to	2007
the particular extension of credit, and except that creditors	2008
are excepted from this division with respect to any inquiry,	2009
elicitation of information, record, or form of application	2010
required of a particular creditor by any instrumentality or	2011
agency of the United States, or required of a particular	2012
creditor by any agency or instrumentality to enforce the "Civil	2013
Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c);	2014
(c) Refuse to consider the sources of income of an	2015
applicant for credit, or disregard or ignore the income of an	2016

applicant, in whole or in part, on the basis of race, color, 2017  
religion, sex, age, ~~sex, ancestry, national origin, marital~~ 2018  
status, disability, sexual orientation, gender identity or 2019  
expression, or military status, ~~marital status, disability,~~ 2020  
~~national origin, or ancestry;~~ 2021

(d) Refuse to grant credit to an individual in any name 2022  
that individual customarily uses, if it has been determined in 2023  
the normal course of business that the creditor will grant 2024  
credit to the individual; 2025

(e) Impose any special requirements or conditions, 2026  
including, but not limited to, a requirement for co-obligors or 2027  
reapplication, upon any applicant or class of applicants on the 2028  
basis of race, color, religion, sex, age, ~~sex, ancestry, national~~ 2029  
origin, marital status, disability, sexual orientation, gender 2030  
identity or expression, or military status, ~~marital status,~~ 2031  
~~national origin, disability, or ancestry~~ in circumstances where 2032  
similar requirements or conditions are not imposed on other 2033  
applicants similarly situated, unless the special requirements 2034  
or conditions that are imposed with respect to age are the 2035  
result of a real estate transaction exempted under division (B) 2036  
(1) (a) of this section or are the result of programs that grant 2037  
preferences to certain age groups administered by 2038  
instrumentalities or agencies of the United States, a state, or 2039  
a political subdivision of a state; 2040

(f) Fail or refuse to provide an applicant for credit a 2041  
written statement of the specific reasons for rejection of the 2042  
application if requested in writing by the applicant within 2043  
sixty days of the rejection. The creditor shall provide the 2044  
written statement of the specific reason for rejection within 2045  
thirty days after receipt of a request of that nature. For 2046

purposes of this section, a statement that the applicant was 2047  
rejected solely on the basis of information received from a 2048  
credit reporting agency or because the applicant failed to meet 2049  
the standards required by the creditor's credit scoring system, 2050  
uniformly applied, shall constitute a specific reason for 2051  
rejection. 2052

(g) Fail or refuse to print on or firmly attach to each 2053  
application for credit, in a type size no smaller than that used 2054  
throughout most of the application form, the following notice: 2055  
"The Ohio laws against discrimination require that all creditors 2056  
make credit equally available to all credit worthy customers, 2057  
and that credit reporting agencies maintain separate credit 2058  
histories on each individual upon request. The Ohio civil rights 2059  
commission administers compliance with this law." This notice is 2060  
not required to be included in applications that have a multi- 2061  
state distribution if the notice is mailed to the applicant with 2062  
the notice of acceptance or rejection of the application. 2063

(h) Fail or refuse on the basis of race, color, religion, 2064  
sex, age, ~~sex~~ ancestry, national origin, marital status, 2065  
disability, sexual orientation, gender identity or expression, 2066  
or military status, ~~marital status, national origin, disability,~~ 2067  
~~or ancestry~~ to maintain, upon the request of the individual, a 2068  
separate account for each individual to whom credit is extended; 2069

(i) Fail or refuse on the basis of race, color, religion, 2070  
sex, age, ~~sex~~ ancestry, national origin, marital status, 2071  
disability, sexual orientation, gender identity or expression, 2072  
or military status, ~~marital status, national origin, disability,~~ 2073  
~~or ancestry~~ to maintain records on any account established after 2074  
November 1, 1976, to furnish information on the accounts to 2075  
credit reporting agencies in a manner that clearly designates 2076



the contractual liability for repayment as indicated on the 2077  
application for the account, and, if more than one individual is 2078  
contractually liable for repayment, to maintain records and 2079  
furnish information in the name of each individual. This 2080  
division does not apply to individuals who are contractually 2081  
liable only if the primary party defaults on the account. 2082

(2) For any credit reporting agency to do any of the 2083  
following: 2084

(a) Fail or refuse on the basis of race, color, religion, 2085  
sex, age, ~~sex~~ ancestry, national origin, marital status, 2086  
disability, sexual orientation, gender identity or expression, 2087  
or military status, ~~marital status, national origin, disability,~~ 2088  
~~or ancestry~~ to maintain, upon the request of the individual, a 2089  
separate file on each individual about whom information is 2090  
assembled or evaluated; 2091

(b) Fail or refuse on the basis of race, color, religion, 2092  
sex, age, ~~sex~~ ancestry, national origin, marital status, 2093  
disability, sexual orientation, gender identity or expression, 2094  
or military status, ~~marital status, national origin, disability,~~ 2095  
~~or ancestry~~ to clearly note, maintain, and report any 2096  
information furnished it under division (B) (1) (i) of this 2097  
section. 2098

(C) This section does not prohibit a creditor from 2099  
requesting the signature of both spouses to create a valid lien, 2100  
pass clear title, or waive inchoate rights to property. 2101

(D) The rights granted by this section may be enforced by 2102  
aggrieved individuals by filing a civil action in a court of 2103  
common pleas within one hundred eighty days after the alleged 2104  
unlawful discriminatory practice occurred. Upon application by 2105

the plaintiff and in circumstances that the court considers 2106  
just, the court in which a civil action under this section is 2107  
brought may appoint an attorney for the plaintiff and may 2108  
authorize the commencement of a civil action upon proper showing 2109  
without the payment of costs. If the court finds that an 2110  
unlawful discriminatory practice prohibited by this section 2111  
occurred or is about to occur, the court may grant relief that 2112  
it considers appropriate, including a permanent or temporary 2113  
injunction, temporary restraining order, or other order, and may 2114  
award to the plaintiff compensatory and punitive damages of not 2115  
less than one hundred dollars, together with attorney's fees and 2116  
court costs. 2117

(E) Nothing contained in this section shall bar a creditor 2118  
from reviewing an application for credit on the basis of 2119  
established criteria used in the normal course of business for 2120  
the determination of the credit worthiness of the individual 2121  
applicant for credit, including the credit history of the 2122  
applicant. 2123

**Sec. 4112.04.** (A) The commission shall do all of the 2124  
following: 2125

(1) Establish and maintain a principal office in the city 2126  
of Columbus and any other offices within the state that it 2127  
considers necessary; 2128

(2) Appoint an executive director who shall serve at the 2129  
pleasure of the commission and be its principal administrative 2130  
officer. The executive director shall be paid a salary fixed 2131  
pursuant to Chapter 124. of the Revised Code. 2132

(3) Appoint hearing examiners and other employees and 2133  
agents who it considers necessary and prescribe their duties 2134

subject to Chapter 124. of the Revised Code; 2135

(4) Adopt, promulgate, amend, and rescind rules to 2136  
effectuate the provisions of this chapter and the policies and 2137  
practice of the commission in connection with this chapter; 2138

(5) Formulate policies to effectuate the purposes of this 2139  
chapter and make recommendations to agencies and officers of the 2140  
state or political subdivisions to effectuate the policies; 2141

(6) Receive, investigate, and pass upon written charges 2142  
made under oath of unlawful discriminatory practices; 2143

(7) Make periodic surveys of the existence and effect of 2144  
discrimination because of race, color, religion, sex, age, 2145  
ancestry, national origin, familial status, disability, sexual 2146  
orientation, gender identity or expression, or military status, 2147  
~~familial status, national origin, disability, age, or ancestry~~ 2148  
on the enjoyment of civil rights by persons within the state; 2149

(8) Report, from time to time, but not less than once a 2150  
year, to the general assembly and the governor, describing in 2151  
detail the investigations, proceedings, and hearings it has 2152  
conducted and their outcome, the decisions it has rendered, and 2153  
the other work performed by it, which report shall include a 2154  
copy of any surveys prepared pursuant to division (A) (7) of this 2155  
section and shall include the recommendations of the commission 2156  
as to legislative or other remedial action; 2157

(9) Prepare a comprehensive educational program, in 2158  
cooperation with the department of education, for the students 2159  
of the primary and secondary public schools of this state and 2160  
for all other residents of this state that is designed to 2161  
eliminate prejudice on the basis of race, color, religion, sex, 2162  
military status, familial status, national origin, disability, 2163

age, ~~or~~ ancestry, sexual orientation, or gender identity or 2164  
expression in this state, to further good will among those 2165  
groups, and to emphasize the origin of prejudice against those 2166  
groups and discrimination, its ~~their~~ harmful effects, and ~~its~~  
their incompatibility with American principles of equality and 2167  
fair play; 2168  
2169

(10) Receive progress reports from agencies, 2170  
instrumentalities, institutions, boards, commissions, and other 2171  
entities of this state or any of its political subdivisions and 2172  
their agencies, instrumentalities, institutions, boards, 2173  
commissions, and other entities regarding affirmative action 2174  
programs for the employment of persons against whom 2175  
discrimination is prohibited by this chapter, or regarding any 2176  
affirmative housing accommodations programs developed to 2177  
eliminate or reduce an imbalance of race, color, religion, sex, 2178  
ancestry, national origin, familial status, disability, sexual 2179  
orientation, gender identity or expression, or military status,  
~~familial status, national origin, disability, or ancestry.~~ All 2180  
agencies, instrumentalities, institutions, boards, commissions, 2181  
and other entities of this state or its political subdivisions, 2182  
and all political subdivisions, that have undertaken affirmative 2183  
action programs pursuant to a conciliation agreement with the 2184  
commission, an executive order of the governor, any federal 2185  
statute or rule, or an executive order of the president of the 2186  
United States shall file progress reports with the commission 2187  
annually on or before the first day of November. The commission 2188  
shall analyze and evaluate the progress reports and report its 2189  
findings annually to the general assembly on or before the 2190  
thirtieth day of January of the year immediately following the 2191  
receipt of the reports. 2192  
2193

(B) The commission may do any of the following: 2194

(1) Meet and function at any place within the state;	2195
(2) Initiate and undertake on its own motion	2196
investigations of problems of employment or housing	2197
accommodations discrimination;	2198
(3) Hold hearings, subpoena witnesses, compel their	2199
attendance, administer oaths, take the testimony of any person	2200
under oath, require the production for examination of any books	2201
and papers relating to any matter under investigation or in	2202
question before the commission, and make rules as to the	2203
issuance of subpoenas by individual commissioners.	2204
(a) In conducting a hearing or investigation, the	2205
commission shall have access at all reasonable times to	2206
premises, records, documents, individuals, and other evidence or	2207
possible sources of evidence and may examine, record, and copy	2208
the premises, records, documents, and other evidence or possible	2209
sources of evidence and take and record the testimony or	2210
statements of the individuals as reasonably necessary for the	2211
furtherance of the hearing or investigation. In investigations,	2212
the commission shall comply with the fourth amendment to the	2213
United States Constitution relating to unreasonable searches and	2214
seizures. The commission or a member of the commission may issue	2215
subpoenas to compel access to or the production of premises,	2216
records, documents, and other evidence or possible sources of	2217
evidence or the appearance of individuals, and may issue	2218
interrogatories to a respondent, to the same extent and subject	2219
to the same limitations as would apply if the subpoenas or	2220
interrogatories were issued or served in aid of a civil action	2221
in a court of common pleas.	2222
(b) Upon written application by a party to a hearing under	2223
division (B) of section 4112.05 of the Revised Code, the	2224

commission shall issue subpoenas in its name to the same extent 2225  
and subject to the same limitations as subpoenas issued by the 2226  
commission. Subpoenas issued at the request of a party shall 2227  
show on their face the name and address of the party and shall 2228  
state that they were issued at the party's request. 2229

(c) Witnesses summoned by subpoena of the commission are 2230  
entitled to the witness and mileage fees provided for under 2231  
section 119.094 of the Revised Code. 2232

(d) Within five days after service of a subpoena upon any 2233  
person, the person may petition the commission to revoke or 2234  
modify the subpoena. The commission shall grant the petition if 2235  
it finds that the subpoena requires an appearance or attendance 2236  
at an unreasonable time or place, that it requires production of 2237  
evidence that does not relate to any matter before the 2238  
commission, that it does not describe with sufficient 2239  
particularity the evidence to be produced, that compliance would 2240  
be unduly onerous, or for other good reason. 2241

(e) In case of contumacy or refusal to obey a subpoena, 2242  
the commission or person at whose request it was issued may 2243  
petition for its enforcement in the court of common pleas in the 2244  
county in which the person to whom the subpoena was addressed 2245  
resides, was served, or transacts business. 2246

(4) Create local or statewide advisory agencies and 2247  
conciliation councils to aid in effectuating the purposes of 2248  
this chapter. The commission may itself, or it may empower these 2249  
agencies and councils to, do either or both of the following: 2250

(a) Study the problems of discrimination in all or 2251  
specific fields of human relationships when based on race, 2252  
color, religion, sex, age, ancestry, national origin, familial 2253

status, disability, sexual orientation, gender identity or 2254  
expression, or military status, familial status, national- 2255  
origin, disability, age, or ancestry; 2256

(b) Foster through community effort, or otherwise, good 2257  
will among the groups and elements of the population of the 2258  
state. 2259

The agencies and councils may make recommendations to the 2260  
commission for the development of policies and procedures in 2261  
general. They shall be composed of representative citizens who 2262  
shall serve without pay, except that reimbursement for actual 2263  
and necessary traveling expenses shall be made to citizens who 2264  
serve on a statewide agency or council. 2265

(5) Issue any publications and the results of 2266  
investigations and research that in its judgment will tend to 2267  
promote good will and minimize or eliminate discrimination 2268  
because of race, color, religion, sex, age, ancestry, national 2269  
origin, familial status, disability, sexual orientation, gender 2270  
identity or expression, or military status, familial status, 2271  
national origin, disability, age, or ancestry. 2272

**Sec. 4112.05.** (A) (1) The commission, as provided in this 2273  
section, shall prevent any person from engaging in unlawful 2274  
discriminatory practices. 2275

(2) The commission may at any time attempt to resolve 2276  
allegations of unlawful discriminatory practices by the use of 2277  
alternative dispute resolution, provided that, before 2278  
instituting the formal hearing authorized by division (B) of 2279  
this section, it shall attempt, by informal methods of 2280  
conference, conciliation, mediation, and persuasion, to induce 2281  
compliance with this chapter. 2282

(B) (1) Any person may file a charge with the commission 2283  
alleging that another person has engaged or is engaging in an 2284  
unlawful discriminatory practice. In the case of a charge 2285  
alleging an unlawful discriminatory practice described in 2286  
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2287  
section 4112.02 or in section 4112.021 or 4112.022 of the 2288  
Revised Code, the charge shall be in writing and under oath and 2289  
shall be filed with the commission within six months after the 2290  
alleged unlawful discriminatory practice was committed. In the 2291  
case of a charge alleging an unlawful discriminatory practice 2292  
described in division (H) of section 4112.02 of the Revised 2293  
Code, the charge shall be in writing and under oath and shall be 2294  
filed with the commission within one year after the alleged 2295  
unlawful discriminatory practice was committed. 2296

(a) An oath under this chapter may be made in any form of 2297  
affirmation the person deems binding on the person's conscience. 2298  
Acceptable forms include, but are not limited to, declarations 2299  
made under penalty of perjury. 2300

(b) Any charge timely received, via facsimile, postal 2301  
mail, electronic mail, or otherwise, may be signed under oath 2302  
after the limitations period for filing set forth under division 2303  
(B) (1) of this section and will relate back to the original 2304  
filing date. 2305

(2) Upon receiving a charge, the commission may initiate a 2306  
preliminary investigation to determine whether it is probable 2307  
that an unlawful discriminatory practice has been or is being 2308  
engaged in. The commission also may conduct, upon its own 2309  
initiative and independent of the filing of any charges, a 2310  
preliminary investigation relating to any of the unlawful 2311  
discriminatory practices described in division (A), (B), (C), 2312



(D), (E), (F), (I), or (J) of section 4112.02 or in section 2313  
4112.021 or 4112.022 of the Revised Code. Prior to a 2314  
notification of a complainant under division (B)(4) of this 2315  
section or prior to the commencement of informal methods of 2316  
conference, conciliation, mediation, and persuasion, or 2317  
alternative dispute resolution, under that division, the members 2318  
of the commission and the officers and employees of the 2319  
commission shall not make public in any manner and shall retain 2320  
as confidential all information that was obtained as a result of 2321  
or that otherwise pertains to a preliminary investigation other 2322  
than one described in division (B)(3) of this section. 2323

(3)(a) Unless it is impracticable to do so and subject to 2324  
its authority under division (B)(3)(d) of this section, the 2325  
commission shall complete a preliminary investigation of a 2326  
charge filed pursuant to division (B)(1) of this section that 2327  
alleges an unlawful discriminatory practice described in 2328  
division (H) of section 4112.02 of the Revised Code, and shall 2329  
take one of the following actions, within one hundred days after 2330  
the filing of the charge: 2331

(i) Notify the complainant and the respondent that it is 2332  
not probable that an unlawful discriminatory practice described 2333  
in division (H) of section 4112.02 of the Revised Code has been 2334  
or is being engaged in and that the commission will not issue a 2335  
complaint in the matter; 2336

(ii) Initiate a complaint and schedule it for informal 2337  
methods of conference, conciliation, mediation, and persuasion, 2338  
or alternative dispute resolution; 2339

(iii) Initiate a complaint and refer it to the attorney 2340  
general with a recommendation to seek a temporary or permanent 2341  
injunction or a temporary restraining order. If this action is 2342

taken, the attorney general shall apply, as expeditiously as 2343  
possible after receipt of the complaint, to the court of common 2344  
pleas of the county in which the unlawful discriminatory 2345  
practice allegedly occurred for the appropriate injunction or 2346  
order, and the court shall hear and determine the application as 2347  
expeditiously as possible. 2348

(b) If it is not practicable to comply with the 2349  
requirements of division (B) (3) (a) of this section within the 2350  
one-hundred-day period described in that division, the 2351  
commission shall notify the complainant and the respondent in 2352  
writing of the reasons for the noncompliance. 2353

(c) Prior to the issuance of a complaint under division 2354  
(B) (3) (a) (ii) or (iii) of this section or prior to a 2355  
notification of the complainant and the respondent under 2356  
division (B) (3) (a) (i) of this section, the members of the 2357  
commission and the officers and employees of the commission 2358  
shall not make public in any manner and shall retain as 2359  
confidential all information that was obtained as a result of or 2360  
that otherwise pertains to a preliminary investigation of a 2361  
charge filed pursuant to division (B) (1) of this section that 2362  
alleges an unlawful discriminatory practice described in 2363  
division (H) of section 4112.02 of the Revised Code. 2364

(d) Notwithstanding the types of action described in 2365  
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 2366  
issuance of a complaint or the referral of a complaint to the 2367  
attorney general and prior to endeavoring to eliminate an 2368  
unlawful discriminatory practice described in division (H) of 2369  
section 4112.02 of the Revised Code by informal methods of 2370  
conference, conciliation, mediation, and persuasion, or by 2371  
alternative dispute resolution, the commission may seek a 2372

temporary or permanent injunction or a temporary restraining 2373  
order in the court of common pleas of the county in which the 2374  
unlawful discriminatory practice allegedly occurred. 2375

(4) If the commission determines after a preliminary 2376  
investigation other than one described in division (B)(3) of 2377  
this section that it is not probable that an unlawful 2378  
discriminatory practice has been or is being engaged in, it 2379  
shall notify any complainant under division (B)(1) of this 2380  
section that it has so determined and that it will not issue a 2381  
complaint in the matter. If the commission determines after a 2382  
preliminary investigation other than the one described in 2383  
division (B)(3) of this section that it is probable that an 2384  
unlawful discriminatory practice has been or is being engaged 2385  
in, it shall endeavor to eliminate the practice by informal 2386  
methods of conference, conciliation, mediation, and persuasion, 2387  
or by alternative dispute resolution. 2388

(5) Nothing said or done during informal methods of 2389  
conference, conciliation, mediation, and persuasion, or during 2390  
alternative dispute resolution, under this section shall be 2391  
disclosed by any member of the commission or its staff or be 2392  
used as evidence in any subsequent hearing or other proceeding. 2393  
If, after a preliminary investigation and the use of informal 2394  
methods of conference, conciliation, mediation, and persuasion, 2395  
or alternative dispute resolution, under this section, the 2396  
commission is satisfied that any unlawful discriminatory 2397  
practice will be eliminated, it may treat the charge involved as 2398  
being conciliated and enter that disposition on the records of 2399  
the commission. If the commission fails to effect the 2400  
elimination of an unlawful discriminatory practice by informal 2401  
methods of conference, conciliation, mediation, and persuasion, 2402  
or by alternative dispute resolution under this section and to 2403

obtain voluntary compliance with this chapter, the commission 2404  
shall issue and cause to be served upon any person, including 2405  
the respondent against whom a complainant has filed a charge 2406  
pursuant to division (B) (1) of this section, a complaint stating 2407  
the charges involved and containing a notice of an opportunity 2408  
for a hearing before the commission, a member of the commission, 2409  
or a hearing examiner at a place that is stated in the notice 2410  
and that is located within the county in which the alleged 2411  
unlawful discriminatory practice has occurred or is occurring or 2412  
in which the respondent resides or transacts business. The 2413  
hearing shall be held not less than thirty days after the 2414  
service of the complaint upon the complainant, the aggrieved 2415  
persons other than the complainant on whose behalf the complaint 2416  
is issued, and the respondent, unless the complainant, an 2417  
aggrieved person, or the respondent elects to proceed under 2418  
division (A) (2) of section 4112.051 of the Revised Code when 2419  
that division is applicable. If a complaint pertains to an 2420  
alleged unlawful discriminatory practice described in division 2421  
(H) of section 4112.02 of the Revised Code, the complaint shall 2422  
notify the complainant, an aggrieved person, and the respondent 2423  
of the right of the complainant, an aggrieved person, or the 2424  
respondent to elect to proceed with the administrative hearing 2425  
process under this section or to proceed under division (A) (2) 2426  
of section 4112.051 of the Revised Code. 2427

(6) The attorney general shall represent the commission at 2428  
any hearing held pursuant to division (B) (5) of this section and 2429  
shall present the evidence in support of the complaint. 2430

(7) Any complaint issued pursuant to division (B) (5) of 2431  
this section after the filing of a charge under division (B) (1) 2432  
of this section shall be so issued within one year after the 2433  
complainant filed the charge with respect to an alleged unlawful 2434

discriminatory practice. 2435

(C) (1) Any complaint issued pursuant to division (B) of 2436  
this section may be amended by the commission, a member of the 2437  
commission, or the hearing examiner conducting a hearing under 2438  
division (B) of this section. 2439

(a) Except as provided in division (C) (1) (b) of this 2440  
section, a complaint issued pursuant to division (B) of this 2441  
section may be amended at any time prior to or during the 2442  
hearing. 2443

(b) If a complaint issued pursuant to division (B) of this 2444  
section alleges an unlawful discriminatory practice described in 2445  
division (H) of section 4112.02 of the Revised Code, the 2446  
complaint may be amended at any time up to seven days prior to 2447  
the hearing and not thereafter. 2448

(2) The respondent has the right to file an answer or an 2449  
amended answer to the original and amended complaints and to 2450  
appear at the hearing in person, by attorney, or otherwise to 2451  
examine and cross-examine witnesses. 2452

(D) The complainant shall be a party to a hearing under 2453  
division (B) of this section, and any person who is an 2454  
indispensable party to a complete determination or settlement of 2455  
a question involved in the hearing shall be joined. Any 2456  
aggrieved person who has or claims an interest in the subject of 2457  
the hearing and in obtaining or preventing relief against the 2458  
unlawful discriminatory practices complained of shall be 2459  
permitted to appear only for the presentation of oral or written 2460  
arguments, to present evidence, perform direct and cross- 2461  
examination, and be represented by counsel. The commission shall 2462  
adopt rules, in accordance with Chapter 119. of the Revised Code 2463

governing the authority granted under this division. 2464

(E) In any hearing under division (B) of this section, the 2465  
commission, a member of the commission, or the hearing examiner 2466  
shall not be bound by the Rules of Evidence but, in ascertaining 2467  
the practices followed by the respondent, shall take into 2468  
account all reliable, probative, and substantial statistical or 2469  
other evidence produced at the hearing that may tend to prove 2470  
the existence of a predetermined pattern of employment or 2471  
membership, provided that nothing contained in this section 2472  
shall be construed to authorize or require any person to observe 2473  
the proportion that persons of any race, color, religion, sex, 2474  
age, ancestry, national origin, familial status, disability, 2475  
sexual orientation, gender identity or expression, or military 2476  
status, familial status, national origin, disability, age, or 2477  
ancestry bear to the total population or in accordance with any 2478  
criterion other than the individual qualifications of the 2479  
applicant. 2480

(F) The testimony taken at a hearing under division (B) of 2481  
this section shall be under oath and shall be reduced to writing 2482  
and filed with the commission. Thereafter, in its discretion, 2483  
the commission, upon the service of a notice upon the 2484  
complainant and the respondent that indicates an opportunity to 2485  
be present, may take further testimony or hear argument. 2486

(G) (1) (a) If, upon all reliable, probative, and 2487  
substantial evidence presented at a hearing under division (B) 2488  
of this section, the commission determines that the respondent 2489  
has engaged in, or is engaging in, any unlawful discriminatory 2490  
practice, whether against the complainant or others, the 2491  
commission shall state its findings of fact and conclusions of 2492  
law and shall issue and, subject to the provisions of Chapter 2493

119. of the Revised Code, cause to be served on the respondent 2494  
an order requiring the respondent to do all of the following: 2495

(i) Cease and desist from the unlawful discriminatory 2496  
practice; 2497

(ii) Take any further affirmative or other action that 2498  
will effectuate the purposes of this chapter, including, but not 2499  
limited to, hiring, reinstatement, or upgrading of employees 2500  
with or without back pay, or admission or restoration to union 2501  
membership; 2502

(iii) Report to the commission the manner of compliance. 2503

If the commission directs payment of back pay, it shall 2504  
make allowance for interim earnings. 2505

(b) If the commission finds a violation of division (H) of 2506  
section 4112.02 of the Revised Code, in addition to the action 2507  
described in division (G) (1) (a) of this section, the commission 2508  
additionally may require the respondent to undergo remediation 2509  
in the form of a class, seminar, or any other type of 2510  
remediation approved by the commission, may require the 2511  
respondent to pay actual damages and reasonable attorney's fees, 2512  
and may, to vindicate the public interest, assess a civil 2513  
penalty against the respondent as follows: 2514

(i) If division (G) (1) (b) (ii) or (iii) of this section 2515  
does not apply, a civil penalty in an amount not to exceed ten 2516  
thousand dollars; 2517

(ii) If division (G) (1) (b) (iii) of this section does not 2518  
apply and if the respondent has been determined by a final order 2519  
of the commission or by a final judgment of a court to have 2520  
committed one violation of division (H) of section 4112.02 of 2521  
the Revised Code during the five-year period immediately 2522

preceding the date on which a complaint was issued pursuant to 2523  
division (B) of this section, a civil penalty in an amount not 2524  
to exceed twenty-five thousand dollars; 2525

(iii) If the respondent has been determined by a final 2526  
order of the commission or by a final judgment of a court to 2527  
have committed two or more violations of division (H) of section 2528  
4112.02 of the Revised Code during the seven-year period 2529  
immediately preceding the date on which a complaint was issued 2530  
pursuant to division (B) of this section, a civil penalty 2531  
damages in an amount not to exceed fifty thousand dollars. 2532

(2) Upon the submission of reports of compliance, the 2533  
commission may issue a declaratory order stating that the 2534  
respondent has ceased to engage in particular unlawful 2535  
discriminatory practices. 2536

(H) If the commission finds that no probable cause exists 2537  
for crediting charges of unlawful discriminatory practices or 2538  
if, upon all the evidence presented at a hearing under division 2539  
(B) of this section on a charge, the commission finds that a 2540  
respondent has not engaged in any unlawful discriminatory 2541  
practice against the complainant or others, it shall state its 2542  
findings of fact and shall issue and cause to be served on the 2543  
complainant an order dismissing the complaint as to the 2544  
respondent. A copy of the order shall be delivered in all cases 2545  
to the attorney general and any other public officers whom the 2546  
commission considers proper. 2547

If, upon all the evidence presented at a hearing under 2548  
division (B) of this section on a charge, the commission finds 2549  
that a respondent has not engaged in any unlawful discriminatory 2550  
practice against the complainant or others, it may award to the 2551  
respondent reasonable attorney's fees to the extent provided in 2552



5 U.S.C. 504 and accompanying regulations. 2553

(I) Until the time period for appeal set forth in division 2554  
(H) of section 4112.06 of the Revised Code expires, the 2555  
commission, subject to the provisions of Chapter 119. of the 2556  
Revised Code, at any time, upon reasonable notice, and in the 2557  
manner it considers proper, may modify or set aside, in whole or 2558  
in part, any finding or order made by it under this section. 2559

**Sec. 4112.08.** This chapter shall be construed liberally 2560  
for the accomplishment of its purposes, and any law inconsistent 2561  
with any provision of this chapter shall not apply. Nothing 2562  
contained in this chapter shall be considered to repeal any of 2563  
the provisions of any law of this state relating to 2564  
discrimination because of race, color, religion, sex, age, 2565  
ancestry, national origin, familial status, disability, sexual 2566  
orientation, gender identity or expression, or military status, 2567  
~~familial status, disability, national origin, age, or ancestry,~~ 2568  
except that any person filing a charge under division (B) (1) of 2569  
section 4112.05 of the Revised Code, with respect to the 2570  
unlawful discriminatory practices complained of, is barred from 2571  
instituting a civil action under section 4112.14 or division (L) 2572  
of section 4112.02 of the Revised Code. This chapter does not 2573  
limit actions, procedures, and remedies afforded under federal 2574  
law. 2575

**Sec. 4117.19.** (A) Every employee organization that is 2576  
certified or recognized as a representative of public employees 2577  
under this chapter shall file with the state employment 2578  
relations board a registration report that is signed by its 2579  
president or other appropriate officer. The report shall be in a 2580  
form prescribed by the board and accompanied by two copies of 2581  
the employee organization's constitution and bylaws. The board 2582

shall accept a filing by a statewide, national, or international 2583  
employee organization of its constitution and bylaws in lieu of 2584  
a filing of the documents by each subordinate organization. The 2585  
exclusive representative or other employee organization 2586  
originally filing its constitution and bylaws shall report, 2587  
promptly, to the board all changes or amendments to its 2588  
constitution and bylaws. 2589

(B) Every employee organization shall file with the board 2590  
an annual report. The report shall be in a form prescribed by 2591  
the board and shall contain the following information: 2592

(1) The names and addresses of the organization, any 2593  
parent organization or organizations with which it is 2594  
affiliated, and all organizationwide officers; 2595

(2) The name and address of its local agent for service of 2596  
process; 2597

(3) A general description of the public employees the 2598  
organization represents or seeks to represent; 2599

(4) The amounts of the initiation fee and monthly dues 2600  
members must pay; 2601

(5) A pledge, in a form prescribed by the board, that the 2602  
organization will comply with the laws of the state and that it 2603  
will accept members as provided by law without regard to ~~age,~~ 2604  
~~race, color, sex, creed,~~ religion, creed, sex, age, ancestry, or 2605  
national origin, disability, sexual orientation, gender 2606  
identity or expression, or military status as those terms are 2607  
defined in section 4112.01 of the Revised Code, ~~military status~~ 2608  
~~as defined in that section,~~ or physical disability as provided 2609  
by law~~;~~ 2610

(6) A financial report. 2611

- (C) The constitution or bylaws of every employee organization shall do all of the following:
- (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;
  - (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;
  - (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 is interested, or a subsidiary organization be bonded with the amount, scope, and form of the bond determined by the board;
  - (4) Require periodic elections of officers by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in the elections, the right of individual members to participate in the affairs of the organization, and fair and equitable procedures in disciplinary actions.
- (D) The board shall prescribe rules necessary to govern the establishment and reporting of trusteeships over employee organizations. The establishment of trusteeships is permissible only if the constitution or bylaws of the organization set forth reasonable procedures.
- (E) The board may withhold certification of an employee

organization that willfully refuses to register or file an 2641  
annual report or that willfully refuses to comply with other 2642  
provisions of this section. The board may revoke a certification 2643  
of an employee organization for willfully failing to comply with 2644  
this section. The board may enforce the prohibitions contained 2645  
in this section by petitioning the court of common pleas of the 2646  
county in which the violation occurs for an injunction. Persons 2647  
complaining of a violation of this section shall file the 2648  
complaint with the board. 2649

(F) Upon the written request to the board of any member of 2650  
a certified employee organization and where the board determines 2651  
the necessity for an audit, the board may require the employee 2652  
organization to provide a certified audit of its financial 2653  
records. 2654

(G) Any employee organization subject to the "Labor- 2655  
Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2656  
29 U.S.C.A., 401, as amended, may file copies with the board of 2657  
all reports it is required to file under that act in lieu of 2658  
compliance with all parts of this section other than division 2659  
(A) of this section. The board shall accept a filing by a 2660  
statewide, national, or international employee organization of 2661  
its reports in lieu of a filing of such reports by each 2662  
subordinate organization. 2663

**Sec. 4725.67.** The state vision professionals board and any 2664  
committees established by the board shall not discriminate 2665  
against an applicant or holder of a certificate, license, 2666  
registration, or endorsement issued under this chapter because 2667  
of the person's race, color, religion, sex, national origin, or 2668  
age; or disability, sexual orientation, or gender identity or 2669  
expression, as those terms are defined in section 4112.01 of the 2670

Revised Code, ~~or age~~. A person who files with the board or 2671  
committee a statement alleging discrimination based on any of 2672  
those reasons may request a hearing with the board or committee, 2673  
as appropriate. 2674

**Sec. 4735.16.** (A) Every real estate broker licensed under 2675  
this chapter shall erect or maintain a sign on the business 2676  
premises plainly stating that the licensee is a real estate 2677  
broker. If the real estate broker maintains one or more branch 2678  
offices, the real estate broker shall erect or maintain a sign 2679  
at each branch office plainly stating that the licensee is a 2680  
real estate broker. 2681

(B) (1) Any licensed real estate broker or salesperson who 2682  
advertises to buy, sell, exchange, or lease real estate, or to 2683  
engage in any act regulated by this chapter, with respect to 2684  
property the licensee does not own, shall be identified in the 2685  
advertisement by name and indicate the name of the brokerage 2686  
with which the licensee is affiliated. 2687

(2) Any licensed real estate broker or ~~sales person~~ 2688  
salesperson who advertises to sell, exchange, or lease real 2689  
estate, or to engage in any act regulated by this chapter, with 2690  
respect to property that the licensee owns, shall be identified 2691  
in the advertisement by name and indicate that the property is 2692  
agent owned, and if the property is listed with a real estate 2693  
brokerage, the advertisement shall also indicate the name of the 2694  
brokerage with which the property is listed. 2695

(3) The name of the brokerage shall be displayed in equal 2696  
prominence with the name of the salesperson in the 2697  
advertisement. For purposes of this section, "brokerage" means 2698  
the name the real estate company or sole broker is doing 2699  
business as, or if the real estate company or sole broker does 2700

not use such a name, the name of the real estate company or sole broker as licensed. 2701  
2702

(4) A real estate broker who is representing a seller under an exclusive right to sell or lease listing agreement shall not advertise such property to the public as "for sale by owner" or otherwise mislead the public to believe that the seller is not represented by a real estate broker. 2703  
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(5) If any real estate broker or real estate salesperson advertises in a manner other than as provided in this section or the rules adopted under this section, that advertisement is prima-facie evidence of a violation under division (A) (21) of section 4735.18 of the Revised Code. 2708  
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When the superintendent determines that prima-facie evidence of a violation of division (A) (21) of section 4735.18 of the Revised Code or any of the rules adopted thereunder exists, the superintendent may do either of the following: 2713  
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2715  
2716

(a) Initiate disciplinary action under section 4735.051 of the Revised Code for a violation of division (A) (21) of section 4735.18 of the Revised Code, in accordance with Chapter 119. of the Revised Code; 2717  
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(b) Personally, or by certified mail, serve a citation upon the licensee. 2721  
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(C) (1) Every citation served under this section shall give notice to the licensee of the alleged violation or violations charged and inform the licensee of the opportunity to request a hearing in accordance with Chapter 119. of the Revised Code. The citation also shall contain a statement of a fine of two hundred dollars per violation, not to exceed two thousand five hundred dollars per citation. All fines collected pursuant to this 2723  
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section shall be credited to the real estate recovery fund, 2730  
created in the state treasury under section 4735.12 of the 2731  
Revised Code. 2732

(2) If any licensee is cited three times within twelve 2733  
consecutive months, the superintendent shall initiate 2734  
disciplinary action pursuant to section 4735.051 of the Revised 2735  
Code for any subsequent violation that occurs within the same 2736  
twelve-month period. 2737

(3) If a licensee fails to request a hearing within thirty 2738  
days of the date of service of the citation, or the licensee and 2739  
the superintendent fail to reach an alternative agreement, the 2740  
citation shall become final. 2741

(4) Unless otherwise indicated, the licensee named in a 2742  
final citation must meet all requirements contained in the final 2743  
citation within thirty days of the effective date of that 2744  
citation. 2745

(5) The superintendent shall suspend automatically a 2746  
licensee's license if the licensee fails to comply with division 2747  
(C) (4) of this section. 2748

(D) A real estate broker or salesperson obtaining the 2749  
signature of a party to a listing or other agreement involved in 2750  
a real estate transaction shall furnish a copy of the listing or 2751  
other agreement to the party immediately after obtaining the 2752  
party's signature. Every broker's office shall prominently 2753  
display in the same immediate area as licenses are displayed a 2754  
statement that it is illegal to discriminate against any person 2755  
because of race, color, religion, sex, ancestry, or national 2756  
origin; or familial status ~~as defined in section 4112.01 of the~~ 2757  
~~Revised Code, national origin, disability, sexual orientation,~~ 2758

~~gender identity or expression, or military status as defined in~~ 2759  
~~that section, disability as defined in that section, or~~ 2760  
~~ancestry, as those terms are defined in section 4112.01 of the~~ 2761  
Revised Code, in the sale or rental of housing or residential 2762  
lots, in advertising the sale or rental of housing, in the 2763  
financing of housing, or in the provision of real estate 2764  
brokerage services and that blockbusting also is illegal. The 2765  
statement shall bear the United States department of housing and 2766  
urban development equal housing logo, shall contain the 2767  
information that the broker and the broker's salespersons are 2768  
licensed by the division of real estate and professional 2769  
licensing and that the division can assist with any consumer 2770  
complaints or inquiries, and shall explain the provisions of 2771  
section 4735.12 of the Revised Code. The statement shall provide 2772  
the division's address and telephone number. The Ohio real 2773  
estate commission shall provide by rule for the wording and size 2774  
of the statement. The pamphlet required under section 4735.03 of 2775  
the Revised Code shall contain the same statement that is 2776  
required on the statement displayed as provided in this section 2777  
and shall be made available by real estate brokers and 2778  
salespersons to their clients. The commission shall provide the 2779  
wording and size of the pamphlet. 2780

**Sec. 4735.55.** (A) Each written agency agreement shall 2781  
contain all of the following: 2782

(1) An expiration date; 2783

(2) A statement that it is illegal, pursuant to the Ohio 2784  
fair housing law, division (H) of section 4112.02 of the Revised 2785  
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 2786  
amended, to refuse to sell, transfer, assign, rent, lease, 2787  
sublease, or finance housing accommodations, refuse to negotiate 2788



for the sale or rental of housing accommodations, or otherwise 2789  
deny or make unavailable housing accommodations because of race, 2790  
color, religion, sex, ancestry, or national origin; or familial 2791  
~~status as defined in section 4112.01 of the Revised Code,~~ 2792  
ancestry, disability, sexual orientation, gender identity or 2793  
expression, or military status as defined in that section, 2794  
~~disability as defined in that section, or national origin, as~~ 2795  
those terms are defined in section 4112.01 of the Revised Code, 2796  
or to so discriminate in advertising the sale or rental of 2797  
housing, in the financing of housing, or in the provision of 2798  
real estate brokerage services; 2799

(3) A statement defining the practice known as 2800  
"blockbusting" and stating that it is illegal; 2801

(4) A copy of the United States department of housing and 2802  
urban development equal housing opportunity logotype, as set 2803  
forth in 24 C.F.R. 109.30, as amended. 2804

(B) Each written agency agreement shall contain a place 2805  
for the licensee and the client to sign and date the agreement. 2806

(C) A licensee shall furnish a copy of any written agency 2807  
agreement to a client in a timely manner after the licensee and 2808  
the client have signed and dated it. 2809

**Sec. 4744.54.** The state speech and hearing professionals 2810  
board or any committees established by the board shall not 2811  
discriminate against an applicant or license holder because of 2812  
the person's race, color, religion, sex, national origin, or 2813  
age; or disability, sexual orientation, or gender identity or 2814  
expression, as those terms are defined in section 4112.01 of the 2815  
Revised Code, ~~or age~~. A person who files with the board or 2816  
committee a statement alleging discrimination based on any of 2817

those reasons may request a hearing with the board or committee, 2818  
as appropriate. 2819

**Sec. 4757.07.** The counselor, social worker, and marriage 2820  
and family therapist board and its professional standards 2821  
committees shall not discriminate against any licensee, 2822  
registrant, or applicant for a license or certificate of 2823  
registration under this chapter because of the person's race, 2824  
color, religion, sex, age, or national origin; or disability, 2825  
sexual orientation, or gender identity or expression, as those 2826  
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 2827  
~~age~~. The board or committee, as appropriate, shall afford a 2828  
hearing to any person who files with the board or committee a 2829  
statement alleging discrimination based on any of those reasons. 2830

**Sec. 4758.16.** The chemical dependency professionals board 2831  
shall not discriminate against any licensee, certificate holder, 2832  
endorsement holder, or applicant for a license, certificate, or 2833  
endorsement under this chapter because of the individual's race, 2834  
color, religion, ~~gender sex,~~ age, or national origin; or 2835  
disability, sexual orientation, or gender identity or 2836  
expression, as those terms are defined in section 4112.01 of the 2837  
Revised Code, ~~or age~~. The board shall afford a hearing to any 2838  
individual who files with the board a statement alleging 2839  
discrimination based on any of those reasons. 2840

**Sec. 4765.18.** The state board of emergency medical, fire, 2841  
and transportation services may suspend or revoke a certificate 2842  
of accreditation or a certificate of approval issued under 2843  
section 4765.17 of the Revised Code for any of the following 2844  
reasons: 2845

(A) Violation of this chapter or any rule adopted under 2846  
it; 2847

(B) Furnishing of false, misleading, or incomplete information to the board;	2848 2849
(C) The signing of an application or the holding of a certificate of accreditation by a person who has pleaded guilty to or has been convicted of a felony, or has pleaded guilty to or been convicted of a crime involving moral turpitude;	2850 2851 2852 2853
(D) The signing of an application or the holding of a certificate of accreditation by a person who is addicted to the use of any controlled substance or has been adjudicated incompetent for that purpose by a court, as provided in section 5122.301 of the Revised Code;	2854 2855 2856 2857 2858
(E) Violation of any commitment made in an application for a certificate of accreditation or certificate of approval;	2859 2860
(F) Presentation to prospective students of misleading, false, or fraudulent information relating to the emergency medical services training program or emergency medical services continuing education program, employment opportunities, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the operator of a program;	2861 2862 2863 2864 2865 2866 2867
(G) Failure to maintain in a safe and sanitary condition premises and equipment used in conducting courses of study;	2868 2869
(H) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study or to retain a sufficient number of certified instructors;	2870 2871 2872
(I) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin; <u>or sexual orientation or gender identity or expression, as those terms are defined in section 4112.01 of the Revised Code.</u>	2873 2874 2875 2876

**Sec. 5104.09.** No administrator, employee, licensee, or 2877  
child-care staff member shall discriminate in the enrollment of 2878  
children in a child day-care center, type A home, licensed type 2879  
B home, or approved child day camp upon the basis of race, 2880  
color, religion, sex, ~~disability,~~ or national origin; or 2881  
disability, sexual orientation, or gender identity or 2882  
expression, as those terms are defined in section 4112.01 of the 2883  
Revised Code. 2884

**Sec. 5107.26.** (A) As used in this section, "transitional 2885  
child care" means publicly funded child care provided under 2886  
division (A) (3) of section 5104.34 of the Revised Code. 2887

(B) Except as provided in division (C) of this section: 2888

(1) Each member of an assistance group participating in 2889  
Ohio works first is ineligible to participate in the program for 2890  
six payment months if a county department of job and family 2891  
services determines that a member of the assistance group 2892  
terminated the member's employment. 2893

(2) Each person who, on the day prior to the day a 2894  
recipient begins to receive transitional child care, was a 2895  
member of the recipient's assistance group is ineligible to 2896  
participate in Ohio works first for six payment months if a 2897  
county department determines that the recipient terminated the 2898  
recipient's employment. 2899

(C) No assistance group member shall lose or be denied 2900  
eligibility to participate in Ohio works first pursuant to 2901  
division (B) of this section if the termination of employment 2902  
was because an assistance group member or recipient of 2903  
transitional child care secured comparable or better employment 2904  
or the county department of job and family services certifies 2905

that the member or recipient terminated the employment with just 2906  
cause. 2907

Just cause includes the following: 2908

(1) Discrimination by an employer based on ~~age, race, sex,~~ 2909  
~~color, handicap,~~ religious beliefs, ~~or sex, age,~~ national 2910  
origin; or disability, sexual orientation, or gender identity or 2911  
expression, as those terms are defined in section 4112.01 of the 2912  
Revised Code; 2913

(2) Work demands or conditions that render continued 2914  
employment unreasonable, such as working without being paid on 2915  
schedule; 2916

(3) Employment that has become unsuitable due to any of 2917  
the following: 2918

(a) The wage is less than the federal minimum wage; 2919

(b) The work is at a site subject to a strike or lockout, 2920  
unless the strike has been enjoined under section 208 of the 2921  
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 2922  
U.S.C.A. 178, as amended, an injunction has been issued under 2923  
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 2924  
U.S.C.A. 160, as amended, or an injunction has been issued under 2925  
section 4117.16 of the Revised Code; 2926

(c) The documented degree of risk to the member or 2927  
recipient's health and safety is unreasonable; 2928

(d) The member or recipient is physically or mentally 2929  
unfit to perform the employment, as documented by medical 2930  
evidence or by reliable information from other sources. 2931

(4) Documented illness of the member or recipient or of 2932  
another assistance group member of the member or recipient 2933

requiring the presence of the member or recipient;	2934
(5) A documented household emergency;	2935
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	2936 2937
<b>Sec. 5123.351.</b> The director of developmental disabilities, with respect to the eligibility for state reimbursement of expenses incurred by facilities and programs established and operated under Chapter 5126. of the Revised Code for persons with developmental disabilities, shall do all of the following:	2938 2939 2940 2941 2942
(A) Make rules that may be necessary to carry out the purposes of Chapter 5126. and sections 5123.35, 5123.351, and 5123.36 of the Revised Code;	2943 2944 2945
(B) Define minimum standards for qualifications of personnel, professional services, and in-service training and educational leave programs;	2946 2947 2948
(C) Review and evaluate community programs and make recommendations for needed improvements to county boards of developmental disabilities and to program directors;	2949 2950 2951
(D) Withhold state reimbursement, in whole or in part, from any county or combination of counties for failure to comply with Chapter 5126. or section 5123.35 or 5123.351 of the Revised Code or rules of the department of developmental disabilities;	2952 2953 2954 2955
(E) Withhold state funds from an agency, corporation, or association denying or rendering service on the basis of race, color, <del>sex</del> , religion, <u>sex</u> , ancestry, <u>or national origin</u> ; <u>or</u> disability, <u>sexual orientation, or gender identity or</u> <u>expression, as those terms are defined in section 4112.01 of the</u> Revised Code, or inability to pay;	2956 2957 2958 2959 2960 2961

(F) Provide consultative staff service to communities to 2962  
assist in ascertaining needs and in planning and establishing 2963  
programs. 2964

**Sec. 5126.07.** No county board of developmental 2965  
disabilities or any agency, corporation, or association under 2966  
contract with a county board of developmental disabilities shall 2967  
discriminate in the provision of services under its authority or 2968  
contract on the basis of race, color, ~~sex~~, creed, sex, national 2969  
origin, or disability, national origin, sexual orientation or 2970  
gender identity or expression, as those terms are defined in 2971  
section 4112.01 of the Revised Code; or the inability to pay. 2972

Each county board of developmental disabilities shall 2973  
provide a plan of affirmative action describing its goals and 2974  
methods for the provision of equal employment opportunities for 2975  
all persons under its authority and shall ensure 2976  
nondiscrimination in employment under its authority or contract 2977  
on the basis of race, color, ~~sex~~, creed, sex, national origin, 2978  
or disability, or national origin; or sexual orientation or 2979  
gender identity or expression, as those terms are defined in 2980  
section 4112.01 of the Revised Code. 2981

**Sec. 5165.08.** (A) As used in this section: 2982

"Bed need" means the number of long-term care beds a 2983  
county needs as determined by the director of health pursuant to 2984  
division (B) (3) of section 3702.593 of the Revised Code. 2985

"Bed need excess" means that a county's bed need is such 2986  
that one or more long-term care beds may be relocated from the 2987  
county according to the director's determination of the county's 2988  
bed need. 2989

(B) Every provider agreement with a nursing facility 2990

provider shall do both of the following: 2991

(1) Permit the provider to exclude one or more parts of 2992  
the nursing facility from the provider agreement, even though 2993  
those parts meet federal and state standards for medicaid 2994  
certification, if all of the following apply: 2995

(a) The nursing facility initially obtained both its 2996  
nursing home license under Chapter 3721. of the Revised Code and 2997  
medicaid certification on or after January 1, 2008. 2998

(b) The nursing facility is located in a county that has a 2999  
bed need excess at the time the provider excludes the parts from 3000  
the provider agreement. 3001

(c) Federal law permits the provider to exclude the parts 3002  
from the provider agreement. 3003

(d) The provider gives the department of medicaid written 3004  
notice of the exclusion not less than forty-five days before the 3005  
first day of the calendar quarter in which the exclusion is to 3006  
occur. 3007

(2) Prohibit the provider from doing either of the 3008  
following: 3009

(a) Discriminating against a resident on the basis of 3010  
race, color, sex, creed, or national origin; or sexual 3011  
orientation or gender identity or expression, as those terms are 3012  
defined in section 4112.01 of the Revised Code; 3013

(b) Subject to division (D) of this section, failing or 3014  
refusing to do either of the following: 3015

(i) Except as otherwise prohibited under section 5165.82 3016  
of the Revised Code, admit as a resident of the nursing facility 3017  
an individual because the individual is, or may (as a resident 3018



of the nursing facility) become, a medicaid recipient unless at 3019  
least twenty-five per cent of the nursing facility's medicaid- 3020  
certified beds are occupied by medicaid recipients at the time 3021  
the person would otherwise be admitted; 3022

(ii) Retain as a resident of the nursing facility an 3023  
individual because the individual is, or may (as a resident of 3024  
the nursing facility) become, a medicaid recipient. 3025

(C) For the purpose of division (B) (2) (b) (ii) of this 3026  
section, a medicaid recipient who is a resident of a nursing 3027  
facility shall be considered a resident of the nursing facility 3028  
during any hospital stays totaling less than twenty-five days 3029  
during any twelve-month period. 3030

(D) Nothing in this section shall bar a provider from 3031  
doing any of the following: 3032

(1) If the provider is a religious organization operating 3033  
a religious or denominational nursing facility from giving 3034  
preference to persons of the same religion or denomination; 3035

(2) Giving preference to persons with whom the provider 3036  
has contracted to provide continuing care; 3037

(3) If the nursing facility is a county home organized 3038  
under Chapter 5155. of the Revised Code, admitting residents 3039  
exclusively from the county in which the county home is located; 3040

(4) Retaining residents who have resided in the provider's 3041  
nursing facility for not less than one year as private pay 3042  
patients and who subsequently become medicaid recipients, but 3043  
refusing to accept as a resident any person who is, or may (as a 3044  
resident of the nursing facility) become a medicaid recipient, 3045  
if all of the following apply: 3046

(a) The provider does not refuse to retain any resident 3047  
who has resided in the provider's nursing facility for not less 3048  
than one year as a private pay resident because the resident 3049  
becomes a medicaid recipient, except as necessary to comply with 3050  
division (D) (4) (b) of this section; 3051

(b) The number of medicaid recipients retained under 3052  
division (D) (4) of this section does not at any time exceed ten 3053  
per cent of all the residents in the nursing facility; 3054

(c) On July 1, 1980, all the residents in the nursing 3055  
facility were private pay residents. 3056

(E) No provider shall violate the provider agreement 3057  
obligations imposed by this section. 3058

(F) A nursing facility provider who excludes one or more 3059  
parts of the nursing facility from a provider agreement pursuant 3060  
to division (B) (1) of this section does not violate division (C) 3061  
of section 3702.53 of the Revised Code. 3062

**Sec. 5312.04.** (A) A board of directors of an owners 3063  
association shall elect officers from the members of the board, 3064  
to include a president, secretary, treasurer, and other officers 3065  
as the board designates. 3066

(B) A board may act in all instances on behalf of an 3067  
association unless otherwise provided in this chapter, the 3068  
declaration, or bylaws. The board may appoint persons to fill 3069  
vacancies in its membership for the unexpired portion of any 3070  
term. 3071

(C) Except during a period of declarant control, the board 3072  
shall call a meeting of the owners association at least once 3073  
each year. Special meetings may be called by the president, a 3074  
majority of the board, owners representing fifty per cent of the 3075

voting power in the owners association, or any lower share of 3076  
the voting power as the declaration or bylaws specify. 3077

(D) The board may hold a meeting by any method of 3078  
communication, including electronic or telephonic communication, 3079  
provided that each member of the board can hear or read in real 3080  
time and participate and respond to every other member of the 3081  
board. 3082

(E) In lieu of conducting a meeting, the board may take an 3083  
action with the unanimous written consent of the members of the 3084  
board. Any written consent shall be filed with the minutes of 3085  
the meetings of the board. 3086

(F) No owner other than a director may attend or 3087  
participate in any discussion or deliberation of a meeting of 3088  
the board of directors unless the board expressly authorizes 3089  
that owner to attend or participate. 3090

(G) The board of directors of an owners association shall 3091  
comply with all applicable state and federal laws concerning 3092  
prohibitions against discrimination on the basis of race, color, 3093  
religion, ~~sex, military status, ancestry, or national origin, or~~ 3094  
sex, age, disability, age, or ancestry sexual orientation, 3095  
gender identity or expression, or military status, as those 3096  
terms are defined in section 4112.01 of the Revised Code, 3097  
including, but not limited to, Chapter 4112. of the Revised 3098  
Code. No private right of action additional to those conferred 3099  
by the applicable state and federal anti-discrimination laws is 3100  
conferred on any aggrieved individual by the preceding sentence. 3101

**Sec. 5515.08.** (A) The department of transportation may 3102  
contract to sell commercial advertising space within or on the 3103  
outside surfaces of any building located within a roadside rest 3104

area under its jurisdiction in exchange for cash payment. Money 3105  
the department receives under this section shall be deposited in 3106  
the state treasury to the credit of the highway operating fund. 3107

(B) Advertising placed under this section shall comply 3108  
with all of the following: 3109

(1) It shall not be libelous or obscene and shall not 3110  
promote any illegal product or service. 3111

(2) It shall not promote illegal discrimination on the 3112  
basis of the race, religion, age, ancestry, national origin, or 3113  
handicap, age, or ancestry or sexual orientation or gender 3114  
identity or expression, as those terms are defined in section 3115  
4112.01 of the Revised Code, of any person. 3116

(3) It shall not support or oppose any candidate for 3117  
political office or any political cause, issue, or organization. 3118

(4) It shall comply with any controlling federal or state 3119  
regulations or restrictions. 3120

(5) To the extent physically and technically practical, it 3121  
shall state that the advertisement is a paid commercial 3122  
advertisement and that the state does not endorse the product or 3123  
service promoted by the advertisement or make any representation 3124  
about the accuracy of the advertisement or the quality or 3125  
performance of the product or service promoted by the 3126  
advertisement. 3127

(6) It shall conform to all applicable rules adopted by 3128  
the director of transportation under division (E) of this 3129  
section. 3130

(C) Contracts entered into under this section shall be 3131  
awarded only to the qualified bidder who submits the highest 3132

responsive bid or according to uniformly applied rate classes. 3133

(D) No person, except an advertiser alleging a breach of 3134  
contract or the improper awarding of a contract, has a cause of 3135  
action against the state with respect to any contract or 3136  
advertising authorized by this section. Under no circumstances 3137  
is the state liable for consequential or noneconomic damages 3138  
with respect to any contract or advertising authorized under 3139  
this section. 3140

(E) The director, in accordance with Chapter 119. of the 3141  
Revised Code, shall adopt rules to implement this section. The 3142  
rules shall be consistent with the policy of protecting the 3143  
safety of the traveling public and consistent with the national 3144  
policy governing the use and control of such roadside rest 3145  
areas. The rules shall regulate the awarding of contracts and 3146  
may regulate the content, display, and other aspects of the 3147  
commercial advertising authorized by this section. 3148

**Sec. 5709.832.** The legislative authority of a county, 3149  
township, or municipal corporation that grants an exemption from 3150  
taxation under Chapter 725. or 1728. or section 3735.67, 3151  
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 3152  
or 5709.78 of the Revised Code shall develop policies to ensure 3153  
that the recipient of the exemption practices nondiscriminatory 3154  
hiring in its operations. As used in this section, 3155  
"nondiscriminatory hiring" means that no individual may be 3156  
denied employment solely on the basis of race, color, religion, 3157  
sex, ancestry, or national origin; or disability, ~~color,~~ 3158  
national origin, or ancestry sexual orientation, or gender 3159  
identity or expression, as those terms are defined in section 3160  
4112.021 of the Revised Code. 3161

**Section 2.** That existing sections 9.03, 124.93, 340.12, 3162

511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3163  
3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 3164  
4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 3165  
4725.67, 4735.16, 4735.55, 4744.54, 4757.07, 4758.16, 4765.18, 3166  
5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5312.04, 5515.08, 3167  
and 5709.832 of the Revised Code are hereby repealed. 3168

**Section 3.** Section 4112.04 of the Revised Code is 3169  
presented in this act as a composite of the section as amended 3170  
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3171  
Sub. H.B. 1 of the 128th General Assembly. Section 5104.09 of 3172  
the Revised Code is presented in this act as a composite of the 3173  
section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 3174  
316 of the 129th General Assembly. The General Assembly, 3175  
applying the principle stated in division (B) of section 1.52 of 3176  
the Revised Code that amendments are to be harmonized if 3177  
reasonably capable of simultaneous operation, finds that the 3178  
composites are the resulting versions of the sections in effect 3179  
prior to the effective date of the sections as presented in this 3180  
act. 3181

**Section 4.** (A) The General Assembly finds both of the 3182  
following: 3183

(1) Lesbian, gay, bisexual, and transgender individuals 3184  
are too often the victims of discrimination. They may be fired 3185  
from jobs, denied access to housing and educational 3186  
institutions, refused credit, and excluded from public 3187  
accommodations because of their sexual orientation or gender 3188  
identity or expression. 3189

(2) It is essential that the State of Ohio protect the 3190  
civil rights of all its residents. 3191

(B) The Ohio Fairness Act is enacted to protect civil 3192  
rights by prohibiting discrimination against lesbian, gay, 3193  
bisexual, and transgender individuals. 3194

This act upholds existing religious exemptions currently 3195  
in Ohio law. 3196