

As Introduced

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S. B. No. 125

Senators LaRose, Skindell

Cosponsors: Senators Tavares, Brown, Cafaro, Gentile, Kearney, Sawyer,
Schiavoni, Smith, Turner

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A BILL

To amend sections 9.03, 124.93, 125.111, 153.59, 1
153.591, 340.12, 511.03, 717.01, 1501.012, 2
1751.18, 2927.03, 3113.36, 3301.53, 3304.14, 3
3304.50, 3313.481, 3314.06, 3332.09, 3721.13, 4
3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 5
4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 6
4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 7
5107.26, 5111.31, 5119.623, 5123.351, 5126.07, 8
5515.08, and 5709.832 of the Revised Code to 9
prohibit discrimination on the basis of sexual 10
orientation or gender identity, to create an 11
exception for unlawful discriminatory practices 12
concerning admission to or membership in certain 13
religious organizations, to add mediation to the 14
list of informal methods by which the Ohio Civil 15
Rights Commission must attempt to induce 16
compliance with Ohio's Civil Rights Law before 17
instituting a public hearing, and to amend the 18
version of section 5104.09 of the Revised Code 19
that is scheduled to take effect January 1, 2014, 20
to continue the provisions of this act on and 21
after that effective date. 22

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

Section 1. That sections 9.03, 124.93, 125.111, 153.59, 23
153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 24
3113.36, 3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3332.09, 25
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 26
4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 27
4765.18, 5104.09, 5107.26, 5111.31, 5119.623, 5123.351, 5126.07, 28
5515.08, and 5709.832 of the Revised Code be amended to read as 29
follows: 30

Sec. 9.03. (A) As used in this section: 31

(1) "Political subdivision" means any body corporate and 32
politic, except a municipal corporation that has adopted a charter 33
under Section 7 of Article XVIII, Ohio Constitution, and except a 34
county that has adopted a charter under Sections 3 and 4 of 35
Article X, Ohio Constitution, to which both of the following 36
apply: 37

(a) It is responsible for governmental activities only in a 38
geographic area smaller than the state. 39

(b) It is subject to the sovereign immunity of the state. 40

(2) "Cigarettes" and "tobacco product" have the same meanings 41
as in section 5743.01 of the Revised Code. 42

(3) "Transaction" has the same meaning as in section 1315.51 43
of the Revised Code. 44

(4) "Campaign committee," "campaign fund," "candidate," 45
"legislative campaign fund," "political action committee," 46
"political committee," "political party," and "separate segregated 47
fund" have the same meanings as in section 3517.01 of the Revised 48
Code. 49

(B) Except as otherwise provided in division (C) of this section, the governing body of a political subdivision may use public funds to publish and distribute newsletters, or to use any other means, to communicate information about the plans, policies, and operations of the political subdivision to members of the public within the political subdivision and to other persons who may be affected by the political subdivision.

(C) Except as otherwise provided in division (A)(7) of section 340.03 or division (A)(12) of section 340.033 of the Revised Code, no governing body of a political subdivision shall use public funds to do any of the following:

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

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

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

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

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

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

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

of public funds to compensate an employee of a political 80
subdivision for attending a public meeting to present information 81
about the political subdivision's finances, activities, and 82
governmental actions in a manner that is not designed to influence 83
the outcome of an election or the passage of a levy or bond issue, 84
even though the election, levy, or bond issue is discussed or 85
debated at the meeting. 86

(D) Except as otherwise provided in division (A)(7) of 87
section 340.03 or division (A)(12) of section 340.033 of the 88
Revised Code or in division (E) of this section, no person shall 89
knowingly conduct a direct or indirect transaction of public funds 90
to the benefit of any of the following: 91

- (1) A campaign committee; 92
- (2) A political action committee; 93
- (3) A legislative campaign fund; 94
- (4) A political party; 95
- (5) A campaign fund; 96
- (6) A political committee; 97
- (7) A separate segregated fund; 98
- (8) A candidate. 99

(E) Division (D) of this section does not prohibit the 100
utilization of any person's own time to speak in support of or in 101
opposition to any candidate, recall, referendum, levy, or bond 102
issue unless prohibited by any other section of the Revised Code. 103

(F) Nothing in this section prohibits or restricts any 104
political subdivision from sponsoring, participating in, or doing 105
any of the following: 106

- (1) Charitable or public service advertising that is not 107
commercial in nature; 108

(2) Advertising of exhibitions, performances, programs, 109
products, or services that are provided by employees of a 110
political subdivision or are provided at or through premises owned 111
or operated by a political subdivision; 112

(3) Licensing an interest in a name or mark that is owned or 113
controlled by the political subdivision. 114

(G) Whoever violates division (D) of this section shall be 115
punished as provided in section 3599.40 of the Revised Code. 116

Sec. 124.93. (A) As used in this section, "physician" means 117
any person who holds a valid certificate to practice medicine and 118
surgery or osteopathic medicine and surgery issued under Chapter 119
4731. of the Revised Code. 120

(B) No health insuring corporation that, on or after July 1, 121
1993, enters into or renews a contract with the department of 122
administrative services under section 124.82 of the Revised Code, 123
because of a physician's race, color, religion, ~~sex~~ gender, age, 124
ancestry, or national origin, ~~;~~ or disability, sexual orientation, 125
gender identity, or military status, as those terms are defined in 126
section 4112.01 of the Revised Code, ~~age, or ancestry~~, shall 127
refuse to contract with that physician for the provision of health 128
care services under section 124.82 of the Revised Code. 129

Any health insuring corporation that violates this division 130
is deemed to have engaged in an unlawful discriminatory practice 131
as defined in section 4112.02 of the Revised Code and is subject 132
to Chapter 4112. of the Revised Code. 133

(C) Each health insuring corporation that, on or after July 134
1, 1993, enters into or renews a contract with the department of 135
administrative services under section 124.82 of the Revised Code 136
and that refuses to contract with a physician for the provision of 137
health care services under that section shall provide that 138

physician with a written notice that clearly explains the reason 139
or reasons for the refusal. The notice shall be sent to the 140
physician by regular mail within thirty days after the refusal. 141

Any health insuring corporation that fails to provide notice 142
in compliance with this division is deemed to have engaged in an 143
unfair and deceptive act or practice in the business of insurance 144
as defined in section 3901.21 of the Revised Code and is subject 145
to sections 3901.19 to 3901.26 of the Revised Code. 146

Sec. 125.111. (A) Every contract for or on behalf of the 147
state or any of its political subdivisions for any purchase shall 148
contain provisions similar to those required by section 153.59 of 149
the Revised Code in the case of construction contracts by which 150
the contractor agrees to both of the following: 151

(1) That, in the hiring of employees for the performance of 152
work under the contract or any subcontract, no contractor or 153
subcontractor, by reason of race, color, religion, ~~sex~~ gender, 154
age, ancestry, or national origin; or disability, sexual 155
orientation, gender identity, or military status, as those terms 156
are defined in section 4112.01 of the Revised Code, ~~national~~ 157
~~origin, or ancestry,~~ shall discriminate against any citizen of 158
this state in the employment of a person qualified and available 159
to perform the work to which the contract relates; 160

(2) That no contractor, subcontractor, or person acting on 161
behalf of any contractor or subcontractor, in any manner, shall 162
discriminate against, intimidate, or retaliate against any 163
employee hired for the performance of work under the contract on 164
account of race, color, religion, ~~sex~~ gender, age, ancestry, or 165
national origin; or disability, sexual orientation, gender 166
identity, or military status, as those terms are defined in 167
section 4112.01 of the Revised Code, ~~national origin, or ancestry.~~ 168

(B) All contractors from whom the state or any of its 169

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

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

(A) That, in the hiring of employees for the performance of 183
work under the contract or any subcontract, no contractor, 184
subcontractor, or any person acting on a contractor's or 185
subcontractor's behalf, by reason of race, color, creed, ~~sex~~, or 186
gender; or disability, sexual orientation, gender identity, or 187
military status as those terms are defined in section 4112.01 of 188
the Revised Code, ~~or color~~, shall discriminate against any citizen 189
of the state in the employment of labor or workers who is 190
qualified and available to perform the work to which the 191
employment relates; 192

(B) That no contractor, subcontractor, or any person on a 193
contractor's or subcontractor's behalf, in any manner, shall 194
discriminate against or intimidate any employee hired for the 195
performance of work under the contract on account of race, color, 196
creed, ~~sex~~, or gender; or disability, sexual orientation, gender 197
identity, or military status as those terms are defined in section 198
4112.01 of the Revised Code, ~~or color~~. 199

The department of administrative services shall ensure that 200

no capital moneys appropriated by the general assembly for any 201
purpose shall be expended unless the project for which those 202
moneys are appropriated provides for an affirmative action program 203
for the employment and effective utilization of disadvantaged 204
persons whose disadvantage may arise from cultural, racial, or 205
ethnic background, or other similar cause, including, but not 206
limited to, race, religion, ~~sex~~ gender, ancestry, or national 207
origin; or disability or military status as those terms are 208
defined in section 4112.01 of the Revised Code, ~~national origin,~~ 209
~~or ancestry~~. 210

In awarding contracts for capital improvement projects, the 211
department shall ensure that equal consideration be given to 212
contractors, subcontractors, or joint venturers who qualify as a 213
minority business enterprise. As used in this section, "minority 214
business enterprise" means a business enterprise that is owned or 215
controlled by one or more socially or economically disadvantaged 216
persons who are residents of this state. "Socially or economically 217
disadvantaged persons" means persons, regardless of marital 218
status, who are members of groups whose disadvantage may arise 219
from discrimination on the basis of race, religion, ~~sex~~ gender, 220
ancestry, or national origin; or disability or military status as 221
those terms are defined in section 4112.01 of the Revised Code, ~~222
national origin, ancestry,~~ or other similar cause. 223

Sec. 153.591. Any provision of a hiring hall contract or 224
agreement which obligates a contractor to hire, if available, only 225
employees referred to the contractor by a labor organization shall 226
be void as against public policy and unenforceable with respect to 227
employment under any public works contract unless at the date of 228
execution of the hiring hall contract or agreement, or within 229
thirty days thereafter, the labor organization has in effect 230
procedures for referring qualified employees for hire without 231
regard to race, color, religion, gender, ancestry, or national 232

origin; or sexual orientation, gender identity, or military status 233
as defined in section 4112.01 of the Revised Code, ~~or ancestry~~ and 234
unless the labor organization includes in its apprentice and 235
journeyperson's membership, or otherwise has available for job 236
referral without discrimination, qualified employees, both whites 237
and non-whites (including ~~African Americans~~ African Americans). 238

Sec. 340.12. No board of alcohol, drug addiction, and mental 239
health services or any agency, corporation, or association under 240
contract with such a board shall discriminate in the provision of 241
services under its authority, in employment, or contract on the 242
basis of race, color, ~~sex~~, creed, ~~disability~~ gender, or national 243
origin, or disability; or sexual orientation or gender identity as 244
those terms are defined in section 4112.01 of the Revised Code. 245

Each board, each community mental health agency, and each 246
alcohol and drug addiction program shall have a written 247
affirmative action program. The affirmative action program shall 248
include goals for the employment and effective utilization of, 249
including contracts with, members of economically disadvantaged 250
groups as defined in division (E)(1) of section 122.71 of the 251
Revised Code in percentages reflecting as nearly as possible the 252
composition of the alcohol, drug addiction, and mental health 253
service district served by the board. Each board, agency, and 254
program shall file a description of the affirmative action program 255
and a progress report on its implementation with the department of 256
mental health or the department of alcohol and drug addiction 257
services. 258

Sec. 511.03. After an affirmative vote in an election held 259
under sections 511.01 and 511.02 of the Revised Code, the board of 260
township trustees may make all contracts necessary for the 261
purchase of a site, and the erection, improvement, or enlargement 262
of such building. The board shall have control of any town hall 263

belonging to the township, and it may rent or lease all or part of 264
any hall, lodge, or recreational facility belonging to the 265
township, to any person or organization under terms the board 266
considers proper, for which all rent shall be paid in advance or 267
fully secured. In establishing the terms of any rental agreement 268
or lease pursuant to this section, the board of township trustees 269
may give preference to persons who are residents of or 270
organizations that are headquartered in the township or that are 271
charitable or fraternal in nature. All persons or organizations 272
shall be treated on a like or similar basis, and no 273
differentiation shall be made on the basis of race, color, 274
religion, ~~national origin, sex~~ gender, national origin, or 275
political affiliation; or sexual orientation or gender identity as 276
those terms are defined in section 4112.01 of the Revised Code. 277
The rents received for such facilities may be used for their 278
repair or improvement, and any balance shall be used for general 279
township purposes. 280

Sec. 717.01. Each municipal corporation may do any of the 281
following: 282

(A) Acquire by purchase or condemnation real estate with or 283
without buildings on it, and easements or interests in real 284
estate; 285

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or 286
improve a building or improvement that it is authorized to acquire 287
or construct; 288

(C) Erect a crematory or provide other means for disposing of 289
garbage or refuse, and erect public comfort stations; 290

(D) Purchase turnpike roads and make them free; 291

(E) Construct wharves and landings on navigable waters; 292

(F) Construct infirmaries, workhouses, prisons, police 293

stations, houses of refuge and correction, market houses, public	294
halls, public offices, municipal garages, repair shops, storage	295
houses, and warehouses;	296
(G) Construct or acquire waterworks for supplying water to	297
the municipal corporation and its inhabitants and extend the	298
waterworks system outside of the municipal corporation limits;	299
(H) Construct or purchase gas works or works for the	300
generation and transmission of electricity, for the supplying of	301
gas or electricity to the municipal corporation and its	302
inhabitants;	303
(I) Provide grounds for cemeteries or crematories, enclose	304
and embellish them, and construct vaults or crematories;	305
(J) Construct sewers, sewage disposal works, flushing	306
tunnels, drains, and ditches;	307
(K) Construct free public libraries and reading rooms, and	308
free recreation centers;	309
(L) Establish free public baths and municipal lodging houses;	310
(M) Construct monuments or memorial buildings to commemorate	311
the services of soldiers, sailors, and marines of the state and	312
nation;	313
(N) Provide land for and improve parks, boulevards, and	314
public playgrounds;	315
(O) Construct hospitals and pesthouses;	316
(P) Open, construct, widen, extend, improve, resurface, or	317
change the line of any street or public highway;	318
(Q) Construct and improve levees, dams, waterways,	319
waterfronts, and embankments and improve any watercourse passing	320
through the municipal corporation;	321
(R) Construct or improve viaducts, bridges, and culverts;	322

(S)(1) Construct any building necessary for the police or fire department;	323 324
(2) Purchase fire engines or fire boats;	325
(3) Construct water towers or fire cisterns;	326
(4) Place underground the wires or signal apparatus of any police or fire department.	327 328
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	329 330
(U) Construct subways under any street or boulevard or elsewhere;	331 332
(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban railroads, and improve and equip such facilities with structures necessary or appropriate for such purposes. No municipal corporation may take or disturb property or facilities belonging to any public utility or to a common carrier engaged in interstate commerce, which property or facilities are required for the proper and convenient operation of the utility or carrier, unless provision is made for the restoration, relocation, or duplication of the property or facilities elsewhere at the sole cost of the municipal corporation.	333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349
(W) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for the making of necessary surveys, appraisals, and examinations preliminary to the acquisition or construction of any airport or airport facility	350 351 352 353

and pay the portion of the expense of the surveys, appraisals, and 354
examinations as set forth in the agreement; 355

(X) Provide by agreement with any regional airport authority, 356
created under section 308.03 of the Revised Code, for the 357
acquisition, construction, maintenance, or operation of any 358
airport or airport facility owned or to be owned and operated by 359
the regional airport authority or owned or to be owned and 360
operated by the municipal corporation and pay the portion of the 361
expense of it as set forth in the agreement; 362

(Y) Acquire by gift, purchase, lease, or condemnation, land, 363
forest, and water rights necessary for conservation of forest 364
reserves, water parks, or reservoirs, either within or without the 365
limits of the municipal corporation, and improve and equip the 366
forest and water parks with structures, equipment, and 367
reforestation necessary or appropriate for any purpose for the 368
utilization of any of the forest and water benefits that may 369
properly accrue therefrom to the municipal corporation; 370

(Z) Acquire real property by purchase, gift, or devise and 371
construct and maintain on it public swimming pools, either within 372
or outside the limits of the municipal corporation; 373

(AA) Construct or rehabilitate, equip, maintain, operate, and 374
lease facilities for housing of elderly persons and for persons of 375
low and moderate income, and appurtenant facilities. No municipal 376
corporation shall deny housing accommodations to or withhold 377
housing accommodations from elderly persons or persons of low and 378
moderate income because of race, color, religion, ~~sex~~ gender, 379
ancestry, or national origin; or familial status as defined in 380
section 4112.01 of the Revised Code, military status as defined in 381
that section, disability as defined in that section, ~~ancestry, or~~ 382
national origin sexual orientation, gender identity, or military 383
status, as those terms are defined in section 4112.01 of the 384
Revised Code. Any elderly person or person of low or moderate 385

income who is denied housing accommodations or has them withheld 386
by a municipal corporation because of race, color, religion, ~~sex~~ 387
gender, ancestry, or national origin; or familial status ~~as~~ 388
~~defined in section 4112.01 of the Revised Code, military status as~~ 389
~~defined in that section, disability as defined in that section,~~ 390
~~ancestry, or national origin~~ sexual orientation, gender identity, 391
or military status as those terms are defined in section 4112.01 392
of the Revised Code may file a charge with the Ohio civil rights 393
commission as provided in Chapter 4112. of the Revised Code. 394

(BB) Acquire, rehabilitate, and develop rail property or rail 395
service, and enter into agreements with the Ohio rail development 396
commission, boards of county commissioners, boards of township 397
trustees, legislative authorities of other municipal corporations, 398
with other governmental agencies or organizations, and with 399
private agencies or organizations in order to achieve those 400
purposes; 401

(CC) Appropriate and contribute money to a soil and water 402
conservation district for use under Chapter 1515. of the Revised 403
Code; 404

(DD) Authorize the board of county commissioners, pursuant to 405
a contract authorizing the action, to contract on the municipal 406
corporation's behalf for the administration and enforcement within 407
its jurisdiction of the state building code by another county or 408
another municipal corporation located within or outside the 409
county. The contract for administration and enforcement shall 410
provide for obtaining certification pursuant to division (E) of 411
section 3781.10 of the Revised Code for the exercise of 412
administration and enforcement authority within the municipal 413
corporation seeking those services and shall specify which 414
political subdivision is responsible for securing that 415
certification. 416

(EE) Expend money for providing and maintaining services and 417

facilities for senior citizens. 418

"Airport," "landing field," and "air navigation facility," as 419
defined in section 4561.01 of the Revised Code, apply to division 420
(V) of this section. 421

As used in divisions (W) and (X) of this section, "airport" 422
and "airport facility" have the same meanings as in section 308.01 423
of the Revised Code. 424

As used in division (BB) of this section, "rail property" and 425
"rail service" have the same meanings as in section 4981.01 of the 426
Revised Code. 427

Sec. 1501.012. (A) The director of natural resources may 428
lease lands in state parks, as defined in section 1501.07 of the 429
Revised Code, and contract for the construction and operation of 430
public service facilities, as mentioned in that section, and for 431
major renovation or remodeling of existing public service 432
facilities by the lessees on those lands. If the director 433
determines that doing so would be consistent with long-range 434
planning of the department of natural resources and in the best 435
interests of the department and the division of parks and 436
recreation in the department, the director shall negotiate and 437
execute a lease and contract for those purposes in accordance with 438
this chapter except as otherwise provided in this section. 439

(B) With the approval of the recreation and resources council 440
created under section 1501.04 of the Revised Code, the director 441
shall draft a statement of intent describing any public service 442
facility that the department wishes to have constructed in 443
accordance with this section and establishing a procedure for the 444
submission of proposals for providing the facility, including, but 445
not limited to, a requirement that each prospective bidder or 446
lessee of land shall submit with the proposal a completed 447
questionnaire and financial statement, on forms prescribed and 448

furnished by the department, to enable the department to ascertain 449
the person's financial worth and experience in maintaining and 450
operating facilities similar or related to the public service 451
facility in question. The completed questionnaire and financial 452
statement shall be verified under oath by the prospective bidder 453
or lessee. Questionnaires and financial statements submitted under 454
this division are confidential and are not open to public 455
inspection. Nothing in this division shall be construed to prevent 456
use of or reference to questionnaires and financial statements in 457
a civil action or criminal prosecution commenced by the state. 458

The director shall publish the statement of intent in at 459
least three daily newspapers of general circulation in the state 460
at least once each week for four consecutive weeks. The director 461
then shall accept proposals in response to the statement of intent 462
for at least thirty days following the final publication of the 463
statement. At the end of the period during which proposals may be 464
submitted under this division, the director shall select the 465
proposal that the director determines best complies with the 466
statement of intent and may negotiate a lease and contract with 467
the person that submitted that proposal. 468

(C) Any lease and contract negotiated under this section 469
shall include in its terms and conditions all of the following: 470

(1) The legal description of the leasehold; 471

(2) The duration of the lease and contract, which shall not 472
exceed forty years, and a requirement that the lease and contract 473
be nonrenewable; 474

(3) A requirement that the lessee maintain in full force and 475
effect during the term of the lease and contract comprehensive 476
liability insurance for injury, death, or loss to persons or 477
property and fire casualty insurance for the public service 478
facility and all its structures in an amount established by the 479

director and naming the department as an additional insured; 480

(4) A requirement that the lessee maintain in full force and 481
effect suitable performance bonds or other adequate security 482
pertaining to the construction and operation of the public service 483
facility; 484

(5) Detailed plans and specifications controlling the 485
construction of the public service facility that shall include all 486
of the following: 487

(a) The size and capacity of the facility; 488

(b) The type and quality of construction; 489

(c) Other criteria that the department considers necessary 490
and advisable. 491

(6) The manner of rental payment; 492

(7) A stipulation that the director shall have control and 493
supervision over all of the following: 494

(a) The operating season of the public service facility; 495

(b) The facility's hours of operation; 496

(c) The maximum rates to be charged guests using the 497
facility; 498

(d) The facility's sanitary conditions; 499

(e) The quality of food and service furnished the guests of 500
the facility; 501

(f) The lessee's general and structural maintenance 502
responsibilities at the facility. 503

(8) The disposition of the leasehold and improvements at the 504
expiration of the lease and contract; 505

(9) A requirement that the public service facility be 506
available to all members of the public without regard to ~~sex~~, 507

race, color, creed, gender, ancestry, or national origin~~;~~ or 508
disability, sexual orientation, or gender identity, as those terms 509
are defined in section 4112.01 of the Revised Code; 510

(10) Other terms and conditions that the director considers 511
necessary and advisable to carry out the purposes of this section. 512

(D) The attorney general shall approve the form of the lease 513
and contract prior to its execution by the director. 514

(E) The authority granted in this section to the director is 515
in addition and supplemental to any other authority granted the 516
director under state law. 517

Sec. 1751.18. (A)(1) No health insuring corporation shall 518
cancel or fail to renew the coverage of a subscriber or enrollee 519
because of any health status-related factor in relation to the 520
subscriber or enrollee, the subscriber's or enrollee's 521
requirements for health care services, or for any other reason 522
designated under rules adopted by the superintendent of insurance. 523

(2) Unless otherwise required by state or federal law, no 524
health insuring corporation, or health care facility or provider 525
through which the health insuring corporation has made 526
arrangements to provide health care services, shall discriminate 527
against any individual with regard to enrollment, disenrollment, 528
or the quality of health care services rendered, on the basis of 529
the individual's race, color, ~~sex~~ religion, gender, or age 530
religion, military status; or sexual orientation, gender identity, 531
or military status, as those terms are defined in section 4112.01 532
of the Revised Code~~;~~ or status as a recipient of medicare or 533
medicaid, or any health status-related factor in relation to the 534
individual. However, a health insuring corporation shall not be 535
required to accept a recipient of medicare or medical assistance, 536
if an agreement has not been reached on appropriate payment 537
mechanisms between the health insuring corporation and the 538

governmental agency administering these programs. Further, except 539
for open enrollment coverage under sections 3923.58 and 3923.581 540
of the Revised Code, a health insuring corporation may reject an 541
applicant for nongroup enrollment on the basis of any health 542
status-related factor in relation to the applicant. 543

(B) A health insuring corporation may cancel or decide not to 544
renew the coverage of an enrollee if the enrollee has performed an 545
act or practice that constitutes fraud or intentional 546
misrepresentation of material fact under the terms of the coverage 547
and if the cancellation or nonrenewal is not based, either 548
directly or indirectly, on any health status-related factor in 549
relation to the enrollee. 550

(C) An enrollee may appeal any action or decision of a health 551
insuring corporation taken pursuant to section 2742(b) to (e) of 552
the "Health Insurance Portability and Accountability Act of 1996," 553
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 554
amended. To appeal, the enrollee may submit a written complaint to 555
the health insuring corporation pursuant to section 1751.19 of the 556
Revised Code. The enrollee may, within thirty days after receiving 557
a written response from the health insuring corporation, appeal 558
the health insuring corporation's action or decision to the 559
superintendent. 560

(D) As used in this section, "health status-related factor" 561
means any of the following: 562

(1) Health status; 563

(2) Medical condition, including both physical and mental 564
illnesses; 565

(3) Claims experience; 566

(4) Receipt of health care; 567

(5) Medical history; 568

(6) Genetic information;	569
(7) Evidence of insurability, including conditions arising out of acts of domestic violence;	570 571
(8) Disability.	572
Sec. 2927.03. (A) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, any of the following:	573 574 575 576
(1) Any person because of race, color, religion, sex <u>gender</u> , <u>ancestry, or national origin; or</u> familial status as defined in section 4112.01 of the Revised Code, national origin, military status as defined in that section, disability as defined in that section, <u>sexual orientation, gender identity, or ancestry</u> military <u>status, as those terms are defined in section 4112.01 of the</u> <u>Revised Code,</u> and because that person is or has been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any housing accommodations, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;	577 578 579 580 581 582 583 584 585 586 587 588
(2) Any person because that person is or has been doing, or in order to intimidate that person or any other person or any class of persons from doing, either of the following:	589 590 591
(a) Participating, without discrimination on account of race, color, religion, sex <u>gender, ancestry, or national origin; or</u> familial status as defined in section 4112.01 of the Revised Code, national origin, military status as defined in that section, disability as defined in that section, <u>sexual orientation, gender</u> <u>identity, or ancestry</u> <u>military status, as those terms are defined</u> <u>in section 4112.01 of the Revised Code,</u> in any of the activities,	592 593 594 595 596 597 598

services, organizations, or facilities described in division 599
(A)(1) of this section; 600

(b) Affording another person or class of persons opportunity 601
or protection so to participate. 602

(3) Any person because that person is or has been, or in 603
order to discourage that person or any other person from, lawfully 604
aiding or encouraging other persons to participate, without 605
discrimination on account of race, color, religion, ~~sex~~ gender, 606
ancestry, or national origin; or familial status ~~as defined in~~ 607
~~section 4112.01 of the Revised Code, national origin, military~~ 608
~~status as defined in that section, disability as defined in that~~ 609
~~section, sexual orientation, gender identity, or ancestry,~~ 610
military status, as those terms are defined in section 4112.01 of 611
the Revised Code, in any of the activities, services, 612
organizations, or facilities described in division (A)(1) of this 613
section, or participating lawfully in speech or peaceful assembly 614
opposing any denial of the opportunity to so participate. 615

(B) Whoever violates division (A) of this section is guilty 616
of a misdemeanor of the first degree. 617

Sec. 3113.36. (A) To qualify for funds under section 3113.35 618
of the Revised Code, a shelter for victims of domestic violence 619
shall meet all of the following requirements: 620

(1) Be incorporated in this state as a nonprofit corporation; 621

(2) Have trustees who represent the racial, ethnic, and 622
socioeconomic diversity of the community to be served, including 623
at least one person who is or has been a victim of domestic 624
violence; 625

(3) Receive at least twenty-five per cent of its funds from 626
sources other than funds distributed pursuant to section 3113.35 627
of the Revised Code. These other sources may be public or private, 628

and may include funds distributed pursuant to section 3113.37 of 629
the Revised Code, and contributions of goods or services, 630
including materials, commodities, transportation, office space, or 631
other types of facilities or personal services. 632

(4) Provide residential service or facilities for children 633
when accompanied by a parent, guardian, or custodian who is a 634
victim of domestic violence and who is receiving temporary 635
residential service at the shelter; 636

(5) Require persons employed by or volunteering services to 637
the shelter to maintain the confidentiality of any information 638
that would identify individuals served by the shelter. 639

(B) A shelter for victims of domestic violence does not 640
qualify for funds if it discriminates in its admissions or 641
provision of services on the basis of race, ~~religion~~, color, 642
religion, age, ancestry, national origin, or marital status, 643
~~national origin, or ancestry; or sexual orientation or gender~~ 644
identity as those terms are defined in section 4112.01 of the 645
Revised Code. A shelter does not qualify for funds in the second 646
half of any year if its application projects the provision of 647
residential service and such service has not been provided in the 648
first half of that year; such a shelter does not qualify for funds 649
in the following year. 650

Sec. 3301.53. (A) The state board of education, in 651
consultation with the director of job and family services, shall 652
formulate and prescribe by rule adopted under Chapter 119. of the 653
Revised Code minimum standards to be applied to preschool programs 654
operated by school district boards of education, county DD boards, 655
or eligible nonpublic schools. The rules shall include the 656
following: 657

(1) Standards ensuring that the preschool program is located 658
in a safe and convenient facility that accommodates the enrollment 659

of the program, is of the quality to support the growth and 660
development of the children according to the program objectives, 661
and meets the requirements of section 3301.55 of the Revised Code; 662

(2) Standards ensuring that supervision, discipline, and 663
programs will be administered according to established objectives 664
and procedures; 665

(3) Standards ensuring that preschool staff members and 666
nonteaching employees are recruited, employed, assigned, 667
evaluated, and provided inservice education without discrimination 668
on the basis of race, color, gender, age, ~~color~~, or national 669
origin, ~~race, or sex~~; or sexual orientation or gender identity, as 670
those terms are defined in section 4112.01 of the Revised Code; 671
and that preschool staff members and nonteaching employees are 672
assigned responsibilities in accordance with written position 673
descriptions commensurate with their training and experience; 674

(4) A requirement that boards of education intending to 675
establish a preschool program demonstrate a need for a preschool 676
program prior to establishing the program; 677

(5) Requirements that children participating in preschool 678
programs have been immunized to the extent considered appropriate 679
by the state board to prevent the spread of communicable disease; 680

(6) Requirements that the parents of preschool children 681
complete the emergency medical authorization form specified in 682
section 3313.712 of the Revised Code. 683

(B) The state board of education in consultation with the 684
director of job and family services shall ensure that the rules 685
adopted by the state board under sections 3301.52 to 3301.58 of 686
the Revised Code are consistent with and meet or exceed the 687
requirements of Chapter 5104. of the Revised Code with regard to 688
child day-care centers. The state board and the director of job 689
and family services shall review all such rules at least once 690

every five years. 691

(C) The state board of education, in consultation with the 692
director of job and family services, shall adopt rules for school 693
child programs that are consistent with and meet or exceed the 694
requirements of the rules adopted for school-age child care 695
centers under Chapter 5104. of the Revised Code. 696

Sec. 3304.14. (A) The governor shall appoint an administrator 697
of the rehabilitation services commission to serve at the pleasure 698
of the governor and shall fix the administrator's compensation. 699
The administrator shall devote the administrator's entire time to 700
the duties of the administrator's office, shall hold no other 701
office or position of trust and profit, and shall engage in no 702
other business during the administrator's term of office. The 703
governor may grant the administrator the authority to appoint, 704
remove, and discipline without regard to ~~sex~~, race, ~~creed~~, color, 705
creed, gender, age, or national origin; or sexual orientation or 706
gender identity as those terms are defined in section 4112.01 of 707
the Revised Code, such other professional, administrative, and 708
clerical staff members as are necessary to carry out the functions 709
and duties of the commission. 710

(B)(1) The administrator shall have exclusive authority to 711
administer the daily operation and provision of vocational 712
rehabilitation services under this chapter. 713

(2) The administrator shall establish a fee schedule for 714
vocational rehabilitation services in accordance with 34 C.F.R. 715
361.50. 716

Sec. 3304.50. The Ohio independent living council established 717
and appointed by the governor under the authority of section 718
107.18 of the Revised Code and pursuant to the "Rehabilitation Act 719
Amendments of 1992," 106 Stat. 4344, 29 U.S.C.A. 796d, shall 720

appoint an executive director to serve at the pleasure of the 721
council and shall fix ~~his~~ the executive director's compensation. 722
The executive director shall not be considered a public employee 723
for purposes of Chapter 4117. of the Revised Code. The council may 724
delegate to the executive director the authority to appoint, 725
remove, and discipline, without regard to ~~sex,~~ race, ~~ereed,~~ color, 726
creed, gender, age, or national origin; or sexual orientation or 727
gender identity as those terms are defined in section 4112.01 of 728
the Revised Code, such other professional, administrative, and 729
clerical staff members as are necessary to carry out the functions 730
and duties of the council. 731

Sec. 3313.481. (A) With the approval of the department of 732
education, a board of education of a city, exempted village, 733
local, or joint vocational school district may operate any of its 734
schools on a schedule other than that required by section 3313.48 735
of the Revised Code in order to do any of the following: 736

(1) To provide a flexible school day during which may be held 737
parent-teacher conferences and reporting periods involving time in 738
excess of that permitted to be credited toward fulfillment of the 739
minimum school year under section 3313.48 of the Revised Code; 740

(2) To establish and maintain a calendar of quarters, 741
trimesters, or pentamesters; 742

(3) To provide staggered attendance schedules if it receives 743
approval to do so from the department of education. 744

(B) A school district operating a school under this section 745
shall have such school open for instruction for each pupil 746
enrolled in that school for at least nine hundred ten hours during 747
the school year. For purposes of determining whether a school that 748
is on a staggered attendance schedule is in compliance with this 749
section in any school year, the department of education may 750
include days the school was open for instruction with pupils in 751

attendance for not more than the first seventy days of the ensuing 752
school year provided such days are not considered as days the 753
school was open for instruction during such ensuing school year. 754
The following shall be considered as time during which the schools 755
are open for instruction for a pupil enrolled in such a school, or 756
for a pupil enrolled in a school that is not on a staggered 757
attendance schedule but that operates under this section: 758

(1) Morning and afternoon recess periods of not more than 759
fifteen minutes duration per period for a pupil in grades one 760
through six; 761

(2) Ten hours during which the pupil would otherwise be in 762
attendance but ~~when he~~ is not required to attend school in order 763
to provide time for individualized parent-teacher conferences and 764
reporting periods; 765

(3) Ten hours during which the pupil would otherwise be in 766
attendance but is not required to attend school in order to 767
provide time for teachers to attend professional meetings; 768

(4) The number of hours pupils would otherwise be in 769
attendance but are not required to attend because school is closed 770
as a result of a public calamity as provided in section 3317.01 of 771
the Revised Code. 772

(C) No board of education shall discriminate on the basis of 773
~~sex~~, race, religion, gender, or national origin; or sexual 774
orientation or gender identity as those terms are defined in 775
section 4112.01 of the Revised Code, when assigning pupils to 776
attendance schedules pursuant to this section. 777

Sec. 3314.06. The governing authority of each community 778
school established under this chapter shall adopt admission 779
procedures that specify the following: 780

(A) That, except as otherwise provided in this section, 781

admission to the school shall be open to any individual age five 782
to twenty-two entitled to attend school pursuant to section 783
3313.64 or 3313.65 of the Revised Code in a school district in the 784
state. 785

An individual younger than five years of age may be admitted 786
to the school in accordance with division (A)(2) of section 787
3321.01 of the Revised Code. 788

(B)(1) That admission to the school may be limited to 789
students who have attained a specific grade level or are within a 790
specific age group; to students that meet a definition of 791
"at-risk," as defined in the contract; to residents of a specific 792
geographic area within the district, as defined in the contract; 793
or to separate groups of autistic students and nondisabled 794
students, as authorized in section 3314.061 of the Revised Code 795
and as defined in the contract. 796

(2) For purposes of division (B)(1) of this section, 797
"at-risk" students may include those students identified as gifted 798
students under section 3324.03 of the Revised Code. 799

(C) Whether enrollment is limited to students who reside in 800
the district in which the school is located or is open to 801
residents of other districts, as provided in the policy adopted 802
pursuant to the contract. 803

(D)(1) That there will be no discrimination in the admission 804
of students to the school on the basis of race, ~~ereed~~, color, 805
creed, gender, or disability, or sex; or sexual orientation or 806
gender identity as those terms are defined in section 4112.01 of 807
the Revised Code, except that: 808

(a) The governing authority may do either of the following 809
for the purpose described in division (G) of this section: 810

(i) Establish a single-gender school for either ~~sex~~ gender; 811

(ii) Establish single-gender schools for each ~~sex~~ gender 812
under the same contract, provided substantially equal facilities 813
and learning opportunities are offered for both boys and girls. 814
Such facilities and opportunities may be offered for each ~~sex~~ 815
gender at separate locations. 816

(b) The governing authority may establish a school that 817
simultaneously serves a group of students identified as autistic 818
and a group of students who are not disabled, as authorized in 819
section 3314.061 of the Revised Code. However, unless the total 820
capacity established for the school has been filled, no student 821
with any disability shall be denied admission on the basis of that 822
disability. 823

(2) That upon admission of any student with a disability, the 824
community school will comply with all federal and state laws 825
regarding the education of students with disabilities. 826

(E) That the school may not limit admission to students on 827
the basis of intellectual ability, measures of achievement or 828
aptitude, or athletic ability, except that a school may limit its 829
enrollment to students as described in division (B) of this 830
section. 831

(F) That the community school will admit the number of 832
students that does not exceed the capacity of the school's 833
programs, classes, grade levels, or facilities. 834

(G) That the purpose of single-gender schools that are 835
established shall be to take advantage of the academic benefits 836
some students realize from single-gender instruction and 837
facilities and to offer students and parents residing in the 838
district the option of a single-gender education. 839

(H) That, except as otherwise provided under division (B) of 840
this section or section 3314.061 of the Revised Code, if the 841
number of applicants exceeds the capacity restrictions of division 842

(F) of this section, students shall be admitted by lot from all 843
those submitting applications, except preference shall be given to 844
students attending the school the previous year and to students 845
who reside in the district in which the school is located. 846
Preference may be given to siblings of students attending the 847
school the previous year. 848

Notwithstanding divisions (A) to (H) of this section, in the 849
event the racial composition of the enrollment of the community 850
school is violative of a federal desegregation order, the 851
community school shall take any and all corrective measures to 852
comply with the desegregation order. 853

Sec. 3332.09. The state board of career colleges and schools 854
may limit, suspend, revoke, or refuse to issue or renew a 855
certificate of registration or program authorization or may impose 856
a penalty pursuant to section 3332.091 of the Revised Code for any 857
one or combination of the following causes: 858

(A) Violation of any provision of sections 3332.01 to 3332.09 859
of the Revised Code, the board's minimum standards, or any rule 860
made by the board; 861

(B) Furnishing of false, misleading, deceptive, altered, or 862
incomplete information or documents to the board; 863

(C) The signing of an application or the holding of a 864
certificate of registration by a person who has pleaded guilty or 865
has been found guilty of a felony or has pleaded guilty or been 866
found guilty of a crime involving moral turpitude; 867

(D) The signing of an application or the holding of a 868
certificate of registration by a person who is addicted to the use 869
of any controlled substance, or who is found to be mentally 870
incompetent; 871

(E) Violation of any commitment made in an application for a 872

certificate of registration or program authorization;	873
(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;	874 875 876 877 878 879 880
(G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	881 882
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	883 884
(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;	885 886 887 888 889 890
(J) Offering training or programs other than those presented in the application, except that schools may offer special courses adapted to the needs of individual students when the special courses are in the subject field specified in the application;	891 892 893 894
(K) Discrimination in the acceptance of students upon the basis of race, color, religion, sex <u>gender</u> , or national origin; <u>or sexual orientation or gender identity, as those terms are defined in section 4112.01 of the Revised Code;</u>	895 896 897 898
(L) Accepting the services of an agent not holding a valid permit issued under section 3332.10 or 3332.11 of the Revised Code;	899 900 901
(M) The use of monetary or other valuable consideration by	902

the school's agents or representatives to induce prospective 903
students to enroll in the school, or the practice of awarding 904
monetary or other valuable considerations without board approval 905
to students in exchange for procuring the enrollment of others; 906

(N) Failure to provide at the request of the board, any 907
information, records, or files pertaining to the operation of the 908
school or recruitment and enrollment of students. 909

If the board modifies or adopts additional minimum standards 910
or rules pursuant to section 3332.031 of the Revised Code, all 911
schools and agents shall have sixty days from the effective date 912
of the modifications or additional standards or rules to comply 913
with such modifications or additions. 914

Sec. 3721.13. (A) The rights of residents of a home shall 915
include, but are not limited to, the following: 916

(1) The right to a safe and clean living environment pursuant 917
to the medicare and medicaid programs and applicable state laws 918
and rules adopted by the director of health; 919

(2) The right to be free from physical, verbal, mental, and 920
emotional abuse and to be treated at all times with courtesy, 921
respect, and full recognition of dignity and individuality; 922

(3) Upon admission and thereafter, the right to adequate and 923
appropriate medical treatment and nursing care and to other 924
ancillary services that comprise necessary and appropriate care 925
consistent with the program for which the resident contracted. 926
This care shall be provided without regard to considerations such 927
as race, color, religion, age, national origin, age, sexual 928
orientation or gender identity as those terms are defined in 929
section 4112.01 of the Revised Code; or source of payment for 930
care. 931

(4) The right to have all reasonable requests and inquiries 932

responded to promptly; 933

(5) The right to have clothes and bed sheets changed as the 934
need arises, to ensure the resident's comfort or sanitation; 935

(6) The right to obtain from the home, upon request, the name 936
and any specialty of any physician or other person responsible for 937
the resident's care or for the coordination of care; 938

(7) The right, upon request, to be assigned, within the 939
capacity of the home to make the assignment, to the staff 940
physician of the resident's choice, and the right, in accordance 941
with the rules and written policies and procedures of the home, to 942
select as the attending physician a physician who is not on the 943
staff of the home. If the cost of a physician's services is to be 944
met under a federally supported program, the physician shall meet 945
the federal laws and regulations governing such services. 946

(8) The right to participate in decisions that affect the 947
resident's life, including the right to communicate with the 948
physician and employees of the home in planning the resident's 949
treatment or care and to obtain from the attending physician 950
complete and current information concerning medical condition, 951
prognosis, and treatment plan, in terms the resident can 952
reasonably be expected to understand; the right of access to all 953
information in the resident's medical record; and the right to 954
give or withhold informed consent for treatment after the 955
consequences of that choice have been carefully explained. When 956
the attending physician finds that it is not medically advisable 957
to give the information to the resident, the information shall be 958
made available to the resident's sponsor on the resident's behalf, 959
if the sponsor has a legal interest or is authorized by the 960
resident to receive the information. The home is not liable for a 961
violation of this division if the violation is found to be the 962
result of an act or omission on the part of a physician selected 963
by the resident who is not otherwise affiliated with the home. 964

(9) The right to withhold payment for physician visitation if 965
the physician did not visit the resident; 966

(10) The right to confidential treatment of personal and 967
medical records, and the right to approve or refuse the release of 968
these records to any individual outside the home, except in case 969
of transfer to another home, hospital, or health care system, as 970
required by law or rule, or as required by a third-party payment 971
contract; 972

(11) The right to privacy during medical examination or 973
treatment and in the care of personal or bodily needs; 974

(12) The right to refuse, without jeopardizing access to 975
appropriate medical care, to serve as a medical research subject; 976

(13) The right to be free from physical or chemical 977
restraints or prolonged isolation except to the minimum extent 978
necessary to protect the resident from injury to self, others, or 979
to property and except as authorized in writing by the attending 980
physician for a specified and limited period of time and 981
documented in the resident's medical record. Prior to authorizing 982
the use of a physical or chemical restraint on any resident, the 983
attending physician shall make a personal examination of the 984
resident and an individualized determination of the need to use 985
the restraint on that resident. 986

Physical or chemical restraints or isolation may be used in 987
an emergency situation without authorization of the attending 988
physician only to protect the resident from injury to self or 989
others. Use of the physical or chemical restraints or isolation 990
shall not be continued for more than twelve hours after the onset 991
of the emergency without personal examination and authorization by 992
the attending physician. The attending physician or a staff 993
physician may authorize continued use of physical or chemical 994
restraints for a period not to exceed thirty days, and at the end 995

of this period and any subsequent period may extend the 996
authorization for an additional period of not more than thirty 997
days. The use of physical or chemical restraints shall not be 998
continued without a personal examination of the resident and the 999
written authorization of the attending physician stating the 1000
reasons for continuing the restraint. 1001

If physical or chemical restraints are used under this 1002
division, the home shall ensure that the restrained resident 1003
receives a proper diet. In no event shall physical or chemical 1004
restraints or isolation be used for punishment, incentive, or 1005
convenience. 1006

(14) The right to the pharmacist of the resident's choice and 1007
the right to receive pharmaceutical supplies and services at 1008
reasonable prices not exceeding applicable and normally accepted 1009
prices for comparably packaged pharmaceutical supplies and 1010
services within the community; 1011

(15) The right to exercise all civil rights, unless the 1012
resident has been adjudicated incompetent pursuant to Chapter 1013
2111. of the Revised Code and has not been restored to legal 1014
capacity, as well as the right to the cooperation of the home's 1015
administrator in making arrangements for the exercise of the right 1016
to vote; 1017

(16) The right of access to opportunities that enable the 1018
resident, at the resident's own expense or at the expense of a 1019
third-party payer, to achieve the resident's fullest potential, 1020
including educational, vocational, social, recreational, and 1021
habilitation programs; 1022

(17) The right to consume a reasonable amount of alcoholic 1023
beverages at the resident's own expense, unless not medically 1024
advisable as documented in the resident's medical record by the 1025
attending physician or unless contradictory to written admission 1026

policies;	1027
(18) The right to use tobacco at the resident's own expense	1028
under the home's safety rules and under applicable laws and rules	1029
of the state, unless not medically advisable as documented in the	1030
resident's medical record by the attending physician or unless	1031
contradictory to written admission policies;	1032
(19) The right to retire and rise in accordance with the	1033
resident's reasonable requests, if the resident does not disturb	1034
others or the posted meal schedules and upon the home's request	1035
remains in a supervised area, unless not medically advisable as	1036
documented by the attending physician;	1037
(20) The right to observe religious obligations and	1038
participate in religious activities; the right to maintain	1039
individual and cultural identity; and the right to meet with and	1040
participate in activities of social and community groups at the	1041
resident's or the group's initiative;	1042
(21) The right upon reasonable request to private and	1043
unrestricted communications with the resident's family, social	1044
worker, and any other person, unless not medically advisable as	1045
documented in the resident's medical record by the attending	1046
physician, except that communications with public officials or	1047
with the resident's attorney or physician shall not be restricted.	1048
Private and unrestricted communications shall include, but are not	1049
limited to, the right to:	1050
(a) Receive, send, and mail sealed, unopened correspondence;	1051
(b) Reasonable access to a telephone for private	1052
communications;	1053
(c) Private visits at any reasonable hour.	1054
(22) The right to assured privacy for visits by the spouse,	1055
or if both are residents of the same home, the right to share a	1056

room within the capacity of the home, unless not medically 1057
advisable as documented in the resident's medical record by the 1058
attending physician; 1059

(23) The right upon reasonable request to have room doors 1060
closed and to have them not opened without knocking, except in the 1061
case of an emergency or unless not medically advisable as 1062
documented in the resident's medical record by the attending 1063
physician; 1064

(24) The right to retain and use personal clothing and a 1065
reasonable amount of possessions, in a reasonably secure manner, 1066
unless to do so would infringe on the rights of other residents or 1067
would not be medically advisable as documented in the resident's 1068
medical record by the attending physician; 1069

(25) The right to be fully informed, prior to or at the time 1070
of admission and during the resident's stay, in writing, of the 1071
basic rate charged by the home, of services available in the home, 1072
and of any additional charges related to such services, including 1073
charges for services not covered under the medicare or medicaid 1074
program. The basic rate shall not be changed unless thirty days' 1075
notice is given to the resident or, if the resident is unable to 1076
understand this information, to the resident's sponsor. 1077

(26) The right of the resident and person paying for the care 1078
to examine and receive a bill at least monthly for the resident's 1079
care from the home that itemizes charges not included in the basic 1080
rates; 1081

(27)(a) The right to be free from financial exploitation; 1082

(b) The right to manage the resident's own personal financial 1083
affairs, or, if the resident has delegated this responsibility in 1084
writing to the home, to receive upon written request at least a 1085
quarterly accounting statement of financial transactions made on 1086
the resident's behalf. The statement shall include: 1087

(i) A complete record of all funds, personal property, or 1088
possessions of a resident from any source whatsoever, that have 1089
been deposited for safekeeping with the home for use by the 1090
resident or the resident's sponsor; 1091

(ii) A listing of all deposits and withdrawals transacted, 1092
which shall be substantiated by receipts which shall be available 1093
for inspection and copying by the resident or sponsor. 1094

(28) The right of the resident to be allowed unrestricted 1095
access to the resident's property on deposit at reasonable hours, 1096
unless requests for access to property on deposit are so 1097
persistent, continuous, and unreasonable that they constitute a 1098
nuisance; 1099

(29) The right to receive reasonable notice before the 1100
resident's room or roommate is changed, including an explanation 1101
of the reason for either change. 1102

(30) The right not to be transferred or discharged from the 1103
home unless the transfer is necessary because of one of the 1104
following: 1105

(a) The welfare and needs of the resident cannot be met in 1106
the home. 1107

(b) The resident's health has improved sufficiently so that 1108
the resident no longer needs the services provided by the home. 1109

(c) The safety of individuals in the home is endangered. 1110

(d) The health of individuals in the home would otherwise be 1111
endangered. 1112

(e) The resident has failed, after reasonable and appropriate 1113
notice, to pay or to have the medicare or medicaid program pay on 1114
the resident's behalf, for the care provided by the home. A 1115
resident shall not be considered to have failed to have the 1116
resident's care paid for if the resident has applied for medicaid, 1117

unless both of the following are the case: 1118

(i) The resident's application, or a substantially similar 1119
previous application, has been denied by the county department of 1120
job and family services. 1121

(ii) If the resident appealed the denial pursuant to division 1122
(C) of section 5101.35 of the Revised Code, the director of job 1123
and family services has upheld the denial. 1124

(f) The home's license has been revoked, the home is being 1125
closed pursuant to section 3721.08, sections 5111.35 to 5111.62, 1126
or section 5155.31 of the Revised Code, or the home otherwise 1127
ceases to operate. 1128

(g) The resident is a recipient of medicaid, and the home's 1129
participation in the medicaid program is involuntarily terminated 1130
or denied. 1131

(h) The resident is a beneficiary under the medicare program, 1132
and the home's participation in the medicare program is 1133
involuntarily terminated or denied. 1134

(31) The right to voice grievances and recommend changes in 1135
policies and services to the home's staff, to employees of the 1136
department of health, or to other persons not associated with the 1137
operation of the home, of the resident's choice, free from 1138
restraint, interference, coercion, discrimination, or reprisal. 1139
This right includes access to a residents' rights advocate, and 1140
the right to be a member of, to be active in, and to associate 1141
with persons who are active in organizations of relatives and 1142
friends of nursing home residents and other organizations engaged 1143
in assisting residents. 1144

(32) The right to have any significant change in the 1145
resident's health status reported to the resident's sponsor. As 1146
soon as such a change is known to the home's staff, the home shall 1147
make a reasonable effort to notify the sponsor within twelve 1148

hours. 1149

(B) A sponsor may act on a resident's behalf to assure that 1150
the home does not deny the residents' rights under sections 1151
3721.10 to 3721.17 of the Revised Code. 1152

(C) Any attempted waiver of the rights listed in division (A) 1153
of this section is void. 1154

Sec. 3905.55. (A) Except as provided in division (B) of this 1155
section, an agent may charge a consumer a fee if all of the 1156
following conditions are met: 1157

(1) The fee is disclosed to the consumer in a manner that 1158
separately identifies the fee and the premium. 1159

(2) The fee is not calculated as a percentage of the premium. 1160

(3) The fee is not refunded, forgiven, waived, offset, or 1161
reduced by any commission earned or received for any policy or 1162
coverage sold. 1163

(4) The amount of the fee, and the consumer's obligation to 1164
pay the fee, are not conditioned upon the occurrence of a future 1165
event or condition, such as the purchase, cancellation, lapse, 1166
declination, or nonrenewal of insurance. 1167

(5) The agent discloses to the consumer that the fee is being 1168
charged by the agent and not by the insurance company, that 1169
neither state law nor the insurance company requires the agent to 1170
charge the fee, and that the fee is not refundable. 1171

(6) The consumer consents to the fee. 1172

(7) The agent, in charging the fee, does not discriminate on 1173
the basis of race, ~~sex~~ religion, gender, age, national origin, 1174
~~religion, disability~~ marital status, health status, ~~age, marital~~ 1175
~~status, or geographic location; or disability, sexual orientation,~~ 1176
gender identity, or military status, as those terms are defined in 1177

section 4112.01 of the Revised Code, ~~or geographic location~~, and 1178
does not unfairly discriminate between persons of essentially the 1179
same class and of essentially the same hazard or expectation of 1180
life. 1181

(B) A fee may not be charged for taking or submitting an 1182
initial application for coverage with any one insurer or different 1183
programs with the same insurer, or processing a change to an 1184
existing policy, a cancellation, a claim, or a renewal, in 1185
connection with any of the following personal lines policies: 1186

(1) Private passenger automobile; 1187

(2) Homeowners, including coverage for tenants or condominium 1188
owners, owner-occupied fire or dwelling property coverage, 1189
personal umbrella liability, or any other personal lines-related 1190
coverage whether sold as a separate policy or as an endorsement to 1191
another personal lines policy; 1192

(3) Individual life insurance; 1193

(4) Individual sickness or accident insurance; 1194

(5) Disability income policies; 1195

(6) Credit insurance products. 1196

(C) Notwithstanding any other provision of this section, an 1197
agent may charge a fee for agent services in connection with a 1198
policy issued on a no-commission basis, if the agent provides the 1199
consumer with prior disclosure of the fee and of the services to 1200
be provided. 1201

(D) In the event of a dispute between an agent and a consumer 1202
regarding any disclosure required by this section, the agent has 1203
the burden of proving that the disclosure was made. 1204

(E)(1) No person shall fail to comply with this section. 1205

(2) Whoever violates division (E)(1) of this section is 1206
deemed to have engaged in an unfair and deceptive act or practice 1207

in the business of insurance under sections 3901.19 to 3901.26 of 1208
the Revised Code. 1209

(F) This section does not apply with respect to any expense 1210
fee charged by a surety bail bond agent to cover the costs 1211
incurred by the surety bail bond agent in executing the bail bond. 1212

Sec. 4111.17. (A) No employer, including the state and 1213
political subdivisions thereof, shall discriminate in the payment 1214
of wages on the basis of race, color, religion, ~~sex~~ gender, age, 1215
ancestry, or national origin, or ancestry; or sexual orientation 1216
or gender identity as those terms are defined in section 4112.01 1217
of the Revised Code, by paying wages to any employee at a rate 1218
less than the rate at which the employer pays wages to another 1219
employee for equal work on jobs the performance of which requires 1220
equal skill, effort, and responsibility, and which are performed 1221
under similar conditions. 1222

(B) Nothing in this section prohibits an employer from paying 1223
wages to one employee at a rate different from that at which the 1224
employer pays another employee for the performance of equal work 1225
under similar conditions on jobs requiring equal skill, effort, 1226
and responsibility, when the payment is made pursuant to any of 1227
the following: 1228

(1) A seniority system; 1229

(2) A merit system; 1230

(3) A system which measures earnings by the quantity or 1231
quality of production; 1232

(4) A wage rate differential determined by any factor other 1233
than race, color, religion, ~~sex~~ gender, age, ancestry, or national 1234
origin, or ancestry; or sexual orientation or gender identity as 1235
those terms are defined in section 4112.01 of the Revised Code. 1236

(C) No employer shall reduce the wage rate of any employee in 1237

order to comply with this section. 1238

(D) The director of commerce shall carry out, administer, and 1239
enforce this section. Any employee discriminated against in 1240
violation of this section may sue in any court of competent 1241
jurisdiction to recover two times the amount of the difference 1242
between the wages actually received and the wages received by a 1243
person performing equal work for the employer, from the date of 1244
the commencement of the violation, and for costs, including 1245
attorney fees. The director may take an assignment of any such 1246
wage claim in trust for such employee and sue in the employee's 1247
behalf. In any civil action under this section, two or more 1248
employees of the same employer may join as co-plaintiffs in one 1249
action. The director may sue in one action for claims assigned to 1250
the director by two or more employees of the same employer. No 1251
agreement to work for a discriminatory wage constitutes a defense 1252
for any civil or criminal action to enforce this section. No 1253
employer shall discriminate against any employee because such 1254
employee makes a complaint or institutes, or testifies in, any 1255
proceeding under this section. 1256

(E) Any action arising under this section shall be initiated 1257
within one year after the date of violation. 1258

Sec. 4112.01. (A) As used in this chapter: 1259

(1) "Person" includes one or more individuals, partnerships, 1260
associations, organizations, corporations, legal representatives, 1261
trustees, trustees in bankruptcy, receivers, and other organized 1262
groups of persons. "Person" also includes, but is not limited to, 1263
any owner, lessor, assignor, builder, manager, broker, 1264
salesperson, appraiser, agent, employee, lending institution, and 1265
the state and all political subdivisions, authorities, agencies, 1266
boards, and commissions of the state. 1267

(2) "Employer" includes the state, any political subdivision 1268

of the state, any person employing four or more persons within the 1269
state, and any person acting directly or indirectly in the 1270
interest of an employer, except that for purposes of 1271
discrimination based upon sexual orientation or gender identity, 1272
"employer" includes the state, any political subdivision of the 1273
state, any person employing fifteen or more persons within the 1274
state, and any person acting directly or indirectly in the 1275
interest of an employer. 1276

(3) "Employee" means an individual employed by any employer 1277
but does not include any individual employed in the domestic 1278
service of any person. 1279

(4) "Labor organization" includes any organization that 1280
exists, in whole or in part, for the purpose of collective 1281
bargaining or of dealing with employers concerning grievances, 1282
terms or conditions of employment, or other mutual aid or 1283
protection in relation to employment. 1284

(5) "Employment agency" includes any person regularly 1285
undertaking, with or without compensation, to procure 1286
opportunities to work or to procure, recruit, refer, or place 1287
employees. 1288

(6) "Commission" means the Ohio civil rights commission 1289
created by section 4112.03 of the Revised Code. 1290

(7) "Discriminate" includes segregate or separate. 1291

(8) "Unlawful discriminatory practice" means any act 1292
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1293
Revised Code. 1294

(9) "Place of public accommodation" means any inn, 1295
restaurant, eating house, barbershop, public conveyance by air, 1296
land, or water, theater, store, other place for the sale of 1297
merchandise, or any other place of public accommodation or 1298
amusement of which the accommodations, advantages, facilities, or 1299

privileges are available to the public. 1300

(10) "Housing accommodations" includes any building or 1301
structure, or portion of a building or structure, that is used or 1302
occupied or is intended, arranged, or designed to be used or 1303
occupied as the home residence, dwelling, dwelling unit, or 1304
sleeping place of one or more individuals, groups, or families 1305
whether or not living independently of each other; and any vacant 1306
land offered for sale or lease. "Housing accommodations" also 1307
includes any housing accommodations held or offered for sale or 1308
rent by a real estate broker, salesperson, or agent, by any other 1309
person pursuant to authorization of the owner, by the owner, or by 1310
the owner's legal representative. 1311

(11) "Restrictive covenant" means any specification limiting 1312
the transfer, rental, lease, or other use of any housing 1313
accommodations because of race, color, religion, ~~sex~~ gender, 1314
~~military status, familial status, national origin, disability, or~~ 1315
~~ancestry, national origin, familial status, disability, sexual~~ 1316
~~orientation, gender identity, or military status, or any~~ 1317
limitation based upon affiliation with or approval by any person, 1318
directly or indirectly, employing race, color, religion, ~~sex~~ 1319
~~gender, military status, familial status, national origin,~~ 1320
~~disability, or ancestry, national origin, familial status,~~ 1321
~~disability, sexual orientation, gender identity, or military~~ 1322
~~status~~ as a condition of affiliation or approval. 1323

(12) "Burial lot" means any lot for the burial of deceased 1324
persons within any public burial ground or cemetery, including, 1325
but not limited to, cemeteries owned and operated by municipal 1326
corporations, townships, or companies or associations incorporated 1327
for cemetery purposes. 1328

(13) "Disability" means a physical or mental impairment that 1329
substantially limits one or more major life activities, including 1330
the functions of caring for one's self, performing manual tasks, 1331

walking, seeing, hearing, speaking, breathing, learning, and 1332
working; a record of a physical or mental impairment; or being 1333
regarded as having a physical or mental impairment. 1334

(14) Except as otherwise provided in section 4112.021 of the 1335
Revised Code, "age" means at least forty years old. 1336

(15) "Familial status" means either of the following: 1337

(a) One or more individuals who are under eighteen years of 1338
age and who are domiciled with a parent or guardian having legal 1339
custody of the individual or domiciled, with the written 1340
permission of the parent or guardian having legal custody, with a 1341
designee of the parent or guardian; 1342

(b) Any person who is pregnant or in the process of securing 1343
legal custody of any individual who is under eighteen years of 1344
age. 1345

(16)(a) Except as provided in division (A)(16)(b) of this 1346
section, "physical or mental impairment" includes any of the 1347
following: 1348

(i) Any physiological disorder or condition, cosmetic 1349
disfigurement, or anatomical loss affecting one or more of the 1350
following body systems: neurological; musculoskeletal; special 1351
sense organs; respiratory, including speech organs; 1352
cardiovascular; reproductive; digestive; genito-urinary; hemic and 1353
lymphatic; skin; and endocrine; 1354

(ii) Any mental or psychological disorder, including, but not 1355
limited to, mental retardation, organic brain syndrome, emotional 1356
or mental illness, and specific learning disabilities; 1357

(iii) Diseases and conditions, including, but not limited to, 1358
orthopedic, visual, speech, and hearing impairments, cerebral 1359
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, 1360
cancer, heart disease, diabetes, human immunodeficiency virus 1361

infection, mental retardation, emotional illness, drug addiction, 1362
and alcoholism. 1363

(b) "Physical or mental impairment" does not include any of 1364
the following: 1365

(i) ~~Homosexuality and bisexuality~~ Mental conditions not 1366
included in the diagnostic and statistical manual of mental 1367
disorders published by the American psychiatric association or its 1368
successor publication; 1369

(ii) ~~Transvestism, transsexualism, pedophilia~~ Pedophilia, 1370
exhibitionism, voyeurism, ~~gender identity disorders not resulting~~ 1371
~~from physical impairments,~~ or other sexual behavior disorders with 1372
corresponding criminal behavior; 1373

(iii) Compulsive gambling, kleptomania, or pyromania; 1374

(iv) Psychoactive substance use disorders resulting from the 1375
current illegal use of a controlled substance or the current use 1376
of alcoholic beverages. 1377

(17) "Dwelling unit" means a single unit of residence for a 1378
family of one or more persons. 1379

(18) "Common use areas" means rooms, spaces, or elements 1380
inside or outside a building that are made available for the use 1381
of residents of the building or their guests, and includes, but is 1382
not limited to, hallways, lounges, lobbies, laundry rooms, refuse 1383
rooms, mail rooms, recreational areas, and passageways among and 1384
between buildings. 1385

(19) "Public use areas" means interior or exterior rooms or 1386
spaces of a privately or publicly owned building that are made 1387
available to the general public. 1388

(20) "Controlled substance" has the same meaning as in 1389
section 3719.01 of the Revised Code. 1390

(21) "Disabled tenant" means a tenant or prospective tenant 1391

who is a person with a disability. 1392

(22) "Military status" means a person's status in "service in 1393
the uniformed services" as defined in section 5923.05 of the 1394
Revised Code. 1395

(23) "Aggrieved person" includes both of the following: 1396

(a) Any person who claims to have been injured by any 1397
unlawful discriminatory practice described in division (H) of 1398
section 4112.02 of the Revised Code; 1399

(b) Any person who believes that the person will be injured 1400
by, any unlawful discriminatory practice described in division (H) 1401
of section 4112.02 of the Revised Code that is about to occur. 1402

(24) "Sexual orientation" means actual or perceived, 1403
heterosexuality, homosexuality, or bisexuality. 1404

(25) "Gender identity" means the gender-related identity, 1405
appearance, or mannerisms or other gender-related characteristics 1406
of an individual, with or without regard to the individual's 1407
designated gender at birth. 1408

(B) For the purposes of divisions (A) to (F) of section 1409
4112.02 of the Revised Code, the terms "because of ~~sex~~ gender" and 1410
"on the basis of ~~sex~~ gender" include, but are not limited to, 1411
because of or on the basis of pregnancy, any illness arising out 1412
of and occurring during the course of a pregnancy, childbirth, or 1413
related medical conditions. Women affected by pregnancy, 1414
childbirth, or related medical conditions shall be treated the 1415
same for all employment-related purposes, including receipt of 1416
benefits under fringe benefit programs, as other persons not so 1417
affected but similar in their ability or inability to work, and 1418
nothing in division (B) of section 4111.17 of the Revised Code 1419
shall be interpreted to permit otherwise. This division shall not 1420
be construed to require an employer to pay for health insurance 1421
benefits for abortion, except where the life of the mother would 1422

be endangered if the fetus were carried to term or except where 1423
medical complications have arisen from the abortion, provided that 1424
nothing in this division precludes an employer from providing 1425
abortion benefits or otherwise affects bargaining agreements in 1426
regard to abortion. 1427

Sec. 4112.02. It shall be an unlawful discriminatory 1428
practice: 1429

(A) For any employer, because of the race, color, religion, 1430
~~sex~~ gender, age, ancestry, national origin, disability, sexual 1431
orientation, gender identity, or military status, ~~national origin,~~ 1432
~~disability, age, or ancestry~~ of any person, to discharge without 1433
just cause, to refuse to hire, or otherwise to discriminate 1434
against that person with respect to hire, tenure, terms, 1435
conditions, or privileges of employment, or any matter directly or 1436
indirectly related to employment. 1437

(B) For an employment agency or personnel placement service, 1438
because of race, color, religion, ~~sex~~ gender, age, ancestry, 1439
national origin, disability, sexual orientation, gender identity, 1440
or military status, ~~national origin, disability, age, or ancestry,~~ 1441
to do any of the following: 1442

(1) Refuse or fail to accept, register, classify properly, or 1443
refer for employment, or otherwise discriminate against any 1444
person; 1445

(2) Comply with a request from an employer for referral of 1446
applicants for employment if the request directly or indirectly 1447
indicates that the employer fails to comply with the provisions of 1448
sections 4112.01 to 4112.07 of the Revised Code. 1449

(C) For any labor organization to do any of the following: 1450

(1) Limit or classify its membership on the basis of race, 1451
color, religion, ~~sex~~ gender, age, ancestry, national origin, 1452

disability, sexual orientation, gender identity, or military 1453
status, national origin, disability, age, or ancestry; 1454

(2) Discriminate against, limit the employment opportunities 1455
of, or otherwise adversely affect the employment status, wages, 1456
hours, or employment conditions of any person as an employee 1457
because of race, color, religion, ~~sex~~ gender, age, ancestry, 1458
national origin, disability, sexual orientation, gender identity, 1459
or military status, national origin, disability, age, or ancestry. 1460

(D) For any employer, labor organization, or joint 1461
labor-management committee controlling apprentice training 1462
programs to discriminate against any person because of race, 1463
color, religion, ~~sex~~ gender, ancestry, national origin, 1464
disability, sexual orientation, gender identity, or military 1465
status, national origin, disability, or ancestry in admission to, 1466
or employment in, any program established to provide apprentice 1467
training. 1468

(E) Except where based on a bona fide occupational 1469
qualification certified in advance by the commission, for any 1470
employer, employment agency, personnel placement service, or labor 1471
organization, prior to employment or admission to membership, to 1472
do any of the following: 1473

(1) Elicit or attempt to elicit any information concerning 1474
the race, color, religion, ~~sex~~ gender, age, ancestry, national 1475
origin, disability, sexual orientation, gender identity, or 1476
military status, national origin, disability, age, or ancestry of 1477
an applicant for employment or membership; 1478

(2) Make or keep a record of the race, color, religion, ~~sex~~ 1479
gender, age, ancestry, national origin, disability, sexual 1480
orientation, gender identity, or military status, national origin, 1481
disability, age, or ancestry of any applicant for employment or 1482
membership; 1483

(3) Use any form of application for employment, or personnel 1484
or membership blank, seeking to elicit information regarding race, 1485
color, religion, ~~sex~~ gender, age, ancestry, national origin, 1486
disability, sexual orientation, gender identity, or military 1487
status, national origin, disability, age, or ancestry; but an 1488
employer holding a contract containing a nondiscrimination clause 1489
with the government of the United States, or any department or 1490
agency of that government, may require an employee or applicant 1491
for employment to furnish documentary proof of United States 1492
citizenship and may retain that proof in the employer's personnel 1493
records and may use photographic or fingerprint identification for 1494
security purposes; 1495

(4) Print or publish or cause to be printed or published any 1496
notice or advertisement relating to employment or membership 1497
indicating any preference, limitation, specification, or 1498
discrimination, based upon race, color, religion, ~~sex~~ gender, age, 1499
ancestry, national origin, disability, sexual orientation, gender 1500
identity, or military status, national origin, disability, age, or 1501
ancestry; 1502

(5) Announce or follow a policy of denying or limiting, 1503
through a quota system or otherwise, employment or membership 1504
opportunities of any group because of the race, color, religion, 1505
~~sex~~ gender, age, ancestry, national origin, disability, sexual 1506
orientation, gender identity, or military status, national origin, 1507
disability, age, or ancestry of that group; 1508

(6) Utilize in the recruitment or hiring of persons any 1509
employment agency, personnel placement service, training school or 1510
center, labor organization, or any other employee-referring source 1511
known to discriminate against persons because of their race, 1512
color, religion, ~~sex~~ gender, age, ancestry, national origin, 1513
disability, sexual orientation, gender identity, or military 1514
status, national origin, disability, age, or ancestry. 1515

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

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

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

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

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

(3) Discriminate against any person in the making or 1548
purchasing of loans or the provision of other financial assistance 1549
for the acquisition, construction, rehabilitation, repair, or 1550
maintenance of housing accommodations, or any person in the making 1551
or purchasing of loans or the provision of other financial 1552
assistance that is secured by residential real estate, because of 1553
race, color, religion, ~~sex~~ gender, ancestry, national origin, 1554
familial status, disability, sexual orientation, gender identity, 1555
or military status, ~~familial status, ancestry, disability, or~~ 1556
~~national origin~~ or because of the racial composition of the 1557
neighborhood in which the housing accommodations are located, 1558
provided that the person, whether an individual, corporation, or 1559
association of any type, lends money as one of the principal 1560
aspects or incident to the person's principal business and not 1561
only as a part of the purchase price of an owner-occupied 1562
residence the person is selling nor merely casually or 1563
occasionally to a relative or friend; 1564

(4) Discriminate against any person in the terms or 1565
conditions of selling, transferring, assigning, renting, leasing, 1566
or subleasing any housing accommodations or in furnishing 1567
facilities, services, or privileges in connection with the 1568
ownership, occupancy, or use of any housing accommodations, 1569
including the sale of fire, extended coverage, or homeowners 1570
insurance, because of race, color, religion, ~~sex~~ gender, ancestry, 1571
national origin, familial status, disability, sexual orientation, 1572
gender identity, or military status, ~~familial status, ancestry,~~ 1573
~~disability, or national origin~~ or because of the racial 1574
composition of the neighborhood in which the housing 1575
accommodations are located; 1576

(5) Discriminate against any person in the terms or 1577
conditions of any loan of money, whether or not secured by 1578
mortgage or otherwise, for the acquisition, construction, 1579

rehabilitation, repair, or maintenance of housing accommodations 1580
because of race, color, religion, ~~sex~~ gender, ancestry, national 1581
origin, familial status, disability, sexual orientation, gender 1582
identity, or military status, ~~familial status, ancestry,~~ 1583
~~disability, or national origin~~ or because of the racial 1584
composition of the neighborhood in which the housing 1585
accommodations are located; 1586

(6) Refuse to consider without prejudice the combined income 1587
of both husband and wife for the purpose of extending mortgage 1588
credit to a married couple or either member of a married couple; 1589

(7) Print, publish, or circulate any statement or 1590
advertisement, or make or cause to be made any statement or 1591
advertisement, relating to the sale, transfer, assignment, rental, 1592
lease, sublease, or acquisition of any housing accommodations, or 1593
relating to the loan of money, whether or not secured by mortgage 1594
or otherwise, for the acquisition, construction, rehabilitation, 1595
repair, or maintenance of housing accommodations, that indicates 1596
any preference, limitation, specification, or discrimination based 1597
upon race, color, religion, ~~sex~~ gender, ancestry, national origin, 1598
familial status, disability, sexual orientation, gender identity, 1599
or military status, ~~familial status, ancestry, disability, or~~ 1600
~~national origin~~, or an intention to make any such preference, 1601
limitation, specification, or discrimination; 1602

(8) Except as otherwise provided in division (H)(8) or (17) 1603
of this section, make any inquiry, elicit any information, make or 1604
keep any record, or use any form of application containing 1605
questions or entries concerning race, color, religion, ~~sex~~ gender, 1606
ancestry, national origin, familial status, disability, sexual 1607
orientation, gender identity, or military status, ~~familial status,~~ 1608
~~ancestry, disability, or national origin~~ in connection with the 1609
sale or lease of any housing accommodations or the loan of any 1610
money, whether or not secured by mortgage or otherwise, for the 1611

acquisition, construction, rehabilitation, repair, or maintenance 1612
of housing accommodations. Any person may make inquiries, and make 1613
and keep records, concerning race, color, religion, ~~sex~~ gender, 1614
ancestry, national origin, familial status, disability, sexual 1615
orientation, gender identity, or military status, ~~familial status,~~ 1616
~~ancestry, disability, or national origin~~ for the purpose of 1617
monitoring compliance with this chapter. 1618

(9) Include in any transfer, rental, or lease of housing 1619
accommodations any restrictive covenant, or honor or exercise, or 1620
attempt to honor or exercise, any restrictive covenant; 1621

(10) Induce or solicit, or attempt to induce or solicit, a 1622
housing accommodations listing, sale, or transaction by 1623
representing that a change has occurred or may occur with respect 1624
to the racial, religious, ~~sexual~~ gender, familial status, sexual 1625
orientation, gender identity, military status, ~~familial status,~~ or 1626
ethnic composition of the block, neighborhood, or other area in 1627
which the housing accommodations are located, or induce or 1628
solicit, or attempt to induce or solicit, a housing accommodations 1629
listing, sale, or transaction by representing that the presence or 1630
anticipated presence of persons of any race, color, religion, ~~sex~~ 1631
gender, ancestry, national origin, familial status, disability, 1632
sexual orientation, gender identity, or military status, ~~familial~~ 1633
~~status, ancestry, disability, or national origin,~~ in the block, 1634
neighborhood, or other area will or may have results including, 1635
but not limited to, the following: 1636

(a) The lowering of property values; 1637

(b) A change in the racial, religious, ~~sexual~~ gender, 1638
familial status, sexual orientation, gender identity, military 1639
status, ~~familial status,~~ or ethnic composition of the block, 1640
neighborhood, or other area; 1641

(c) An increase in criminal or antisocial behavior in the 1642

block, neighborhood, or other area; 1643

(d) A decline in the quality of the schools serving the 1644
block, neighborhood, or other area. 1645

(11) Deny any person access to or membership or participation 1646
in any multiple-listing service, real estate brokers' 1647
organization, or other service, organization, or facility relating 1648
to the business of selling or renting housing accommodations, or 1649
discriminate against any person in the terms or conditions of that 1650
access, membership, or participation, on account of race, color, 1651
religion, ~~sex~~ gender, ancestry, national origin, familial status, 1652
disability, sexual orientation, gender identity, or military 1653
status, ~~familial status~~, ~~national origin~~, ~~disability~~, or ~~ancestry~~; 1654

(12) Coerce, intimidate, threaten, or interfere with any 1655
person in the exercise or enjoyment of, or on account of that 1656
person's having exercised or enjoyed or having aided or encouraged 1657
any other person in the exercise or enjoyment of, any right 1658
granted or protected by division (H) of this section; 1659

(13) Discourage or attempt to discourage the purchase by a 1660
prospective purchaser of housing accommodations, by representing 1661
that any block, neighborhood, or other area has undergone or might 1662
undergo a change with respect to its racial, religious, ~~racial~~, 1663
~~sexual~~ gender, familial status, sexual orientation, gender 1664
identity, military status, ~~familial status~~, or ethnic composition; 1665
1666

(14) Refuse to sell, transfer, assign, rent, lease, sublease, 1667
or finance, or otherwise deny or withhold, a burial lot from any 1668
person because of the race, color, ~~sex~~ gender, age, ancestry, 1669
national origin, familial status, disability, sexual orientation, 1670
gender identity, or military status, ~~familial status~~, ~~age~~, 1671
~~ancestry~~, ~~disability~~, or ~~national origin~~ of any prospective owner 1672
or user of the lot; 1673

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

(a) The buyer or renter;

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

(c) Any individual associated with the person described in
division (H)(15)(b) of this section.

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

(a) That person;

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

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

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

(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	1704 1705
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	1706 1707 1708
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	1709 1710 1711
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	1712 1713 1714
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.	1715 1716 1717 1718 1719
(18)(a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following:	1720 1721 1722 1723 1724 1725 1726 1727 1728 1729
(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification;	1730 1731 1732 1733 1734

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

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

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

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

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

(21) Discriminate against any person in the selling, brokering, or appraising of real property because of race, color, religion, ~~sex~~ gender, ancestry, national origin, familial status, disability, sexual orientation, gender identity, or military

~~status, familial status, ancestry, disability, or national origin;~~ 1766

(22) Fail to design and construct covered multifamily 1767
dwellings for first occupancy on or after June 30, 1992, in 1768
accordance with the following conditions: 1769

(a) The dwellings shall have at least one building entrance 1770
on an accessible route, unless it is impractical to do so because 1771
of the terrain or unusual characteristics of the site. 1772

(b) With respect to dwellings that have a building entrance 1773
on an accessible route, all of the following apply: 1774

(i) The public use areas and common use areas of the 1775
dwellings shall be readily accessible to and usable by persons 1776
with a disability. 1777

(ii) All the doors designed to allow passage into and within 1778
all premises shall be sufficiently wide to allow passage by 1779
persons with a disability who are in wheelchairs. 1780

(iii) All premises within covered multifamily dwelling units 1781
shall contain an accessible route into and through the dwelling; 1782
all light switches, electrical outlets, thermostats, and other 1783
environmental controls within such units shall be in accessible 1784
locations; the bathroom walls within such units shall contain 1785
reinforcements to allow later installation of grab bars; and the 1786
kitchens and bathrooms within such units shall be designed and 1787
constructed in a manner that enables an individual in a wheelchair 1788
to maneuver about such rooms. 1789

For purposes of division (H)(22) of this section, "covered 1790
multifamily dwellings" means buildings consisting of four or more 1791
units if such buildings have one or more elevators and ground 1792
floor units in other buildings consisting of four or more units. 1793

(I) For any person to discriminate in any manner against any 1794
other person because that person has opposed any unlawful 1795

discriminatory practice defined in this section or because that 1796
person has made a charge, testified, assisted, or participated in 1797
any manner in any investigation, proceeding, or hearing under 1798
sections 4112.01 to 4112.07 of the Revised Code. 1799

(J) For any person to aid, abet, incite, compel, or coerce 1800
the doing of any act declared by this section to be an unlawful 1801
discriminatory practice, to obstruct or prevent any person from 1802
complying with this chapter or any order issued under it, or to 1803
attempt directly or indirectly to commit any act declared by this 1804
section to be an unlawful discriminatory practice. 1805

(K)(1) Nothing in division (H) of this section shall bar any 1806
religious or denominational institution or organization, or any 1807
nonprofit charitable or educational organization that is operated, 1808
supervised, or controlled by or in connection with a religious 1809
organization, from limiting the sale, rental, or occupancy of 1810
housing accommodations that it owns or operates for other than a 1811
commercial purpose to persons of the same religion, or from giving 1812
preference in the sale, rental, or occupancy of such housing 1813
accommodations to persons of the same religion, unless membership 1814
in the religion is restricted on account of race, color, or 1815
national origin. 1816

(2) Nothing in division (H) of this section shall bar any 1817
bona fide private or fraternal organization that, incidental to 1818
its primary purpose, owns or operates lodgings for other than a 1819
commercial purpose, from limiting the rental or occupancy of the 1820
lodgings to its members or from giving preference to its members. 1821

(3) Nothing in division (H) of this section limits the 1822
applicability of any reasonable local, state, or federal 1823
restrictions regarding the maximum number of occupants permitted 1824
to occupy housing accommodations. Nothing in that division 1825
prohibits the owners or managers of housing accommodations from 1826
implementing reasonable occupancy standards based on the number 1827

and size of sleeping areas or bedrooms and the overall size of a dwelling unit, provided that the standards are not implemented to circumvent the purposes of this chapter and are formulated, implemented, and interpreted in a manner consistent with this chapter and any applicable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations.

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

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

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

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

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

(L) Nothing in divisions (A) to (E) of this section shall be construed to require a person with a disability to be employed or trained under circumstances that would significantly increase the occupational hazards affecting either the person with a disability, other employees, the general public, or the facilities

in which the work is to be performed, or to require the employment 1859
or training of a person with a disability in a job that requires 1860
the person with a disability routinely to undertake any task, the 1861
performance of which is substantially and inherently impaired by 1862
the person's disability. 1863

(M) Nothing in divisions (H)(1) to (18) of this section shall 1864
be construed to require any person selling or renting property to 1865
modify the property in any way or to exercise a higher degree of 1866
care for a person with a disability, to relieve any person with a 1867
disability of any obligation generally imposed on all persons 1868
regardless of disability in a written lease, rental agreement, or 1869
contract of purchase or sale, or to forbid distinctions based on 1870
the inability to fulfill the terms and conditions, including 1871
financial obligations, of the lease, agreement, or contract. 1872

(N) An aggrieved individual may enforce the individual's 1873
rights relative to discrimination on the basis of age as provided 1874
for in this section by instituting a civil action, within one 1875
hundred eighty days after the alleged unlawful discriminatory 1876
practice occurred, in any court with jurisdiction for any legal or 1877
equitable relief that will effectuate the individual's rights. 1878

A person who files a civil action under this division is 1879
barred, with respect to the practices complained of, from 1880
instituting a civil action under section 4112.14 of the Revised 1881
Code and from filing a charge with the commission under section 1882
4112.05 of the Revised Code. 1883

(O) With regard to age, it shall not be an unlawful 1884
discriminatory practice and it shall not constitute a violation of 1885
division (A) of section 4112.14 of the Revised Code for any 1886
employer, employment agency, joint labor-management committee 1887
controlling apprenticeship training programs, or labor 1888
organization to do any of the following: 1889

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

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

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

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

States department of labor.	1922
(P) Nothing in this chapter prohibiting age discrimination	1923
and nothing in division (A) of section 4112.14 of the Revised Code	1924
shall be construed to prohibit the following:	1925
(1) The designation of uniform age the attainment of which is	1926
necessary for public employees to receive pension or other	1927
retirement benefits pursuant to Chapter 145., 742., 3307., 3309.,	1928
or 5505. of the Revised Code;	1929
(2) The mandatory retirement of uniformed patrol officers of	1930
the state highway patrol as provided in section 5505.16 of the	1931
Revised Code;	1932
(3) The maximum age requirements for appointment as a patrol	1933
officer in the state highway patrol established by section 5503.01	1934
of the Revised Code;	1935
(4) The maximum age requirements established for original	1936
appointment to a police department or fire department in sections	1937
124.41 and 124.42 of the Revised Code;	1938
(5) Any maximum age not in conflict with federal law that may	1939
be established by a municipal charter, municipal ordinance, or	1940
resolution of a board of township trustees for original	1941
appointment as a police officer or firefighter;	1942
(6) Any mandatory retirement provision not in conflict with	1943
federal law of a municipal charter, municipal ordinance, or	1944
resolution of a board of township trustees pertaining to police	1945
officers and firefighters;	1946
(7) Until January 1, 1994, the mandatory retirement of any	1947
employee who has attained seventy years of age and who is serving	1948
under a contract of unlimited tenure, or similar arrangement	1949
providing for unlimited tenure, at an institution of higher	1950
education as defined in the "Education Amendments of 1980," 94	1951

Stat. 1503, 20 U.S.C.A. 1141(a). 1952

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 1953
section, for purposes of divisions (A) to (E) of this section, a 1954
disability does not include any physiological disorder or 1955
condition, mental or psychological disorder, or disease or 1956
condition caused by an illegal use of any controlled substance by 1957
an employee, applicant, or other person, if an employer, 1958
employment agency, personnel placement service, labor 1959
organization, or joint labor-management committee acts on the 1960
basis of that illegal use. 1961

(b) Division (Q)(1)(a) of this section does not apply to an 1962
employee, applicant, or other person who satisfies any of the 1963
following: 1964

(i) The employee, applicant, or other person has successfully 1965
completed a supervised drug rehabilitation program and no longer 1966
is engaging in the illegal use of any controlled substance, or the 1967
employee, applicant, or other person otherwise successfully has 1968
been rehabilitated and no longer is engaging in that illegal use. 1969

(ii) The employee, applicant, or other person is 1970
participating in a supervised drug rehabilitation program and no 1971
longer is engaging in the illegal use of any controlled substance. 1972

(iii) The employee, applicant, or other person is erroneously 1973
regarded as engaging in the illegal use of any controlled 1974
substance, but the employee, applicant, or other person is not 1975
engaging in that illegal use. 1976

(2) Divisions (A) to (E) of this section do not prohibit an 1977
employer, employment agency, personnel placement service, labor 1978
organization, or joint labor-management committee from doing any 1979
of the following: 1980

(a) Adopting or administering reasonable policies or 1981
procedures, including, but not limited to, testing for the illegal 1982

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

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

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

(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;

(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;

(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.

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

(4) Division (Q) 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 2014
the results of that type of testing. 2015

(R)(1) Nothing in this section shall prohibit any religious 2016
association, corporation, or society that is not organized for 2017
private profit, or any institution organized for educational 2018
purposes that is operated, supervised, or controlled by such a 2019
religious association, corporation, or society, from limiting 2020
admission to or giving preference to persons of the same religion 2021
or denomination. 2022

(2) A religious association, corporation, or society may 2023
determine criteria for membership in the association's, 2024
corporation's, or society's religion or denomination, including 2025
with regard to sexual orientation and gender identity. 2026

(3) Division (R)(1) of this section shall not apply to 2027
secular business activities regularly carried on in which the 2028
religious association, corporation, or society engages if the 2029
conduct of those activities is unrelated to the religious and 2030
educational purposes for which the association, corporation, or 2031
society is organized. 2032

(S) Nothing in this section shall be construed to establish 2033
an unlawful discriminatory practice based on actual or perceived 2034
gender identity due to the denial of access to shared shower or 2035
dressng facilities in which being seen unclothed is unavoidable, 2036
provided that the employer provides reasonable access to adequate 2037
facilities that are not inconsistent with an employee's gender 2038
identity as established with the employer at the time of initial 2039
employment or upon notification to the employer that the employee 2040
has undergone or is undergoing gender transition, whichever is 2041
later. 2042

(T) Nothing in this section shall be construed to require the 2043
construction of new or additional facilities. 2044

(U) Nothing in this section prohibits an employer from 2045
implementing, enforcing, or modifying a dress code or grooming 2046
standards not prohibited by other provisions of federal, state, or 2047
local law and requiring an employee, during the employee's hours 2048
at work, to adhere to the dress code or grooming standards, 2049
provided that the employer permits any employee who has undergone 2050
gender transition before being initially employed, and any 2051
employee who has notified the employer that the employee has 2052
undergone or is undergoing gender transition after being initially 2053
employed, to adhere to the same dress code or grooming standards 2054
applicable to the gender to which the employee has transitioned or 2055
is transitioning. 2056

(V) Nothing in this section shall be construed to authorize 2057
or require any private employer, employment agency, or labor 2058
organization to implement quotas or affirmative action policies or 2059
programs, based on sexual orientation or gender identity. 2060

(W) Upon receiving certification of a bona fide occupational 2061
qualification from the commission, nothing in this section 2062
requires an employer, whose business is primarily religious in 2063
nature, to take any employment action that would compromise that 2064
business's religious purposes relating to sexual orientation or 2065
gender identity. 2066

(X)(1) It shall be an unlawful discriminatory practice for 2067
any employer, employment agency, or labor organization to limit, 2068
segregate, or classify its employees or applicants for employment 2069
in any way that would deprive or tend to deprive any individual of 2070
employment or otherwise adversely affect the status of the 2071
individual as an employee because of the individual's actual or 2072
perceived sexual orientation or gender identity. 2073

(2) The commission shall not collect statistics on actual or 2074
perceived sexual orientation or gender identity from any employer, 2075
employment agency, or labor organization nor compel any of them to 2076

collect such statistics. 2077

(3) Only disparate treatment claims, and not disparate impact 2078
claims, may be brought under this section on the basis of sexual 2079
orientation or gender identity. As used in division (X)(3) of this 2080
section, "disparate impact" means a facially neutral policy or 2081
practice that has a negative impact on a protected group. 2082

Sec. 4112.021. (A) As used in this section: 2083

(1) "Credit" means the right granted by a creditor to a 2084
person to defer payment of a debt, to incur debt and defer its 2085
payment, or to purchase property or services and defer payment for 2086
the property or services. 2087

(2) "Creditor" means any person who regularly extends, 2088
renews, or continues credit, any person who regularly arranges for 2089
the extension, renewal, or continuation of credit, or any assignee 2090
of an original creditor who participates in the decision to 2091
extend, renew, or continue credit, whether or not any interest or 2092
finance charge is required. 2093

(3) "Credit reporting agency" means any person who, for 2094
monetary fees or dues or on a cooperative nonprofit basis, 2095
regularly assembles or evaluates credit information for the 2096
purpose of furnishing credit reports to creditors. 2097

(4) "Age" means any age of eighteen years or older. 2098

(B) It shall be an unlawful discriminatory practice: 2099

(1) For any creditor to do any of the following: 2100

(a) Discriminate against any applicant for credit in the 2101
granting, withholding, extending, or renewing of credit, or in the 2102
fixing of the rates, terms, or conditions of any form of credit, 2103
on the basis of race, color, religion, gender, age, ~~sex~~ ancestry, 2104
national origin, marital status, disability, sexual orientation, 2105
gender identity, or military status, marital status, national 2106

~~origin, disability, or ancestry,~~ except that this division shall 2107
not apply with respect to age in any real estate transaction 2108
between a financial institution, a dealer in intangibles, or an 2109
insurance company as defined in section 5725.01 of the Revised 2110
Code and its customers; 2111

(b) Use or make any inquiry as to race, color, religion, 2112
gender, age, ~~sex~~ ancestry, national origin, marital status, 2113
disability, sexual orientation, gender identity, or military 2114
~~status, marital status, national origin, disability, or ancestry~~ 2115
for the purpose of limiting or specifying those persons to whom 2116
credit will be granted, except that an inquiry of marital status 2117
does not constitute discrimination for the purposes of this 2118
section if the inquiry is made for the purpose of ascertaining the 2119
creditor's rights and remedies applicable to the particular 2120
extension of credit, and except that creditors are excepted from 2121
this division with respect to any inquiry, elicitation of 2122
information, record, or form of application required of a 2123
particular creditor by any instrumentality or agency of the United 2124
States, or required of a particular creditor by any agency or 2125
instrumentality to enforce the "Civil Rights Act of 1968," 82 2126
Stat. 84, 85, 42 U.S.C.A. 3608(c); 2127

(c) Refuse to consider the sources of income of an applicant 2128
for credit, or disregard or ignore the income of an applicant, in 2129
whole or in part, on the basis of race, color, religion, gender, 2130
age, ~~sex~~ ancestry, national origin, marital status, disability, 2131
sexual orientation, gender identity, or military status, ~~marital~~ 2132
~~status, disability, national origin, or ancestry;~~ 2133

(d) Refuse to grant credit to an individual in any name that 2134
individual customarily uses, if it has been determined in the 2135
normal course of business that the creditor will grant credit to 2136
the individual; 2137

(e) Impose any special requirements or conditions, including, 2138

but not limited to, a requirement for co-obligors or 2139
reapplication, upon any applicant or class of applicants on the 2140
basis of race, color, religion, gender, age, ~~sex~~ ancestry, 2141
national origin, marital status, disability, sexual orientation, 2142
gender identity, or military status, ~~marital status, national~~ 2143
~~origin, disability, or ancestry~~ in circumstances where similar 2144
requirements or conditions are not imposed on other applicants 2145
similarly situated, unless the special requirements or conditions 2146
that are imposed with respect to age are the result of a real 2147
estate transaction exempted under division (B)(1)(a) of this 2148
section or are the result of programs that grant preferences to 2149
certain age groups administered by instrumentalities or agencies 2150
of the United States, a state, or a political subdivision of a 2151
state; 2152

(f) Fail or refuse to provide an applicant for credit a 2153
written statement of the specific reasons for rejection of the 2154
application if requested in writing by the applicant within sixty 2155
days of the rejection. The creditor shall provide the written 2156
statement of the specific reason for rejection within thirty days 2157
after receipt of a request of that nature. For purposes of this 2158
section, a statement that the applicant was rejected solely on the 2159
basis of information received from a credit reporting agency or 2160
because the applicant failed to meet the standards required by the 2161
creditor's credit scoring system, uniformly applied, shall 2162
constitute a specific reason for rejection. 2163

(g) Fail or refuse to print on or firmly attach to each 2164
application for credit, in a type size no smaller than that used 2165
throughout most of the application form, the following notice: 2166
"The Ohio laws against discrimination require that all creditors 2167
make credit equally available to all credit worthy customers, and 2168
that credit reporting agencies maintain separate credit histories 2169
on each individual upon request. The Ohio civil rights commission 2170

administers compliance with this law." This notice is not required 2171
to be included in applications that have a multi-state 2172
distribution if the notice is mailed to the applicant with the 2173
notice of acceptance or rejection of the application. 2174

(h) Fail or refuse on the basis of race, color, religion, 2175
gender, age, ~~sex~~ ancestry, national origin, marital status, 2176
disability, sexual orientation, gender identity, or military 2177
status, ~~marital status, national origin, disability, or ancestry~~ 2178
to maintain, upon the request of the individual, a separate 2179
account for each individual to whom credit is extended; 2180

(i) Fail or refuse on the basis of race, color, religion, 2181
gender, age, ~~sex~~ ancestry, national origin, marital status, 2182
disability, sexual orientation, gender identity, or military 2183
status, ~~marital status, national origin, disability, or ancestry~~ 2184
to maintain records on any account established after November 1, 2185
1976, to furnish information on the accounts to credit reporting 2186
agencies in a manner that clearly designates the contractual 2187
liability for repayment as indicated on the application for the 2188
account, and, if more than one individual is contractually liable 2189
for repayment, to maintain records and furnish information in the 2190
name of each individual. This division does not apply to 2191
individuals who are contractually liable only if the primary party 2192
defaults on the account. 2193

(2) For any credit reporting agency to do any of the 2194
following: 2195

(a) Fail or refuse on the basis of race, color, religion, 2196
gender, age, ~~sex~~ ancestry, national origin, marital status, 2197
disability, sexual orientation, gender identity, or military 2198
status, ~~marital status, national origin, disability, or ancestry~~ 2199
to maintain, upon the request of the individual, a separate file 2200
on each individual about whom information is assembled or 2201
evaluated; 2202

(b) Fail or refuse on the basis of race, color, religion, 2203
gender, age, ~~sex~~ ancestry, national origin, marital status, 2204
disability, sexual orientation, gender identity, or military 2205
status, marital status, national origin, disability, or ancestry 2206
to clearly note, maintain, and report any information furnished it 2207
under division (B)(1)(i) of this section. 2208

(C) This section does not prohibit a creditor from requesting 2209
the signature of both spouses to create a valid lien, pass clear 2210
title, or waive inchoate rights to property. 2211

(D) The rights granted by this section may be enforced by 2212
aggrieved individuals by filing a civil action in a court of 2213
common pleas within one hundred eighty days after the alleged 2214
unlawful discriminatory practice occurred. Upon application by the 2215
plaintiff and in circumstances that the court considers just, the 2216
court in which a civil action under this section is brought may 2217
appoint an attorney for the plaintiff and may authorize the 2218
commencement of a civil action upon proper showing without the 2219
payment of costs. If the court finds that an unlawful 2220
discriminatory practice prohibited by this section occurred or is 2221
about to occur, the court may grant relief that it considers 2222
appropriate, including a permanent or temporary injunction, 2223
temporary restraining order, or other order, and may award to the 2224
plaintiff compensatory and punitive damages of not less than one 2225
hundred dollars, together with attorney's fees and court costs. 2226

(E) Nothing contained in this section shall bar a creditor 2227
from reviewing an application for credit on the basis of 2228
established criteria used in the normal course of business for the 2229
determination of the credit worthiness of the individual applicant 2230
for credit, including the credit history of the applicant. 2231

Sec. 4112.04. (A) The commission shall do all of the 2232
following: 2233

- (1) Establish and maintain a principal office in the city of Columbus and any other offices within the state that it considers necessary;
- (2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.
- (3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;
- (4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;
- (5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;
- (6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;
- (7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, ~~sex~~ gender, age, ancestry, national origin, familial status, disability, sexual orientation, gender identity, or ~~military status~~, ~~familial status~~, ~~national origin~~, ~~disability~~, ~~age~~, ~~or~~ ~~ancestry~~ on the enjoyment of civil rights by persons within the state;
- (8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A)(7) of this section and shall include the recommendations of the commission as to legislative or

other remedial action; 2265

(9) Prepare a comprehensive educational program, in 2266
cooperation with the department of education, for the students of 2267
the primary and secondary public schools of this state and for all 2268
other residents of this state that is designed to eliminate 2269
prejudice ~~on the basis of race, color, religion, sex, military~~ 2270
~~status, familial status, national origin, disability, age, or~~ 2271
~~ancestry~~ in this state, ~~to further good will among those groups,~~ 2272
and to emphasize the origin of prejudice ~~against those groups and~~ 2273
discrimination, ~~its~~ their harmful effects, and ~~its~~ their 2274
incompatibility with American principles of equality and fair 2275
play; 2276

(10) Receive progress reports from agencies, 2277
instrumentalities, institutions, boards, commissions, and other 2278
entities of this state or any of its political subdivisions and 2279
their agencies, instrumentalities, institutions, boards, 2280
commissions, and other entities regarding affirmative action 2281
programs for the employment of persons against whom discrimination 2282
is prohibited by this chapter, or regarding any affirmative 2283
housing accommodations programs developed to eliminate or reduce 2284
an imbalance of race, color, religion, ~~sex~~ gender, ancestry, 2285
national origin, familial status, disability, sexual orientation, 2286
gender identity, or military status, ~~familial status, national~~ 2287
~~origin, disability, or ancestry~~. All agencies, instrumentalities, 2288
institutions, boards, commissions, and other entities of this 2289
state or its political subdivisions, and all political 2290
subdivisions, that have undertaken affirmative action programs 2291
pursuant to a conciliation agreement with the commission, an 2292
executive order of the governor, any federal statute or rule, or 2293
an executive order of the president of the United States shall 2294
file progress reports with the commission annually on or before 2295
the first day of November. The commission shall analyze and 2296

evaluate the progress reports and report its findings annually to 2297
the general assembly on or before the thirtieth day of January of 2298
the year immediately following the receipt of the reports. 2299

(B) The commission may do any of the following: 2300

(1) Meet and function at any place within the state; 2301

(2) Initiate and undertake on its own motion investigations 2302
of problems of employment or housing accommodations 2303
discrimination; 2304

(3) Hold hearings, subpoena witnesses, compel their 2305
attendance, administer oaths, take the testimony of any person 2306
under oath, require the production for examination of any books 2307
and papers relating to any matter under investigation or in 2308
question before the commission, and make rules as to the issuance 2309
of subpoenas by individual commissioners. 2310

(a) In conducting a hearing or investigation, the commission 2311
shall have access at all reasonable times to premises, records, 2312
documents, individuals, and other evidence or possible sources of 2313
evidence and may examine, record, and copy the premises, records, 2314
documents, and other evidence or possible sources of evidence and 2315
take and record the testimony or statements of the individuals as 2316
reasonably necessary for the furtherance of the hearing or 2317
investigation. In investigations, the commission shall comply with 2318
the fourth amendment to the United States Constitution relating to 2319
unreasonable searches and seizures. The commission or a member of 2320
the commission may issue subpoenas to compel access to or the 2321
production of premises, records, documents, and other evidence or 2322
possible sources of evidence or the appearance of individuals, and 2323
may issue interrogatories to a respondent, to the same extent and 2324
subject to the same limitations as would apply if the subpoenas or 2325
interrogatories were issued or served in aid of a civil action in 2326
a court of common pleas. 2327

(b) Upon written application by a party to a hearing under 2328
division (B) of section 4112.05 of the Revised Code, the 2329
commission shall issue subpoenas in its name to the same extent 2330
and subject to the same limitations as subpoenas issued by the 2331
commission. Subpoenas issued at the request of a party shall show 2332
on their face the name and address of the party and shall state 2333
that they were issued at the party's request. 2334

(c) Witnesses summoned by subpoena of the commission are 2335
entitled to the witness and mileage fees provided for under 2336
section 119.094 of the Revised Code. 2337

(d) Within five days after service of a subpoena upon any 2338
person, the person may petition the commission to revoke or modify 2339
the subpoena. The commission shall grant the petition if it finds 2340
that the subpoena requires an appearance or attendance at an 2341
unreasonable time or place, that it requires production of 2342
evidence that does not relate to any matter before the commission, 2343
that it does not describe with sufficient particularity the 2344
evidence to be produced, that compliance would be unduly onerous, 2345
or for other good reason. 2346

(e) In case of contumacy or refusal to obey a subpoena, the 2347
commission or person at whose request it was issued may petition 2348
for its enforcement in the court of common pleas in the county in 2349
which the person to whom the subpoena was addressed resides, was 2350
served, or transacts business. 2351

(4) Create local or statewide advisory agencies and 2352
conciliation councils to aid in effectuating the purposes of this 2353
chapter. The commission may itself, or it may empower these 2354
agencies and councils to, do either or both of the following: 2355

(a) Study the problems of discrimination in all or specific 2356
fields of human relationships when based on race, color, religion, 2357
~~sex~~ gender, age, ancestry, national origin, familial status, 2358

disability, sexual orientation, gender identity, or military 2359
status, familial status, national origin, disability, age, or 2360
ancestry; 2361

(b) Foster through community effort, or otherwise, good will 2362
among the groups and elements of the population of the state. 2363

The agencies and councils may make recommendations to the 2364
commission for the development of policies and procedures in 2365
general. They shall be composed of representative citizens who 2366
shall serve without pay, except that reimbursement for actual and 2367
necessary traveling expenses shall be made to citizens who serve 2368
on a statewide agency or council. 2369

(5) Issue any publications and the results of investigations 2370
and research that in its judgment will tend to promote good will 2371
and minimize or eliminate discrimination because of race, color, 2372
religion, ~~sex~~ gender, age, ancestry, national origin, familial 2373
status, disability, sexual orientation, gender identity, or 2374
military status, familial status, national origin, disability, 2375
age, or ancestry. 2376

Sec. 4112.05. (A) The commission, as provided in this 2377
section, shall prevent any person from engaging in unlawful 2378
discriminatory practices, provided that, before instituting the 2379
formal hearing authorized by division (B) of this section, it 2380
shall attempt, by informal methods of conference, conciliation, 2381
mediation, and persuasion, to induce compliance with this chapter. 2382

(B)(1) Any person may file a charge with the commission 2383
alleging that another person has engaged or is engaging in an 2384
unlawful discriminatory practice. In the case of a charge alleging 2385
an unlawful discriminatory practice described in division (A), 2386
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 2387
section 4112.021 or 4112.022 of the Revised Code, the charge shall 2388
be in writing and under oath and shall be filed with the 2389

commission within six months after the alleged unlawful 2390
discriminatory practice was committed. In the case of a charge 2391
alleging an unlawful discriminatory practice described in division 2392
(H) of section 4112.02 of the Revised Code, the charge shall be in 2393
writing and under oath and shall be filed with the commission 2394
within one year after the alleged unlawful discriminatory practice 2395
was committed. 2396

(2) Upon receiving a charge, the commission may initiate a 2397
preliminary investigation to determine whether it is probable that 2398
an unlawful discriminatory practice has been or is being engaged 2399
in. The commission also may conduct, upon its own initiative and 2400
independent of the filing of any charges, a preliminary 2401
investigation relating to any of the unlawful discriminatory 2402
practices described in division (A), (B), (C), (D), (E), (F), (I), 2403
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 2404
the Revised Code. Prior to a notification of a complainant under 2405
division (B)(4) of this section or prior to the commencement of 2406
informal methods of conference, conciliation, and persuasion under 2407
that division, the members of the commission and the officers and 2408
employees of the commission shall not make public in any manner 2409
and shall retain as confidential all information that was obtained 2410
as a result of or that otherwise pertains to a preliminary 2411
investigation other than one described in division (B)(3) of this 2412
section. 2413

(3)(a) Unless it is impracticable to do so and subject to its 2414
authority under division (B)(3)(d) of this section, the commission 2415
shall complete a preliminary investigation of a charge filed 2416
pursuant to division (B)(1) of this section that alleges an 2417
unlawful discriminatory practice described in division (H) of 2418
section 4112.02 of the Revised Code, and shall take one of the 2419
following actions, within one hundred days after the filing of the 2420
charge: 2421

(i) Notify the complainant and the respondent that it is not 2422
probable that an unlawful discriminatory practice described in 2423
division (H) of section 4112.02 of the Revised Code has been or is 2424
being engaged in and that the commission will not issue a 2425
complaint in the matter; 2426

(ii) Initiate a complaint and schedule it for informal 2427
methods of conference, conciliation, and persuasion; 2428

(iii) Initiate a complaint and refer it to the attorney 2429
general with a recommendation to seek a temporary or permanent 2430
injunction or a temporary restraining order. If this action is 2431
taken, the attorney general shall apply, as expeditiously as 2432
possible after receipt of the complaint, to the court of common 2433
pleas of the county in which the unlawful discriminatory practice 2434
allegedly occurred for the appropriate injunction or order, and 2435
the court shall hear and determine the application as 2436
expeditiously as possible. 2437

(b) If it is not practicable to comply with the requirements 2438
of division (B)(3)(a) of this section within the one-hundred-day 2439
period described in that division, the commission shall notify the 2440
complainant and the respondent in writing of the reasons for the 2441
noncompliance. 2442

(c) Prior to the issuance of a complaint under division 2443
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 2444
of the complainant and the respondent under division (B)(3)(a)(i) 2445
of this section, the members of the commission and the officers 2446
and employees of the commission shall not make public in any 2447
manner and shall retain as confidential all information that was 2448
obtained as a result of or that otherwise pertains to a 2449
preliminary investigation of a charge filed pursuant to division 2450
(B)(1) of this section that alleges an unlawful discriminatory 2451
practice described in division (H) of section 4112.05 of the 2452
Revised Code. 2453

(d) Notwithstanding the types of action described in 2454
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2455
issuance of a complaint or the referral of a complaint to the 2456
attorney general and prior to endeavoring to eliminate an unlawful 2457
discriminatory practice described in division (H) of section 2458
4112.02 of the Revised Code by informal methods of conference, 2459
conciliation, and persuasion, the commission may seek a temporary 2460
or permanent injunction or a temporary restraining order in the 2461
court of common pleas of the county in which the unlawful 2462
discriminatory practice allegedly occurred. 2463

(4) If the commission determines after a preliminary 2464
investigation other than one described in division (B)(3) of this 2465
section that it is not probable that an unlawful discriminatory 2466
practice has been or is being engaged in, it shall notify any 2467
complainant under division (B)(1) of this section that it has so 2468
determined and that it will not issue a complaint in the matter. 2469
If the commission determines after a preliminary investigation 2470
other than the one described in division (B)(3) of this section 2471
that it is probable that an unlawful discriminatory practice has 2472
been or is being engaged in, it shall endeavor to eliminate the 2473
practice by informal methods of conference, conciliation, and 2474
persuasion. 2475

(5) Nothing said or done during informal methods of 2476
conference, conciliation, and persuasion under this section shall 2477
be disclosed by any member of the commission or its staff or be 2478
used as evidence in any subsequent hearing or other proceeding. 2479
If, after a preliminary investigation and the use of informal 2480
methods of conference, conciliation, and persuasion under this 2481
section, the commission is satisfied that any unlawful 2482
discriminatory practice will be eliminated, it may treat the 2483
charge involved as being conciliated and enter that disposition on 2484
the records of the commission. If the commission fails to effect 2485

the elimination of an unlawful discriminatory practice by informal 2486
methods of conference, conciliation, and persuasion under this 2487
section and to obtain voluntary compliance with this chapter, the 2488
commission shall issue and cause to be served upon any person, 2489
including the respondent against whom a complainant has filed a 2490
charge pursuant to division (B)(1) of this section, a complaint 2491
stating the charges involved and containing a notice of an 2492
opportunity for a hearing before the commission, a member of the 2493
commission, or a hearing examiner at a place that is stated in the 2494
notice and that is located within the county in which the alleged 2495
unlawful discriminatory practice has occurred or is occurring or 2496
in which the respondent resides or transacts business. The hearing 2497
shall be held not less than thirty days after the service of the 2498
complaint upon the complainant, the aggrieved persons other than 2499
the complainant on whose behalf the complaint is issued, and the 2500
respondent, unless the complainant, an aggrieved person, or the 2501
respondent elects to proceed under division (A)(2) of section 2502
4112.051 of the Revised Code when that division is applicable. If 2503
a complaint pertains to an alleged unlawful discriminatory 2504
practice described in division (H) of section 4112.02 of the 2505
Revised Code, the complaint shall notify the complainant, an 2506
aggrieved person, and the respondent of the right of the 2507
complainant, an aggrieved person, or the respondent to elect to 2508
proceed with the administrative hearing process under this section 2509
or to proceed under division (A)(2) of section 4112.051 of the 2510
Revised Code. 2511

(6) The attorney general shall represent the commission at 2512
any hearing held pursuant to division (B)(5) of this section and 2513
shall present the evidence in support of the complaint. 2514

(7) Any complaint issued pursuant to division (B)(5) of this 2515
section after the filing of a charge under division (B)(1) of this 2516
section shall be so issued within one year after the complainant 2517

filed the charge with respect to an alleged unlawful 2518
discriminatory practice. 2519

(C) Any complaint issued pursuant to division (B) of this 2520
section may be amended by the commission, a member of the 2521
commission, or the hearing examiner conducting a hearing under 2522
division (B) of this section, at any time prior to or during the 2523
hearing. The respondent has the right to file an answer or an 2524
amended answer to the original and amended complaints and to 2525
appear at the hearing in person, by attorney, or otherwise to 2526
examine and cross-examine witnesses. 2527

(D) The complainant shall be a party to a hearing under 2528
division (B) of this section, and any person who is an 2529
indispensable party to a complete determination or settlement of a 2530
question involved in the hearing shall be joined. Any aggrieved 2531
person who has or claims an interest in the subject of the hearing 2532
and in obtaining or preventing relief against the unlawful 2533
discriminatory practices complained of shall be permitted to 2534
appear only for the presentation of oral or written arguments, to 2535
present evidence, perform direct and cross-examination, and be 2536
represented by counsel. The commission shall adopt rules, in 2537
accordance with Chapter 119. of the Revised Code governing the 2538
authority granted under this division. 2539

(E) In any hearing under division (B) of this section, the 2540
commission, a member of the commission, or the hearing examiner 2541
shall not be bound by the Rules of Evidence but, in ascertaining 2542
the practices followed by the respondent, shall take into account 2543
all reliable, probative, and substantial statistical or other 2544
evidence produced at the hearing that may tend to prove the 2545
existence of a predetermined pattern of employment or membership, 2546
provided that nothing contained in this section shall be construed 2547
to authorize or require any person to observe the proportion that 2548
persons of any race, color, religion, ~~sex~~ gender, age, ancestry, 2549

~~national origin, familial status, disability, sexual orientation,~~ 2550
~~gender identity, or military status, familial status, national~~ 2551
~~origin, disability, age, or ancestry~~ bear to the total population 2552
or in accordance with any criterion other than the individual 2553
qualifications of the applicant. 2554

(F) The testimony taken at a hearing under division (B) of 2555
this section shall be under oath and shall be reduced to writing 2556
and filed with the commission. Thereafter, in its discretion, the 2557
commission, upon the service of a notice upon the complainant and 2558
the respondent that indicates an opportunity to be present, may 2559
take further testimony or hear argument. 2560

(G)(1) If, upon all reliable, probative, and substantial 2561
evidence presented at a hearing under division (B) of this 2562
section, the commission determines that the respondent has engaged 2563
in, or is engaging in, any unlawful discriminatory practice, 2564
whether against the complainant or others, the commission shall 2565
state its findings of fact and conclusions of law and shall issue 2566
and, subject to the provisions of Chapter 119. of the Revised 2567
Code, cause to be served on the respondent an order requiring the 2568
respondent to cease and desist from the unlawful discriminatory 2569
practice, requiring the respondent to take any further affirmative 2570
or other action that will effectuate the purposes of this chapter, 2571
including, but not limited to, hiring, reinstatement, or upgrading 2572
of employees with or without back pay, or admission or restoration 2573
to union membership, and requiring the respondent to report to the 2574
commission the manner of compliance. If the commission directs 2575
payment of back pay, it shall make allowance for interim earnings. 2576
If it finds a violation of division (H) of section 4112.02 of the 2577
Revised Code, the commission additionally shall require the 2578
respondent to pay actual damages and reasonable attorney's fees, 2579
and may award to the complainant punitive damages as follows: 2580

(a) If division (G)(1)(b) or (c) of this section does not 2581

apply, punitive damages in an amount not to exceed ten thousand 2582
dollars; 2583

(b) If division (G)(1)(c) of this section does not apply and 2584
if the respondent has been determined by a final order of the 2585
commission or by a final judgment of a court to have committed one 2586
violation of division (H) of section 4112.02 of the Revised Code 2587
during the five-year period immediately preceding the date on 2588
which a complaint was issued pursuant to division (B) of this 2589
section, punitive damages in an amount not to exceed twenty-five 2590
thousand dollars; 2591

(c) If the respondent has been determined by a final order of 2592
the commission or by a final judgment of a court to have committed 2593
two or more violations of division (H) of section 4112.02 of the 2594
Revised Code during the seven-year period immediately preceding 2595
the date on which a complaint was issued pursuant to division (B) 2596
of this section, punitive damages in an amount not to exceed fifty 2597
thousand dollars. 2598

(2) Upon the submission of reports of compliance, the 2599
commission may issue a declaratory order stating that the 2600
respondent has ceased to engage in particular unlawful 2601
discriminatory practices. 2602

(H) If the commission finds that no probable cause exists for 2603
crediting charges of unlawful discriminatory practices or if, upon 2604
all the evidence presented at a hearing under division (B) of this 2605
section on a charge, the commission finds that a respondent has 2606
not engaged in any unlawful discriminatory practice against the 2607
complainant or others, it shall state its findings of fact and 2608
shall issue and cause to be served on the complainant an order 2609
dismissing the complaint as to the respondent. A copy of the order 2610
shall be delivered in all cases to the attorney general and any 2611
other public officers whom the commission considers proper. 2612

(I) Until the time period for appeal set forth in division 2613
(H) of section 4112.06 of the Revised Code expires, the 2614
commission, subject to the provisions of Chapter 119. of the 2615
Revised Code, at any time, upon reasonable notice, and in the 2616
manner it considers proper, may modify or set aside, in whole or 2617
in part, any finding or order made by it under this section. 2618

Sec. 4112.08. This chapter shall be construed liberally for 2619
the accomplishment of its purposes, and any law inconsistent with 2620
any provision of this chapter shall not apply. Nothing contained 2621
in this chapter shall be considered to repeal any of the 2622
provisions of any law of this state relating to discrimination 2623
because of race, color, religion, ~~sex~~ gender, age, ancestry, 2624
national origin, familial status, disability, sexual orientation, 2625
gender identity, or military status, ~~familial status, disability,~~ 2626
~~national origin, age, or ancestry,~~ except that any person filing a 2627
charge under division (B)(1) of section 4112.05 of the Revised 2628
Code, with respect to the unlawful discriminatory practices 2629
complained of, is barred from instituting a civil action under 2630
section 4112.14 or division (N) of section 4112.02 of the Revised 2631
Code. This chapter does not limit actions, procedures, and 2632
remedies afforded under federal law. 2633

Sec. 4117.19. (A) Every employee organization that is 2634
certified or recognized as a representative of public employees 2635
under this chapter shall file with the state employment relations 2636
board a registration report that is signed by its president or 2637
other appropriate officer. The report shall be in a form 2638
prescribed by the board and accompanied by two copies of the 2639
employee organization's constitution and bylaws. The board shall 2640
accept a filing by a statewide, national, or international 2641
employee organization of its constitution and bylaws in lieu of a 2642
filing of the documents by each subordinate organization. The 2643

exclusive representative or other employee organization originally 2644
filing its constitution and bylaws shall report, promptly, to the 2645
board all changes or amendments to its constitution and bylaws. 2646

(B) Every employee organization shall file with the board an 2647
annual report. The report shall be in a form prescribed by the 2648
board and shall contain the following information: 2649

(1) The names and addresses of the organization, any parent 2650
organization or organizations with which it is affiliated, and all 2651
organizationwide officers; 2652

(2) The name and address of its local agent for service of 2653
process; 2654

(3) A general description of the public employees the 2655
organization represents or seeks to represent; 2656

(4) The amounts of the initiation fee and monthly dues 2657
members must pay; 2658

(5) A pledge, in a form prescribed by the board, that the 2659
organization will comply with the laws of the state and that it 2660
will accept members without regard to ~~age~~, race, color, ~~sex~~ 2661
~~religion, creed, gender, age, ancestry, creed, religion, ancestry,~~ 2662
or national origin,; disability, sexual orientation, gender 2663
identity, or military status as those terms are defined in section 2664
4112.01 of the Revised Code, ~~military status as defined in that~~ 2665
~~section,; or physical disability as provided by law+;~~ 2666

(6) A financial report. 2667

(C) The constitution or bylaws of every employee organization 2668
shall do all of the following: 2669

(1) Require that the organization keep accurate accounts of 2670
all income and expenses, prepare an annual financial report, keep 2671
open for inspection by any member of the organization its 2672
accounts, and make loans to officers and agents only on terms and 2673

conditions available to all members; 2674

(2) Prohibit business or financial interests of its officers 2675
and agents, their spouses, minor children, parents, or otherwise, 2676
in conflict with the fiduciary obligation of such persons to the 2677
organization; 2678

(3) When specifically requested by the board, require every 2679
official who is designated as a fiscal officer of an employee 2680
organization and who is responsible for funds or other property of 2681
the organization or trust in which an organization is interested, 2682
or a subsidiary organization be bonded with the amount, scope, and 2683
form of the bond determined by the board; 2684

(4) Require periodic elections of officers by secret ballot 2685
subject to recognized safeguards concerning the equal right of all 2686
members to nominate, seek office, and vote in the elections, the 2687
right of individual members to participate in the affairs of the 2688
organization, and fair and equitable procedures in disciplinary 2689
actions. 2690

(D) The board shall prescribe rules necessary to govern the 2691
establishment and reporting of trusteeships over employee 2692
organizations. The establishment of trusteeships is permissible 2693
only if the constitution or bylaws of the organization set forth 2694
reasonable procedures. 2695

(E) The board may withhold certification of an employee 2696
organization that willfully refuses to register or file an annual 2697
report or that willfully refuses to comply with other provisions 2698
of this section. The board may revoke a certification of an 2699
employee organization for willfully failing to comply with this 2700
section. The board may enforce the prohibitions contained in this 2701
section by petitioning the court of common pleas of the county in 2702
which the violation occurs for an injunction. Persons complaining 2703
of a violation of this section shall file the complaint with the 2704

board. 2705

(F) Upon the written request to the board of any member of a 2706
certified employee organization and where the board determines the 2707
necessity for an audit, the board may require the employee 2708
organization to provide a certified audit of its financial 2709
records. 2710

(G) Any employee organization subject to the 2711
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 2712
519, 29 U.S.C.A., 401, as amended, may file copies with the board 2713
of all reports it is required to file under that act in lieu of 2714
compliance with all parts of this section other than division (A) 2715
of this section. The board shall accept a filing by a statewide, 2716
national, or international employee organization of its reports in 2717
lieu of a filing of such reports by each subordinate organization. 2718

Sec. 4735.16. (A) Every real estate broker licensed under 2719
this chapter shall erect or maintain a sign on the business 2720
premises plainly stating that the licensee is a real estate 2721
broker. If the real estate broker maintains one or more branch 2722
offices, the real estate broker shall erect or maintain a sign at 2723
each branch office plainly stating that the licensee is a real 2724
estate broker. 2725

(B)(1) Any licensed real estate broker or salesperson who 2726
advertises to buy, sell, exchange, or lease real estate, or to 2727
engage in any act regulated by this chapter, with respect to 2728
property the licensee does not own, shall be identified in the 2729
advertisement by name and indicate the name of the brokerage with 2730
which the licensee is affiliated. 2731

(2) Any licensed real estate broker or ~~sales person~~ 2732
salesperson who advertises to sell, exchange, or lease real 2733
estate, or to engage in any act regulated by this chapter, with 2734
respect to property that the licensee owns, shall be identified in 2735

the advertisement by name and indicate that the property is agent owned, and if the property is listed with a real estate brokerage, the advertisement shall also indicate the name of the brokerage with which the property is listed.

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

(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.

(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.

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:

(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;

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

(C)(1) Every citation served under this section shall give

notice to the licensee of the alleged violation or violations 2767
charged and inform the licensee of the opportunity to request a 2768
hearing in accordance with Chapter 119. of the Revised Code. The 2769
citation also shall contain a statement of a fine of two hundred 2770
dollars per violation, not to exceed two thousand five hundred 2771
dollars per citation. All fines collected pursuant to this section 2772
shall be credited to the real estate recovery fund, created in the 2773
state treasury under section 4735.12 of the Revised Code. 2774

(2) If any licensee is cited three times within twelve 2775
consecutive months, the superintendent shall initiate disciplinary 2776
action pursuant to section 4735.051 of the Revised Code for any 2777
subsequent violation that occurs within the same twelve-month 2778
period. 2779

(3) If a licensee fails to request a hearing within thirty 2780
days of the date of service of the citation, or the licensee and 2781
the superintendent fail to reach an alternative agreement, the 2782
citation shall become final. 2783

(4) Unless otherwise indicated, the licensee named in a final 2784
citation must meet all requirements contained in the final 2785
citation within thirty days of the effective date of that 2786
citation. 2787

(5) The superintendent shall suspend automatically a 2788
licensee's license if the licensee fails to comply with division 2789
(C)(4) of this section. 2790

(D) A real estate broker or salesperson obtaining the 2791
signature of a party to a listing or other agreement involved in a 2792
real estate transaction shall furnish a copy of the listing or 2793
other agreement to the party immediately after obtaining the 2794
party's signature. Every broker's office shall prominently display 2795
in the same immediate area as licenses are displayed a statement 2796
that it is illegal to discriminate against any person because of 2797

race, color, religion, ~~sex~~ gender, ancestry, or national origin; 2798
or familial status as defined in section 4112.01 of the Revised 2799
Code, national origin, disability, sexual orientation, gender 2800
identity, or military status as defined in that section, 2801
disability as defined in that section, or ancestry as those terms 2802
are defined in section 4112.01 of the Revised Code, in the sale or 2803
rental of housing or residential lots, in advertising the sale or 2804
rental of housing, in the financing of housing, or in the 2805
provision of real estate brokerage services and that blockbusting 2806
also is illegal. The statement shall bear the United States 2807
department of housing and urban development equal housing logo, 2808
shall contain the information that the broker and the broker's 2809
salespersons are licensed by the division of real estate and 2810
professional licensing and that the division can assist with any 2811
consumer complaints or inquiries, and shall explain the provisions 2812
of section 4735.12 of the Revised Code. The statement shall 2813
provide the division's address and telephone number. The Ohio real 2814
estate commission shall provide by rule for the wording and size 2815
of the statement. The pamphlet required under section 4735.03 of 2816
the Revised Code shall contain the same statement that is required 2817
on the statement displayed as provided in this section and shall 2818
be made available by real estate brokers and salespersons to their 2819
clients. The commission shall provide the wording and size of the 2820
pamphlet. 2821

Sec. 4735.55. (A) Each written agency agreement shall contain 2822
all of the following: 2823

(1) An expiration date; 2824

(2) A statement that it is illegal, pursuant to the Ohio fair 2825
housing law, division (H) of section 4112.02 of the Revised Code, 2826
and the federal fair housing law, 42 U.S.C.A. 3601, as amended, to 2827
refuse to sell, transfer, assign, rent, lease, sublease, or 2828

finance housing accommodations, refuse to negotiate for the sale 2829
or rental of housing accommodations, or otherwise deny or make 2830
unavailable housing accommodations because of race, color, 2831
religion, ~~sex~~ gender, ancestry, or national origin; or familial 2832
status ~~as defined in section 4112.01 of the Revised Code,~~ 2833
~~ancestry,~~ disability, sexual orientation, gender identity, or 2834
military status ~~as defined in that section, disability as defined~~ 2835
~~in that section, or national origin~~ as those terms are defined in 2836
section 4112.01 of the Revised Code, or to so discriminate in 2837
advertising the sale or rental of housing, in the financing of 2838
housing, or in the provision of real estate brokerage services; 2839

(3) A statement defining the practice known as "blockbusting" 2840
and stating that it is illegal; 2841

(4) A copy of the United States department of housing and 2842
urban development equal housing opportunity logotype, as set forth 2843
in 24 C.F.R. 109.30, as amended. 2844

(B) Each written agency agreement shall contain a place for 2845
the licensee and the client to sign and date the agreement. 2846

(C) A licensee shall furnish a copy of any written agency 2847
agreement to a client in a timely manner after the licensee and 2848
the client have signed and dated it. 2849

Sec. 4757.07. The counselor, social worker, and marriage and 2850
family therapist board and its professional standards committees 2851
shall not discriminate against any licensee, registrant, or 2852
applicant for a license or certificate of registration under this 2853
chapter because of the person's race, color, religion, ~~sex~~ gender, 2854
age, or national origin; or disability, sexual orientation, or 2855
gender identity, as those terms are defined in section 4112.01 of 2856
the Revised Code, ~~or age.~~ The board or committee, as appropriate, 2857
shall afford a hearing to any person who files with the board or 2858
committee a statement alleging discrimination based on any of 2859

those reasons. 2860

Sec. 4758.16. The chemical dependency professionals board 2861
shall not discriminate against any licensee, certificate holder, 2862
or applicant for a license or certificate under this chapter 2863
because of the individual's race, color, religion, gender, age, or 2864
national origin; or disability, sexual orientation, or gender 2865
identity, as those terms are defined in section 4112.01 of the 2866
Revised Code, ~~or age~~. The board shall afford a hearing to any 2867
individual who files with the board a statement alleging 2868
discrimination based on any of those reasons. 2869

Sec. 4765.18. The state board of emergency medical, fire, and 2870
transportation services may suspend or revoke a certificate of 2871
accreditation or a certificate of approval issued under section 2872
4765.17 of the Revised Code for any of the following reasons: 2873

(A) Violation of this chapter or any rule adopted under it; 2874

(B) Furnishing of false, misleading, or incomplete 2875
information to the board; 2876

(C) The signing of an application or the holding of a 2877
certificate of accreditation by a person who has pleaded guilty to 2878
or has been convicted of a felony, or has pleaded guilty to or 2879
been convicted of a crime involving moral turpitude; 2880

(D) The signing of an application or the holding of a 2881
certificate of accreditation by a person who is addicted to the 2882
use of any controlled substance or has been adjudicated 2883
incompetent for that purpose by a court, as provided in section 2884
5122.301 of the Revised Code; 2885

(E) Violation of any commitment made in an application for a 2886
certificate of accreditation or certificate of approval; 2887

(F) Presentation to prospective students of misleading, 2888

false, or fraudulent information relating to the emergency medical 2889
services training program or emergency medical services continuing 2890
education program, employment opportunities, or opportunities for 2891
enrollment in accredited institutions of higher education after 2892
entering or completing courses offered by the operator of a 2893
program; 2894

(G) Failure to maintain in a safe and sanitary condition 2895
premises and equipment used in conducting courses of study; 2896

(H) Failure to maintain financial resources adequate for the 2897
satisfactory conduct of courses of study or to retain a sufficient 2898
number of certified instructors; 2899

(I) Discrimination in the acceptance of students upon the 2900
basis of race, color, religion, ~~sex~~ gender, or national origin; or 2901
sexual orientation or gender identity as those terms are defined 2902
in section 4112.01 of the Revised Code. 2903

Sec. 5104.09. (A)(1) Except as provided in rules adopted 2904
pursuant to division (D) of this section, no individual who has 2905
been convicted of or pleaded guilty to a violation described in 2906
division (A)(5) of section 109.572 of the Revised Code, a 2907
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2908
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 2909
of the Revised Code or a violation of an existing or former law or 2910
ordinance of any municipal corporation, this state, any other 2911
state, or the United States that is substantially equivalent to 2912
any of those violations, or two violations of section 4511.19 of 2913
the Revised Code during operation of the center or home shall be 2914
certified as an in-home aide or be employed in any capacity in or 2915
own or operate a child day-care center, type A family day-care 2916
home, type B family day-care home, or certified type B family 2917
day-care home. 2918

(2) Each employee of a child day-care center and type A home 2919

and every person eighteen years of age or older residing in a type 2920
A home shall sign a statement on forms prescribed by the director 2921
of job and family services attesting to the fact that the employee 2922
or resident person has not been convicted of or pleaded guilty to 2923
any offense set forth in division (A)(1) of this section and that 2924
no child has been removed from the employee's or resident person's 2925
home pursuant to section 2151.353 of the Revised Code. Each 2926
licensee of a type A home shall sign a statement on a form 2927
prescribed by the director attesting to the fact that no person 2928
who resides at the type A home and who is under the age of 2929
eighteen has been adjudicated a delinquent child for committing a 2930
violation of any section listed in division (A)(1) of this 2931
section. The statements shall be kept on file at the center or 2932
type A home. 2933

(3) Each in-home aide and every person eighteen years of age 2934
or older residing in a certified type B home shall sign a 2935
statement on forms prescribed by the director of job and family 2936
services attesting that the aide or resident person has not been 2937
convicted of or pleaded guilty to any offense set forth in 2938
division (A)(1) of this section and that no child has been removed 2939
from the aide's or resident person's home pursuant to section 2940
2151.353 of the Revised Code. Each authorized provider shall sign 2941
a statement on forms prescribed by the director attesting that the 2942
provider has not been convicted of or pleaded guilty to any 2943
offense set forth in division (A)(1) of this section and that no 2944
child has been removed from the provider's home pursuant to 2945
section 2151.353 of the Revised Code. Each authorized provider 2946
shall sign a statement on a form prescribed by the director 2947
attesting to the fact that no person who resides at the certified 2948
type B home and who is under the age of eighteen has been 2949
adjudicated a delinquent child for committing a violation of any 2950
section listed in division (A)(1) of this section. The statements 2951
shall be kept on file at the county department of job and family 2952

services. 2953

(4) Each administrator and licensee of a center or type A 2954
home shall sign a statement on a form prescribed by the director 2955
of job and family services attesting that the administrator or 2956
licensee has not been convicted of or pleaded guilty to any 2957
offense set forth in division (A)(1) of this section and that no 2958
child has been removed from the administrator's or licensee's home 2959
pursuant to section 2151.353 of the Revised Code. The statement 2960
shall be kept on file at the center or type A home. 2961

(B) No in-home aide, no administrator, licensee, authorized 2962
provider, or employee of a center, type A home, or certified type 2963
B home, and no person eighteen years of age or older residing in a 2964
type A home or certified type B home shall withhold information 2965
from, or falsify information on, any statement required pursuant 2966
to division (A)(2), (3), or (4) of this section. 2967

(C) No administrator, licensee, or child-care staff member 2968
shall discriminate in the enrollment of children in a child 2969
day-care center upon the basis of race, color, religion, ~~sex~~ 2970
gender, or national origin; or sexual orientation or gender 2971
identity as those terms are defined in section 4112.01 of the 2972
Revised Code. 2973

(D) The director of job and family services shall adopt rules 2974
pursuant to Chapter 119. of the Revised Code to implement this 2975
section, including rules specifying exceptions to the prohibition 2976
in division (A) of this section for persons who have been 2977
convicted of an offense listed in that division but meet 2978
rehabilitation standards set by the director. 2979

Sec. 5107.26. (A) As used in this section: 2980

(1) "Transitional child care" means publicly funded child 2981
care provided under division (A)(3) of section 5104.34 of the 2982

Revised Code. 2983

(2) "Transitional medicaid" means the medical assistance 2984
provided under section 5111.0115 of the Revised Code. 2985

(B) Except as provided in division (C) of this section, each 2986
member of an assistance group participating in Ohio works first is 2987
ineligible to participate in the program for six payment months if 2988
a county department of job and family services determines that a 2989
member of the assistance group terminated the member's employment 2990
and each person who, on the day prior to the day a recipient 2991
begins to receive transitional child care or transitional 2992
medicaid, was a member of the recipient's assistance group is 2993
ineligible to participate in Ohio works first for six payment 2994
months if a county department determines that the recipient 2995
terminated the recipient's employment. 2996

(C) No assistance group member shall lose or be denied 2997
eligibility to participate in Ohio works first pursuant to 2998
division (B) of this section if the termination of employment was 2999
because an assistance group member or recipient of transitional 3000
child care or transitional medicaid secured comparable or better 3001
employment or the county department of job and family services 3002
certifies that the member or recipient terminated the employment 3003
with just cause. 3004

Just cause includes the following: 3005

(1) Discrimination by an employer based on ~~age~~, race, ~~sex~~, 3006
color, ~~handicap~~, religious beliefs, ~~or gender, age~~, national 3007
origin, or handicap; or sexual orientation or gender identity as 3008
those terms are defined in section 4112.01 of the Revised Code; 3009

(2) Work demands or conditions that render continued 3010
employment unreasonable, such as working without being paid on 3011
schedule; 3012

(3) Employment that has become unsuitable due to any of the 3013

following:	3014
(a) The wage is less than the federal minimum wage;	3015
(b) The work is at a site subject to a strike or lockout, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 178, as amended, an injunction has been issued under section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as amended, or an injunction has been issued under section 4117.16 of the Revised Code;	3016 3017 3018 3019 3020 3021 3022
(c) The documented degree of risk to the member or recipient's health and safety is unreasonable;	3023 3024
(d) The member or recipient is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.	3025 3026 3027
(4) Documented illness of the member or recipient or of another assistance group member of the member or recipient requiring the presence of the member or recipient;	3028 3029 3030
(5) A documented household emergency;	3031
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	3032 3033
Sec. 5111.31. (A) Every provider agreement with the provider of a nursing facility or intermediate care facility for the mentally retarded shall:	3034 3035 3036
(1) Prohibit the provider from failing or refusing to retain as a patient any person because the person is, becomes, or may, as a patient in the facility, become a medicaid recipient. For the purposes of this division, a medicaid recipient who is a patient in a facility shall be considered a patient in the facility during any hospital stays totaling less than twenty-five days during any twelve-month period. Recipients who have been identified by the	3037 3038 3039 3040 3041 3042 3043

department of job and family services or its designee as requiring 3044
the level of care of an intermediate care facility for the 3045
mentally retarded shall not be subject to a maximum period of 3046
absences during which they are considered patients if prior 3047
authorization of the department for visits with relatives and 3048
friends and participation in therapeutic programs is obtained 3049
under rules adopted under section 5111.02 of the Revised Code. 3050

(2) Except as provided by division (B)(1) of this section, 3051
include any part of the facility that meets standards for 3052
certification of compliance with federal and state laws and rules 3053
for participation in the medicaid program. 3054

(3) Prohibit the provider from discriminating against any 3055
patient on the basis of race, color, ~~sex~~, creed, gender, or 3056
national origin; or sexual orientation or gender identity as those 3057
terms are defined in section 4112.01 of the Revised Code. 3058

(4) Except as otherwise prohibited under section 5111.55 of 3059
the Revised Code, prohibit the provider from failing or refusing 3060
to accept a patient because the patient is, becomes, or may, as a 3061
patient in the facility, become a medicaid recipient if less than 3062
eighty per cent of the patients in the facility are medicaid 3063
recipients. 3064

(B)(1) Except as provided by division (B)(2) of this section, 3065
the following are not required to be included in a provider 3066
agreement unless otherwise required by federal law: 3067

(a) Beds added during the period beginning July 1, 1987, and 3068
ending July 1, 1993, to a nursing home licensed under Chapter 3069
3721. of the Revised Code; 3070

(b) Beds in an intermediate care facility for the mentally 3071
retarded that are designated for respite care under a medicaid 3072
waiver component operated pursuant to a waiver sought under 3073
section 5111.87 of the Revised Code. 3074

(2) If a provider chooses to include a bed specified in 3075
division (B)(1)(a) of this section in a provider agreement, the 3076
bed may not be removed from the provider agreement unless the 3077
provider withdraws the facility in which the bed is located from 3078
the medicaid program. 3079

(C) Nothing in this section shall bar a provider that is a 3080
religious organization operating a religious or denominational 3081
nursing facility or intermediate care facility for the mentally 3082
retarded from giving preference to persons of the same religion or 3083
denomination. Nothing in this section shall bar any provider from 3084
giving preference to persons with whom the provider has contracted 3085
to provide continuing care. 3086

(D) Nothing in this section shall bar the provider of a 3087
county home organized under Chapter 5155. of the Revised Code from 3088
admitting residents exclusively from the county in which the 3089
county home is located. 3090

(E) No provider of a nursing facility or intermediate care 3091
facility for the mentally retarded for which a provider agreement 3092
is in effect shall violate the provider contract obligations 3093
imposed under this section. 3094

(F) Nothing in divisions (A) and (C) of this section shall 3095
bar a provider from retaining patients who have resided in the 3096
provider's facility for not less than one year as private pay 3097
patients and who subsequently become medicaid recipients, but 3098
refusing to accept as a patient any person who is or may, as a 3099
patient in the facility, become a medicaid recipient, if all of 3100
the following apply: 3101

(1) The provider does not refuse to retain any patient who 3102
has resided in the provider's facility for not less than one year 3103
as a private pay patient because the patient becomes a medicaid 3104
recipient, except as necessary to comply with division (F)(2) of 3105

this section; 3106

(2) The number of medicaid recipients retained under this 3107
division does not at any time exceed ten per cent of all the 3108
patients in the facility; 3109

(3) On July 1, 1980, all the patients in the facility were 3110
private pay patients. 3111

Sec. 5119.623. The director of mental health may withhold 3112
funds otherwise to be allocated to a board of alcohol, drug 3113
addiction, and mental health services under section 5119.62 of the 3114
Revised Code if the board denies available service on the basis of 3115
~~religion~~, race, color, religion, creed, ~~sex~~ gender, age, national 3116
origin, ~~age~~, or developmental disability; or disability, sexual 3117
orientation, or gender identity, as those terms are defined in 3118
section 4112.01 of the Revised Code, ~~or developmental disability.~~ 3119

Sec. 5123.351. The director of developmental disabilities, 3120
with respect to the eligibility for state reimbursement of 3121
expenses incurred by facilities and programs established and 3122
operated under Chapter 5126. of the Revised Code for persons with 3123
mental retardation or a developmental disability, shall do all of 3124
the following: 3125

(A) Make rules that may be necessary to carry out the 3126
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3127
5123.36 of the Revised Code; 3128

(B) Define minimum standards for qualifications of personnel, 3129
professional services, and in-service training and educational 3130
leave programs; 3131

(C) Review and evaluate community programs and make 3132
recommendations for needed improvements to county boards of 3133
developmental disabilities and to program directors; 3134

(D) Withhold state reimbursement, in whole or in part, from 3135
any county or combination of counties for failure to comply with 3136
Chapter 5126. or section 5123.35 or 5123.351 of the Revised Code 3137
or rules of the department of developmental disabilities; 3138

(E) Withhold state funds from an agency, corporation, or 3139
association denying or rendering service on the basis of race, 3140
color, ~~sex~~, religion, gender, ancestry, or national origin~~;~~i 3141
disability, sexual orientation, or gender identity, as those terms 3142
are defined in section 4112.01 of the Revised Code~~;~~i or inability 3143
to pay; 3144

(F) Provide consultative staff service to communities to 3145
assist in ascertaining needs and in planning and establishing 3146
programs. 3147

Sec. 5126.07. No county board of developmental disabilities 3148
or any agency, corporation, or association under contract with a 3149
county board of developmental disabilities shall discriminate in 3150
the provision of services under its authority or contract on the 3151
basis of race, color, ~~sex~~, creed, gender, national origin, or 3152
disability, national origin; sexual orientation or gender 3153
identity as those terms are defined in section 4112.01 of the 3154
Revised Code; or the inability to pay. 3155

Each county board of developmental disabilities shall provide 3156
a plan of affirmative action describing its goals and methods for 3157
the provision of equal employment opportunities for all persons 3158
under its authority and shall ensure nondiscrimination in 3159
employment under its authority or contract on the basis of race, 3160
color, ~~sex~~, creed, gender, national origin, or disability~~, or~~ 3161
national origin; or sexual orientation or gender identity as those 3162
terms are defined in section 4112.01 of the Revised Code. 3163

Sec. 5515.08. (A) The department of transportation may 3164

contract to sell commercial advertising space within or on the 3165
outside surfaces of any building located within a roadside rest 3166
area under its jurisdiction in exchange for cash payment. Money 3167
the department receives under this section shall be deposited in 3168
the state treasury to the credit of the roadside rest area 3169
improvement fund, which is hereby created. The department shall 3170
use the money in the fund only to improve roadside rest areas in 3171
accordance with section 5529.06 of the Revised Code. 3172

(B) Advertising placed under this section shall comply with 3173
all of the following: 3174

(1) It shall not be libelous or obscene and shall not promote 3175
any illegal product or service. 3176

(2) It shall not promote illegal discrimination on the basis 3177
of the race, religion, age, ancestry, national origin, or 3178
handicap, age, or ancestry; or sexual orientation or gender 3179
identity as those terms are defined in section 4112.01 of the 3180
Revised Code of any person. 3181

(3) It shall not support or oppose any candidate for 3182
political office or any political cause, issue, or organization. 3183

(4) It shall comply with any controlling federal or state 3184
regulations or restrictions. 3185

(5) To the extent physically and technically practical, it 3186
shall state that the advertisement is a paid commercial 3187
advertisement and that the state does not endorse the product or 3188
service promoted by the advertisement or make any representation 3189
about the accuracy of the advertisement or the quality or 3190
performance of the product or service promoted by the 3191
advertisement. 3192

(6) It shall conform to all applicable rules adopted by the 3193
director of transportation under division (E) of this section. 3194

(C) Contracts entered into under this section shall be 3195
awarded only to the qualified bidder who submits the highest 3196
responsive bid or according to uniformly applied rate classes. 3197

(D) No person, except an advertiser alleging a breach of 3198
contract or the improper awarding of a contract, has a cause of 3199
action against the state with respect to any contract or 3200
advertising authorized by this section. Under no circumstances is 3201
the state liable for consequential or noneconomic damages with 3202
respect to any contract or advertising authorized under this 3203
section. 3204

(E) The director, in accordance with Chapter 119. of the 3205
Revised Code, shall adopt rules to implement this section. The 3206
rules shall be consistent with the policy of protecting the safety 3207
of the traveling public and consistent with the national policy 3208
governing the use and control of such roadside rest areas. The 3209
rules shall regulate the awarding of contracts and may regulate 3210
the content, display, and other aspects of the commercial 3211
advertising authorized by this section. 3212

Sec. 5709.832. The legislative authority of a county, 3213
township, or municipal corporation that grants an exemption from 3214
taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 3215
5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 3216
Revised Code shall develop policies to ensure that the recipient 3217
of the exemption practices nondiscriminatory hiring in its 3218
operations. As used in this section, "nondiscriminatory hiring" 3219
means that no individual may be denied employment solely on the 3220
basis of race, color, religion, ~~sex~~ gender, ancestry, national 3221
origin, or disability, ~~color, national origin, or ancestry;~~ or 3222
sexual orientation or gender identity as those terms are defined 3223
in section 4112.01 of the Revised Code. 3224

Section 2. That existing sections 9.03, 124.93, 125.111, 3225
153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 3226
2927.03, 3113.36, 3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3227
3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 3228
4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 3229
4758.16, 4765.18, 5104.09, 5107.26, 5111.31, 5119.623, 5123.351, 3230
5126.07, 5515.08, and 5709.832 of the Revised Code are hereby 3231
repealed. 3232

Section 3. That the version of section 5104.09 of the Revised 3233
Code that is scheduled to take effect January 1, 2014, be amended 3234
to read as follows: 3235

Sec. 5104.09. (A)(1) Except as provided in rules adopted 3236
pursuant to division (D) of this section, no individual who has 3237
been convicted of or pleaded guilty to a violation described in 3238
division (A)(5) of section 109.572 of the Revised Code, a 3239
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 3240
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 3241
of the Revised Code or a violation of an existing or former law or 3242
ordinance of any municipal corporation, this state, any other 3243
state, or the United States that is substantially equivalent to 3244
any of those violations, or two violations of section 4511.19 of 3245
the Revised Code during operation of the center or home shall be 3246
certified as an in-home aide or be employed in any capacity in or 3247
own or operate a child day-care center, type A family day-care 3248
home, type B family day-care home, or licensed type B family 3249
day-care home. 3250

(2) Each employee of a child day-care center and type A home 3251
and every person eighteen years of age or older residing in a type 3252
A home or licensed type B home shall sign a statement on forms 3253
prescribed by the director of job and family services attesting to 3254

the fact that the employee or resident person has not been 3255
convicted of or pleaded guilty to any offense set forth in 3256
division (A)(1) of this section and that no child has been removed 3257
from the employee's or resident person's home pursuant to section 3258
2151.353 of the Revised Code. Each licensee of a type A family 3259
day-care home or type B family day-care home shall sign a 3260
statement on a form prescribed by the director attesting to the 3261
fact that no person who resides at the type A home or licensed 3262
type B home and who is under the age of eighteen has been 3263
adjudicated a delinquent child for committing a violation of any 3264
section listed in division (A)(1) of this section. The statements 3265
shall be kept on file at the center, type A home, or licensed type 3266
B home. 3267

(3) Each in-home aide shall sign a statement on forms 3268
prescribed by the director of job and family services attesting 3269
that the aide has not been convicted of or pleaded guilty to any 3270
offense set forth in division (A)(1) of this section and that no 3271
child has been removed from the aide's home pursuant to section 3272
2151.353 of the Revised Code. The statement shall be kept on file 3273
at the county department of job and family services. 3274

(4) Each administrator and licensee of a center, type A home, 3275
or licensed type B home shall sign a statement on a form 3276
prescribed by the director of job and family services attesting 3277
that the administrator or licensee has not been convicted of or 3278
pleaded guilty to any offense set forth in division (A)(1) of this 3279
section and that no child has been removed from the 3280
administrator's or licensee's home pursuant to section 2151.353 of 3281
the Revised Code. The statement shall be kept on file at the 3282
center, type A home, or licensed type B home. 3283

(B) No in-home aide, no administrator, licensee, or employee 3284
of a center, type A home, or licensed type B home, and no person 3285
eighteen years of age or older residing in a type A home or 3286

licensed type B home shall withhold information from, or falsify 3287
information on, any statement required pursuant to division 3288
(A)(2), (3), or (4) of this section. 3289

(C) No administrator, licensee, or child-care staff member 3290
shall discriminate in the enrollment of children in a child 3291
day-care center upon the basis of race, color, religion, ~~sex~~ 3292
gender, or national origin; or sexual orientation or gender 3293
identity as those terms are defined in section 4112.01 of the 3294
Revised Code. 3295

(D) The director of job and family services shall adopt rules 3296
in accordance with Chapter 119. of the Revised Code to implement 3297
this section, including rules specifying exceptions to the 3298
prohibition in division (A) of this section for persons who have 3299
been convicted of an offense listed in that division but meet 3300
rehabilitation standards set by the director. 3301

Section 4. That the existing version of section 5104.09 of 3302
the Revised Code that is scheduled to take effect January 1, 2014, 3303
is hereby repealed. 3304

Section 5. Sections 3 and 4 of this act shall take effect 3305
January 1, 2014. 3306

Section 6. The General Assembly, applying the principle 3307
stated in division (B) of section 1.52 of the Revised Code that 3308
amendments are to be harmonized if reasonably capable of 3309
simultaneous operation, finds that the following sections, 3310
presented in this act as composites of the sections as amended by 3311
the acts as indicated, are the resulting versions of the sections 3312
in effect prior to the effective date of the sections as presented 3313
in this act: 3314

Section 4112.04 of the Revised Code as amended by Am. Sub. 3315
H.B. 525 of the 127th General Assembly and Am. Sub. H.B. 1 of the 3316

128th General Assembly.	3317
Section 5104.09 of the Revised Code, effective January 1,	3318
2014, as amended by Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the	3319
129th General Assembly.	3320