

As Introduced

135th General Assembly
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H. B. No. 422

Representative McNally

Cosponsors: Representatives Baker, Denson, Forhan, Miranda, Piccolantonio,
Russo, Somani, Weinstein

A BILL

To amend sections 3701.249 and 4112.01 of the 1
Revised Code to apply the employment portions of 2
the Ohio Civil Rights Law to unpaid interns. 3

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

Section 1. That sections 3701.249 and 4112.01 of the 4
Revised Code be amended to read as follows: 5

Sec. 3701.249. (A) As used in this section, ~~"employer" and~~ 6
~~"employee" have :~~ 7

(1) "Employer" has the same meaning as in section 8
4112.01 of the Revised Code. 9

(2) "Employee" means an individual employed by any 10
employer but does not include any individual employed in the 11
domestic service of any person. 12

(B) The employer of a person with HIV infection is immune 13
from liability to any person in a civil action for damages for 14
injury, death, or loss to person or property on a claim arising 15
out of transmission of the human immunodeficiency virus from the 16

infected employee to another employee or to any other person, 17
unless the transmission occurs as a result of the reckless 18
conduct of the employer. 19

(C) An employer is immune from liability to an employee on 20
a claim asserted under any provision of the Revised Code or in a 21
civil action for damages for injury, death, or loss to person or 22
property if the claim arises from an illness or injury to the 23
employee that is stress-related and results from the employee 24
being required to work with an individual who has received a 25
positive result on an HIV test or has been diagnosed as having 26
AIDS or an AIDS-related condition. 27

Sec. 4112.01. (A) As used in this chapter: 28

(1) "Person" includes one or more individuals, 29
partnerships, associations, organizations, corporations, legal 30
representatives, trustees, trustees in bankruptcy, receivers, 31
and other organized groups of persons. "Person" also includes, 32
but is not limited to, any owner, lessor, assignor, builder, 33
manager, broker, salesperson, appraiser, agent, employee, 34
lending institution, and the state and all political 35
subdivisions, authorities, agencies, boards, and commissions of 36
the state. 37

(2) "Employer" means the state, any political subdivision 38
of the state, or a person employing four or more persons within 39
the state, and any agent of the state, political subdivision, or 40
person. 41

(3) "Employee" means an individual employed by any 42
employer but does not include any individual employed in the 43
domestic service of any person. "Employee" includes an 44
individual who performs unpaid work for an employer for the 45

primary purpose of acquiring knowledge or experience relevant to 46
the individual's career aspirations. 47

(4) "Labor organization" includes any organization that 48
exists, in whole or in part, for the purpose of collective 49
bargaining or of dealing with employers concerning grievances, 50
terms or conditions of employment, or other mutual aid or 51
protection in relation to employment. 52

(5) "Employment agency" includes any person regularly 53
undertaking, with or without compensation, to procure 54
opportunities to work or to procure, recruit, refer, or place 55
employees. 56

(6) "Commission" means the Ohio civil rights commission 57
created by section 4112.03 of the Revised Code. 58

(7) "Discriminate" includes segregate or separate. 59

(8) "Unlawful discriminatory practice" means any act 60
prohibited by section 4112.02, 4112.021, or 4112.022 of the 61
Revised Code. 62

(9) "Place of public accommodation" means any inn, 63
restaurant, eating house, barbershop, public conveyance by air, 64
land, or water, theater, store, other place for the sale of 65
merchandise, or any other place of public accommodation or 66
amusement of which the accommodations, advantages, facilities, 67
or privileges are available to the public. 68

(10) "Housing accommodations" includes any building or 69
structure, or portion of a building or structure, that is used 70
or occupied or is intended, arranged, or designed to be used or 71
occupied as the home residence, dwelling, dwelling unit, or 72
sleeping place of one or more individuals, groups, or families 73
whether or not living independently of each other; and any 74

vacant land offered for sale or lease. "Housing accommodations" 75
also includes any housing accommodations held or offered for 76
sale or rent by a real estate broker, salesperson, or agent, by 77
any other person pursuant to authorization of the owner, by the 78
owner, or by the owner's legal representative. 79

(11) "Restrictive covenant" means any specification 80
limiting the transfer, rental, lease, or other use of any 81
housing accommodations because of race, color, religion, sex, 82
military status, familial status, national origin, disability, 83
or ancestry, or any limitation based upon affiliation with or 84
approval by any person, directly or indirectly, employing race, 85
color, religion, sex, military status, familial status, national 86
origin, disability, or ancestry as a condition of affiliation or 87
approval. 88

(12) "Burial lot" means any lot for the burial of deceased 89
persons within any public burial ground or cemetery, including, 90
but not limited to, cemeteries owned and operated by municipal 91
corporations, townships, or companies or associations 92
incorporated for cemetery purposes. 93

(13) "Disability" means a physical or mental impairment 94
that substantially limits one or more major life activities, 95
including the functions of caring for one's self, performing 96
manual tasks, walking, seeing, hearing, speaking, breathing, 97
learning, and working; a record of a physical or mental 98
impairment; or being regarded as having a physical or mental 99
impairment. 100

(14) Except as otherwise provided in section 4112.021 of 101
the Revised Code, "age" means an individual aged forty years or 102
older. 103

(15) "Familial status" means either of the following:	104
(a) One or more individuals who are under eighteen years	105
of age and who are domiciled with a parent or guardian having	106
legal custody of the individual or domiciled, with the written	107
permission of the parent or guardian having legal custody, with	108
a designee of the parent or guardian;	109
(b) Any person who is pregnant or in the process of	110
securing legal custody of any individual who is under eighteen	111
years of age.	112
(16) (a) Except as provided in division (A) (16) (b) of this	113
section, "physical or mental impairment" includes any of the	114
following:	115
(i) Any physiological disorder or condition, cosmetic	116
disfigurement, or anatomical loss affecting one or more of the	117
following body systems: neurological; musculoskeletal; special	118
sense organs; respiratory, including speech organs;	119
cardiovascular; reproductive; digestive; genito-urinary; hemic	120
and lymphatic; skin; and endocrine;	121
(ii) Any mental or psychological disorder, including, but	122
not limited to, intellectual disability, organic brain syndrome,	123
emotional or mental illness, and specific learning disabilities;	124
(iii) Diseases and conditions, including, but not limited	125
to, orthopedic, visual, speech, and hearing impairments,	126
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple	127
sclerosis, cancer, heart disease, diabetes, human	128
immunodeficiency virus infection, intellectual disability,	129
emotional illness, drug addiction, and alcoholism.	130
(b) "Physical or mental impairment" does not include any	131
of the following:	132

(i) Homosexuality and bisexuality;	133
(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	134 135 136 137
(iii) Compulsive gambling, kleptomania, or pyromania;	138
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	139 140 141
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	142 143
(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	144 145 146 147 148 149
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	150 151 152
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	153 154
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	155 156
(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	157 158 159

(23) "Aggrieved person" includes both of the following:	160
(a) Any person who claims to have been injured by any	161
unlawful discriminatory practice described in division (H) of	162
section 4112.02 of the Revised Code;	163
(b) Any person who believes that the person will be	164
injured by any unlawful discriminatory practice described in	165
division (H) of section 4112.02 of the Revised Code that is	166
about to occur.	167
(24) "Unlawful discriminatory practice relating to	168
employment" means both of the following:	169
(a) An unlawful discriminatory practice that is prohibited	170
by division (A), (B), (C), (D), (E), or (F) of section 4112.02	171
of the Revised Code;	172
(b) An unlawful discriminatory practice that is prohibited	173
by division (I) or (J) of section 4112.02 of the Revised Code	174
that is related to employment.	175
(25) "Notice of right to sue" means a notice sent by the	176
commission to a person who files a charge under section 4112.051	177
of the Revised Code that states that the person who filed the	178
charge may bring a civil action related to the charge pursuant	179
to section 4112.052 or 4112.14 of the Revised Code, in	180
accordance with section 4112.052 of the Revised Code.	181
(B) For the purposes of divisions (A) to (F) of section	182
4112.02 of the Revised Code, the terms "because of sex" and "on	183
the basis of sex" include, but are not limited to, because of or	184
on the basis of pregnancy, any illness arising out of and	185
occurring during the course of a pregnancy, childbirth, or	186
related medical conditions. Women affected by pregnancy,	187
childbirth, or related medical conditions shall be treated the	188

same for all employment-related purposes, including receipt of 189
benefits under fringe benefit programs, as other persons not so 190
affected but similar in their ability or inability to work, and 191
nothing in division (B) of section 4111.17 of the Revised Code 192
shall be interpreted to permit otherwise. This division shall 193
not be construed to require an employer to pay for health 194
insurance benefits for abortion, except where the life of the 195
mother would be endangered if the fetus were carried to term or 196
except where medical complications have arisen from the 197
abortion, provided that nothing in this division precludes an 198
employer from providing abortion benefits or otherwise affects 199
bargaining agreements in regard to abortion. 200

Section 2. That existing sections 3701.249 and 4112.01 of 201
the Revised Code are hereby repealed. 202