

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 678

Representatives Young, T., Wiggam

Cosponsors: Representatives Click, Edwards, Gross, Stoltzfus

A BILL

To enact sections 1109.152, 1345.35, and 1733.254 1
of the Revised Code to prohibit financial 2
institutions and other businesses from 3
discriminating against customers based on 4
certain factors. 5

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

Section 1. That sections 1109.152, 1345.35, and 1733.254 6
of the Revised Code be enacted to read as follows: 7

Sec. 1109.152. (A) As used in this section: 8

(1) "Person" has the same meaning as in section 1345.01 of 9
the Revised Code. 10

(2) "Subjective criteria" means the following: 11

(a) A person's social media posts; 12

(b) A person's participation or membership in any club, 13
association, union, or other organization; 14

(c) A person's political affiliation; 15

(d) A person's employer; 16

(e) Any other social credit; environmental, social, and 17
governance; or similar values-based or impact criteria as they 18
relate to a person. 19

(B) No bank, either directly or through the use of a 20
contractor, shall discriminate against any person based on 21
subjective criteria. 22

(C) Nothing in this section prohibits a bank from 23
discontinuing or refusing to conduct business with a customer or 24
potential customer when such action is necessary for the 25
physical safety of the bank's employees. 26

(D) Subject to divisions (B) to (F) of section 1121.35 of 27
the Revised Code, the superintendent of financial institutions 28
shall assess the following civil penalties against a bank that 29
violates this section: 30

(1) Fifty thousand dollars for a first violation; 31

(2) Two hundred fifty thousand dollars for each subsequent 32
violation. 33

Sec. 1345.35. (A) As used in this section: 34

(1) "Person" has the same meaning as in section 1345.01 of 35
the Revised Code. 36

(2) "Subjective criteria" means the following: 37

(a) A person's social media posts; 38

(b) A person's participation or membership in any club, 39
association, union, or other organization; 40

(c) A person's political affiliation; 41

(d) A person's employer; 42

(e) Any other social credit; environmental, social, and 43
governance; or similar values-based or impact criteria as they 44
relate to a person. 45

(B) No person shall discriminate against any person in a 46
consumer transaction or in any other business practice based on 47
subjective criteria. 48

(C) Nothing in this section prohibits a person from 49
discontinuing or refusing to conduct business with a customer or 50
potential customer when such action is necessary for the 51
physical safety of the person or person's employees. 52

(D) (1) A violation of this section is an unfair or 53
deceptive act or practice in violation of section 1345.02 of the 54
Revised Code. A person injured by a violation of this section 55
has a cause of action and is entitled to the same relief 56
available to a consumer under section 1345.09 of the Revised 57
Code, regardless of whether the transaction was a consumer 58
transaction as defined in section 1345.01 of the Revised Code or 59
a business transaction. All powers and remedies available to the 60
attorney general to enforce sections 1345.01 to 1345.13 of the 61
Revised Code are available to the attorney general to enforce 62
this section. 63

(2) Notwithstanding divisions (A) (2) (b) and (D) of section 64
1345.07 of the Revised Code, whoever violates this section shall 65
be fined as follows: 66

(a) Fifty thousand dollars for a first violation; 67

(b) Two hundred fifty thousand dollars for each subsequent 68
violation. 69

Sec. 1733.254. (A) As used in this section: 70

<u>(1) "Person" has the same meaning as in section 1345.01 of</u>	71
<u>the Revised Code.</u>	72
<u>(2) "Subjective criteria" means the following:</u>	73
<u>(a) A person's social media posts;</u>	74
<u>(b) A person's participation or membership in any club,</u>	75
<u>association, union, or other organization;</u>	76
<u>(c) A person's political affiliation;</u>	77
<u>(d) A person's employer;</u>	78
<u>(e) Any other social credit; environmental, social, and</u>	79
<u>governance; or similar values-based or impact criteria as they</u>	80
<u>relate to a person.</u>	81
<u>(B) No credit union, either directly or through the use of</u>	82
<u>a contractor, shall discriminate against any person based on</u>	83
<u>subjective criteria.</u>	84
<u>(C) Nothing in this section prohibits a credit union from</u>	85
<u>discontinuing or refusing to conduct business with a customer or</u>	86
<u>potential customer when such action is necessary for the</u>	87
<u>physical safety of the credit union's employees.</u>	88
<u>(D) The superintendent of financial institutions shall</u>	89
<u>assess the following civil penalties against a credit union that</u>	90
<u>violates this section:</u>	91
<u>(1) Fifty thousand dollars for a first violation;</u>	92
<u>(2) Two hundred fifty thousand dollars for each subsequent</u>	93
<u>violation.</u>	94