

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 422

Representative McNally

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

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A BILL

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

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

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

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

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

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

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

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

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| (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 |

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