

As Introduced

**133rd General Assembly
Regular Session
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S. B. No. 11

Senator Antonio

**Cosponsors: Senators Craig, Fedor, Maharath, O'Brien, Sykes, Thomas, Williams,
Yuko, Rulli**

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, 3304.15, 3
3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4
4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 5
4112.05, 4112.08, 4117.19, 4725.67, 4735.16, 6
4735.55, 4744.54, 4757.07, 4758.16, 4765.18, 7
5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 8
5312.04, 5515.08, and 5709.832 of the Revised 9
Code to enact the Ohio Fairness Act to prohibit 10
discrimination on the basis of sexual 11
orientation or gender identity or expression, to 12
add mediation as an informal method that the 13
Ohio Civil Rights Commission may use, and to 14
uphold existing religious exemptions under 15
Ohio's Civil Rights Law. 16

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

Section 1. That sections 9.03, 124.93, 125.111, 153.59, 17
153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 18

3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 19
3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 20
4112.08, 4117.19, 4725.67, 4735.16, 4735.55, 4744.54, 4757.07, 21
4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 22
5312.04, 5515.08, and 5709.832 of the Revised Code be amended to 23
read as follows: 24

Sec. 9.03. (A) As used in this section: 25

(1) "Political subdivision" means any body corporate and 26
politic, except a municipal corporation that has adopted a 27
charter under Section 7 of Article XVIII, Ohio Constitution, and 28
except a county that has adopted a charter under Sections 3 and 29
4 of Article X, Ohio Constitution, to which both of the 30
following apply: 31

(a) It is responsible for governmental activities only in 32
a geographic area smaller than the state. 33

(b) It is subject to the sovereign immunity of the state. 34

(2) "Cigarettes" and "tobacco product" have the same 35
meanings as in section 5743.01 of the Revised Code. 36

(3) "Transaction" has the same meaning as in section 37
1315.51 of the Revised Code. 38

(4) "Campaign committee," "campaign fund," "candidate," 39
"legislative campaign fund," "political action committee," 40
"political committee," "political party," and "separate 41
segregated fund" have the same meanings as in section 3517.01 of 42
the Revised Code. 43

(B) Except as otherwise provided in division (C) of this 44
section, the governing body of a political subdivision may use 45
public funds to publish and distribute newsletters, or to use 46

any other means, to communicate information about the plans, 47
policies, and operations of the political subdivision to members 48
of the public within the political subdivision and to other 49
persons who may be affected by the political subdivision. 50

(C) Except as otherwise provided in division (A) (7) of 51
section 340.03 of the Revised Code, no governing body of a 52
political subdivision shall use public funds to do any of the 53
following: 54

(1) Publish, distribute, or otherwise communicate 55
information that does any of the following: 56

(a) Contains defamatory, libelous, or obscene matter; 57

(b) Promotes alcoholic beverages, cigarettes or other 58
tobacco products, or any illegal product, service, or activity; 59

(c) Promotes illegal discrimination on the basis of race, 60
color, religion, age, ancestry, national origin, or handicap, 61
age, or ancestry; or sexual orientation or gender identity or 62
expression as those terms are defined in section 4112.01 of the 63
Revised Code; 64

(d) Supports or opposes any labor organization or any 65
action by, on behalf of, or against any labor organization; 66

(e) Supports or opposes the nomination or election of a 67
candidate for public office, the investigation, prosecution, or 68
recall of a public official, or the passage of a levy or bond 69
issue. 70

(2) Compensate any employee of the political subdivision 71
for time spent on any activity to influence the outcome of an 72
election for any of the purposes described in division (C) (1) (e) 73
of this section. Division (C) (2) of this section does not 74

prohibit the use of public funds to compensate an employee of a 75
political subdivision for attending a public meeting to present 76
information about the political subdivision's finances, 77
activities, and governmental actions in a manner that is not 78
designed to influence the outcome of an election or the passage 79
of a levy or bond issue, even though the election, levy, or bond 80
issue is discussed or debated at the meeting. 81

(D) Except as otherwise provided in division (A) (7) of 82
section 340.03 of the Revised Code or in division (E) of this 83
section, no person shall knowingly conduct a direct or indirect 84
transaction of public funds to the benefit of any of the 85
following: 86

- (1) A campaign committee; 87
- (2) A political action committee; 88
- (3) A legislative campaign fund; 89
- (4) A political party; 90
- (5) A campaign fund; 91
- (6) A political committee; 92
- (7) A separate segregated fund; 93
- (8) A candidate. 94

(E) Division (D) of this section does not prohibit the 95
utilization of any person's own time to speak in support of or 96
in opposition to any candidate, recall, referendum, levy, or 97
bond issue unless prohibited by any other section of the Revised 98
Code. 99

(F) Nothing in this section prohibits or restricts any 100
political subdivision from sponsoring, participating in, or 101

doing any of the following: 102

(1) Charitable or public service advertising that is not 103
commercial in nature; 104

(2) Advertising of exhibitions, performances, programs, 105
products, or services that are provided by employees of a 106
political subdivision or are provided at or through premises 107
owned or operated by a political subdivision; 108

(3) Licensing an interest in a name or mark that is owned 109
or controlled by the political subdivision. 110

(G) Whoever violates division (D) of this section shall be 111
punished as provided in section 3599.40 of the Revised Code. 112

Sec. 124.93. (A) As used in this section, "physician" 113
means any person who holds a valid license to practice medicine 114
and surgery or osteopathic medicine and surgery issued under 115
Chapter 4731. of the Revised Code. 116

(B) No health insuring corporation that, on or after July 117
1, 1993, enters into or renews a contract with the department of 118
administrative services under section 124.82 of the Revised 119
Code, because of a physician's race, color, religion, sex, age, 120
ancestry, or national origin, ~~;~~ or disability, sexual 121
orientation, gender identity or expression, or military status 122
as those terms are defined in section 4112.01 of the Revised 123
Code, ~~age, or ancestry,~~ shall refuse to contract with that 124
physician for the provision of health care services under 125
section 124.82 of the Revised Code. 126

Any health insuring corporation that violates this 127
division is deemed to have engaged in an unlawful discriminatory 128
practice as defined in section 4112.02 of the Revised Code and 129
is subject to Chapter 4112. of the Revised Code. 130

(C) Each health insuring corporation that, on or after 131
July 1, 1993, enters into or renews a contract with the 132
department of administrative services under section 124.82 of 133
the Revised Code and that refuses to contract with a physician 134
for the provision of health care services under that section 135
shall provide that physician with a written notice that clearly 136
explains the reason or reasons for the refusal. The notice shall 137
be sent to the physician by regular mail within thirty days 138
after the refusal. 139

Any health insuring corporation that fails to provide 140
notice in compliance with this division is deemed to have 141
engaged in an unfair and deceptive act or practice in the 142
business of insurance as defined in section 3901.21 of the 143
Revised Code and is subject to sections 3901.19 to 3901.26 of 144
the Revised Code. 145

Sec. 125.111. (A) Every contract for or on behalf of the 146
state or any of its political subdivisions for any purchase 147
shall contain provisions similar to those required by section 148
153.59 of the Revised Code in the case of construction contracts 149
by which the contractor agrees to both of the following: 150

(1) That, in the hiring of employees for the performance 151
of work under the contract or any subcontract, no contractor or 152
subcontractor, by reason of race, color, religion, sex, age, 153
ancestry, or national origin, or disability, sexual orientation, 154
gender identity or expression, or military status as those terms 155
are defined in section 4112.01 of the Revised Code, ~~national-~~ 156
~~origin, or ancestry,~~ shall discriminate against any citizen of 157
this state in the employment of a person qualified and available 158
to perform the work to which the contract relates; 159

(2) That no contractor, subcontractor, or person acting on 160

behalf of any contractor or subcontractor, in any manner, shall 161
discriminate against, intimidate, or retaliate against any 162
employee hired for the performance of work under the contract on 163
account of race, color, religion, sex, age, ancestry, or 164
national origin; or disability, sexual orientation, gender 165
identity or expression, or military status as those terms are 166
defined in section 4112.01 of the Revised Code, ~~national origin,~~ 167
~~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 172
to 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 176
the department of administrative services. 177

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

(A) That, in the hiring of employees for the performance 183
of 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, 186
or disability, sexual orientation, gender identity or 187
expression, or military status, as those terms are defined in 188
section 4112.01 of the Revised Code, ~~or color,~~ shall 189
discriminate against any citizen of the state in the employment 190

of labor or workers who is qualified and available to perform 191
the work to which the 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, 196
color, creed, or sex~~;~~ or disability, sexual orientation, 197
gender identity or expression, or military status, as those 198
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 199
~~color.~~ 200

The department of administrative services shall ensure 201
that no capital moneys appropriated by the general assembly for 202
any purpose shall be expended unless the project for which those 203
moneys are appropriated provides for an affirmative action 204
program for the employment and effective utilization of 205
disadvantaged persons whose disadvantage may arise from 206
cultural, racial, or ethnic background, or other similar cause, 207
including, but not limited to, race, religion, sex, ancestry, or 208
national origin; or disability, sexual orientation, gender 209
identity or expression, or military status as those terms are 210
defined in section 4112.01 of the Revised Code, ~~national origin,~~ 211
~~or ancestry.~~ 212

In awarding contracts for capital improvement projects, 213
the department shall ensure that equal consideration be given to 214
contractors, subcontractors, or joint venturers who qualify as a 215
minority business enterprise. As used in this section, "minority 216
business enterprise" means a business enterprise that is owned 217
or controlled by one or more socially or economically 218
disadvantaged persons who are residents of this state. "Socially 219
or economically disadvantaged persons" means persons, regardless 220

of marital status, who are members of groups whose disadvantage 221
may arise from discrimination on the basis of race, religion, 222
sex, ancestry, or national origin; or disability, sexual 223
orientation, gender identity or expression, or military status, 224
as those terms are defined in section 4112.01 of the Revised 225
Code, ~~national origin, ancestry,~~ or other similar cause. 226

Sec. 153.591. Any provision of a hiring hall contract or 227
agreement which obligates a contractor to hire, if available, 228
only employees referred to the contractor by a labor 229
organization shall be void as against public policy and 230
unenforceable with respect to employment under any public works 231
contract unless ~~at both of the following apply:~~ 232

(A) At the date of execution of the hiring hall contract 233
or agreement, or within thirty days thereafter, the labor 234
organization has in effect procedures for referring qualified 235
employees for hire without regard to race, color, religion, sex, 236
ancestry, or national origin; or sexual orientation, gender 237
identity or expression, or military status as defined in section 238
4112.01 of the Revised Code, ~~or ancestry and unless the .~~ 239

(B) The labor organization includes in its apprentice and 240
journeyperson's membership, or otherwise has available for job 241
referral without discrimination, qualified employees, both 242
whites and non-whites (including ~~African Americans~~ African 243
Americans). 244

Sec. 340.12. As used in this section, "disability," ~~has~~ 245
"sexual orientation," and "gender identity or expression" have 246
the same ~~meaning~~ meanings as in section 4112.01 of the Revised 247
Code. 248

No board of alcohol, drug addiction, and mental health 249

services or any community addiction services provider or 250
community mental health services provider under contract with 251
such a board shall discriminate in the provision of addiction 252
services, mental health services, or recovery supports under its 253
authority, in employment, or under a contract on the basis of 254
race, color, religion, sex, age, ancestry, military status, sex, 255
age, or national origin; or disability, sexual orientation, 256
gender identity or expression, or military status. 257

Each board, community addiction services provider, and 258
community mental health services provider shall have a written 259
affirmative action program. The affirmative action program shall 260
include goals for the employment and effective utilization of, 261
including contracts with, members of economically disadvantaged 262
groups as defined in division (E)(1) of section 122.71 of the 263
Revised Code in percentages reflecting as nearly as possible the 264
composition of the alcohol, drug addiction, and mental health 265
service district served by the board. Each board and provider 266
shall file a description of the affirmative action program and a 267
progress report on its implementation with the department of 268
mental health and addiction services. 269

Sec. 511.03. After an affirmative vote in an election held 270
under sections 511.01 and 511.02 of the Revised Code, the board 271
of township trustees may make all contracts necessary for the 272
purchase of a site, and the erection, improvement, or 273
enlargement of such building. The board shall have control of 274
any town hall belonging to the township, and it may rent or 275
lease all or part of any hall, lodge, or recreational facility 276
belonging to the township, to any person or organization under 277
terms the board considers proper, for which all rent shall be 278
paid in advance or fully secured. In establishing the terms of 279
any rental agreement or lease pursuant to this section, the 280

board of township trustees may give preference to persons who 281
are residents of or organizations that are headquartered in the 282
township or that are charitable or fraternal in nature. All 283
persons or organizations shall be treated on a like or similar 284
basis, and no differentiation shall be made on the basis of 285
race, color, religion, ~~national origin~~, sex, national origin, or 286
political affiliation; or sexual orientation or gender identity 287
or expression as those terms are defined in section 4112.01 of 288
the Revised Code. The rents received for such facilities may be 289
used for their repair or improvement, and any balance shall be 290
used for general township purposes. 291

Sec. 717.01. Each municipal corporation may do any of the 292
following: 293

(A) Acquire by purchase or condemnation real estate with 294
or without buildings on it, and easements or interests in real 295
estate; 296

(B) Extend, enlarge, reconstruct, repair, equip, furnish, 297
or improve a building or improvement that it is authorized to 298
acquire or construct; 299

(C) Erect a crematory or provide other means for disposing 300
of garbage or refuse, and erect public comfort stations; 301

(D) Purchase turnpike roads and make them free; 302

(E) Construct wharves and landings on navigable waters; 303

(F) Construct infirmaries, workhouses, prisons, police 304
stations, houses of refuge and correction, market houses, public 305
halls, public offices, municipal garages, repair shops, storage 306
houses, and warehouses; 307

(G) Construct or acquire waterworks for supplying water to 308

the municipal corporation and its inhabitants and extend the	309
waterworks system outside of the municipal corporation limits;	310
(H) Construct or purchase gas works or works for the	311
generation and transmission of electricity, for the supplying of	312
gas or electricity to the municipal corporation and its	313
inhabitants;	314
(I) Provide grounds for cemeteries or crematories, enclose	315
and embellish them, and construct vaults or crematories;	316
(J) Construct sewers, sewage disposal works, flushing	317
tunnels, drains, and ditches;	318
(K) Construct free public libraries and reading rooms, and	319
free recreation centers;	320
(L) Establish free public baths and municipal lodging	321
houses;	322
(M) Construct monuments or memorial buildings to	323
commemorate the services of soldiers, sailors, and marines of	324
the state and nation;	325
(N) Provide land for and improve parks, boulevards, and	326
public playgrounds;	327
(O) Construct hospitals and pesthouses;	328
(P) Open, construct, widen, extend, improve, resurface, or	329
change the line of any street or public highway;	330
(Q) Construct and improve levees, dams, waterways,	331
waterfronts, and embankments and improve any watercourse passing	332
through the municipal corporation;	333
(R) Construct or improve viaducts, bridges, and culverts;	334
(S) (1) Construct any building necessary for the police or	335

fire department;	336
(2) Purchase fire engines or fire boats;	337
(3) Construct water towers or fire cisterns;	338
(4) Place underground the wires or signal apparatus of any police or fire department.	339 340
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	341 342
(U) Construct subways under any street or boulevard or elsewhere;	343 344
(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.	345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362
(W) Provide by agreement with any regional airport authority, created under section 308.03 of the Revised Code, for	363 364

the making of necessary surveys, appraisals, and examinations 365
preliminary to the acquisition or construction of any airport or 366
airport facility and pay the portion of the expense of the 367
surveys, appraisals, and examinations as set forth in the 368
agreement; 369

(X) Provide by agreement with any regional airport 370
authority, created under section 308.03 of the Revised Code, for 371
the acquisition, construction, maintenance, or operation of any 372
airport or airport facility owned or to be owned and operated by 373
the regional airport authority or owned or to be owned and 374
operated by the municipal corporation and pay the portion of the 375
expense of it as set forth in the agreement; 376

(Y) Acquire by gift, purchase, lease, or condemnation, 377
land, forest, and water rights necessary for conservation of 378
forest reserves, water parks, or reservoirs, either within or 379
without the limits of the municipal corporation, and improve and 380
equip the forest and water parks with structures, equipment, and 381
reforestation necessary or appropriate for any purpose for the 382
utilization of any of the forest and water benefits that may 383
properly accrue therefrom to the municipal corporation; 384

(Z) Acquire real property by purchase, gift, or devise and 385
construct and maintain on it public swimming pools, either 386
within or outside the limits of the municipal corporation; 387

(AA) Construct or rehabilitate, equip, maintain, operate, 388
and lease facilities for housing of elderly persons and for 389
persons of low and moderate income, and appurtenant facilities. 390
No municipal corporation shall deny housing accommodations to or 391
withhold housing accommodations from elderly persons or persons 392
of low and moderate income because of race, color, religion, 393
sex, ancestry, or national origin; or familial status~~as defined~~ 394

~~in section 4112.01 of the Revised Code, military status as~~ 395
~~defined in that section, disability as defined in that section,~~ 396
~~ancestry, or national origin, sexual orientation, gender~~ 397
identity or expression, or military status as those terms are 398
defined in section 4112.01 of the Revised Code. Any elderly 399
person or person of low or moderate income who is denied housing 400
accommodations or has them withheld by a municipal corporation 401
because of race, color, religion, sex, ancestry, or national 402
origin; or familial status as defined in section 4112.01 of the 403
~~Revised Code, military status as defined in that section,~~ 404
~~disability as defined in that section, ancestry, or national~~ 405
~~origin, sexual orientation, gender identity or expression, or~~ 406
military status as those terms are defined in section 4112.01 of 407
the Revised Code, may file a charge with the Ohio civil rights 408
commission as provided in Chapter 4112. of the Revised Code. 409

(BB) Acquire, rehabilitate, and develop rail property or 410
rail service, and enter into agreements with the Ohio rail 411
development commission, boards of county commissioners, boards 412
of township trustees, legislative authorities of other municipal 413
corporations, with other governmental agencies or organizations, 414
and with private agencies or organizations in order to achieve 415
those purposes; 416

(CC) Appropriate and contribute money to a soil and water 417
conservation district for use under Chapter 940. of the Revised 418
Code; 419

(DD) Authorize the board of county commissioners, pursuant 420
to a contract authorizing the action, to contract on the 421
municipal corporation's behalf for the administration and 422
enforcement within its jurisdiction of the state building code 423
by another county or another municipal corporation located 424

within or outside the county. The contract for administration 425
and enforcement shall provide for obtaining certification 426
pursuant to division (E) of section 3781.10 of the Revised Code 427
for the exercise of administration and enforcement authority 428
within the municipal corporation seeking those services and 429
shall specify which political subdivision is responsible for 430
securing that certification. 431

(EE) Expend money for providing and maintaining services 432
and facilities for senior citizens. 433

"Airport," "landing field," and "air navigation facility," 434
as defined in section 4561.01 of the Revised Code, apply to 435
division (V) of this section. 436

As used in divisions (W) and (X) of this section, 437
"airport" and "airport facility" have the same meanings as in 438
section 308.01 of the Revised Code. 439

As used in division (BB) of this section, "rail property" 440
and "rail service" have the same meanings as in section 4981.01 441
of the Revised Code. 442

Sec. 1501.012. (A) The director of natural resources may 443
lease lands in state parks, as defined in section 1501.07 of the 444
Revised Code, and contract for the construction and operation of 445
public service facilities, as mentioned in that section, and for 446
major renovation or remodeling of existing public service 447
facilities by the lessees on those lands. If the director 448
determines that doing so would be consistent with long-range 449
planning of the department of natural resources and in the best 450
interests of the department and the division of parks and 451
watercraft in the department, the director shall negotiate and 452
execute a lease and contract for those purposes in accordance 453

with this chapter except as otherwise provided in this section. 454

(B) The director shall draft a statement of intent 455
describing any public service facility that the department 456
wishes to have constructed in accordance with this section and 457
establishing a procedure for the submission of proposals for 458
providing the facility, including, but not limited to, a 459
requirement that each prospective bidder or lessee of land shall 460
submit with the proposal a completed questionnaire and financial 461
statement, on forms prescribed and furnished by the department, 462
to enable the department to ascertain the person's financial 463
worth and experience in maintaining and operating facilities 464
similar or related to the public service facility in question. 465
The completed questionnaire and financial statement shall be 466
verified under oath by the prospective bidder or lessee. 467
Questionnaires and financial statements submitted under this 468
division are confidential and are not open to public inspection. 469
Nothing in this division shall be construed to prevent use of or 470
reference to questionnaires and financial statements in a civil 471
action or criminal prosecution commenced by the state. 472

The director shall publish the statement of intent in at 473
least three daily newspapers of general circulation in the state 474
at least once each week for four consecutive weeks. The director 475
then shall accept proposals in response to the statement of 476
intent for at least thirty days following the final publication 477
of the statement. At the end of the period during which 478
proposals may be submitted under this division, the director 479
shall select the proposal that the director determines best 480
complies with the statement of intent and may negotiate a lease 481
and contract with the person that submitted that proposal. 482

(C) Any lease and contract negotiated under this section 483

shall include in its terms and conditions all of the following:	484
(1) The legal description of the leasehold;	485
(2) The duration of the lease and contract, which shall not exceed forty years, and a requirement that the lease and contract be nonrenewable;	486 487 488
(3) A requirement that the lessee maintain in full force and effect during the term of the lease and contract comprehensive liability insurance for injury, death, or loss to persons or property and fire casualty insurance for the public service facility and all its structures in an amount established by the director and naming the department as an additional insured;	489 490 491 492 493 494 495
(4) A requirement that the lessee maintain in full force and effect suitable performance bonds or other adequate security pertaining to the construction and operation of the public service facility;	496 497 498 499
(5) Detailed plans and specifications controlling the construction of the public service facility that shall include all of the following:	500 501 502
(a) The size and capacity of the facility;	503
(b) The type and quality of construction;	504
(c) Other criteria that the department considers necessary and advisable.	505 506
(6) The manner of rental payment;	507
(7) A stipulation that the director shall have control and supervision over all of the following:	508 509
(a) The operating season of the public service facility;	510

(b) The facility's hours of operation;	511
(c) The maximum rates to be charged guests using the facility;	512 513
(d) The facility's sanitary conditions;	514
(e) The quality of food and service furnished the guests of the facility;	515 516
(f) The lessee's general and structural maintenance responsibilities at the facility.	517 518
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	519 520
(9) A requirement that the public service facility be available to all members of the public without regard to sex, race, color, creed, <u>sex</u> , ancestry, <u>or national origin</u> ; or disability, <u>sexual orientation, gender identity or expression,</u> or military status, as those terms are defined in section 4112.01 of the Revised Code;	521 522 523 524 525 526
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	527 528 529
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	530 531
(E) The authority granted in this section to the director is in addition and supplemental to any other authority granted the director under state law.	532 533 534
Sec. 1751.18. (A) (1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the	535 536 537

subscriber or enrollee, the subscriber's or enrollee's 538
requirements for health care services, or for any other reason 539
designated under rules adopted by the superintendent of 540
insurance. 541

(2) Unless otherwise required by state or federal law, no 542
health insuring corporation, or health care facility or provider 543
through which the health insuring corporation has made 544
arrangements to provide health care services, shall discriminate 545
against any individual with regard to enrollment, disenrollment, 546
or the quality of health care services rendered, on the basis of 547
the individual's race, color, sex, religion, or age,~~religion,~~; 548
or sexual orientation, gender identity or expression, or 549
military status, as those terms are defined in section 4112.01 550
of the Revised Code~~;~~ or the individual's status as a recipient 551
of medicare or medicaid~~;~~ or any health status-related factor in 552
relation to the individual. However, a health insuring 553
corporation shall not be required to accept a recipient of 554
medicare or medical assistance, if an agreement has not been 555
reached on appropriate payment mechanisms between the health 556
insuring corporation and the governmental agency administering 557
these programs. Further, except for open enrollment coverage 558
under sections 3923.58 and 3923.581 of the Revised Code and 559
except as provided in section 1751.65 of the Revised Code, a 560
health insuring corporation may reject an applicant for nongroup 561
enrollment on the basis of any health status-related factor in 562
relation to the applicant. 563

(B) A health insuring corporation may cancel or decide not 564
to renew the coverage of an enrollee if the enrollee has 565
performed an act or practice that constitutes fraud or 566
intentional misrepresentation of material fact under the terms 567
of the coverage and if the cancellation or nonrenewal is not 568

based, either directly or indirectly, on any health status- 569
related factor in relation to the enrollee. 570

(C) An enrollee may appeal any action or decision of a 571
health insuring corporation taken pursuant to section 2742(b) to 572
(e) of the "Health Insurance Portability and Accountability Act 573
of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 574
300gg-42, as amended. To appeal, the enrollee may submit a 575
written complaint to the health insuring corporation pursuant to 576
section 1751.19 of the Revised Code. The enrollee may, within 577
thirty days after receiving a written response from the health 578
insuring corporation, appeal the health insuring corporation's 579
action or decision to the superintendent. 580

(D) As used in this section, "health status-related 581
factor" means any of the following: 582

(1) Health status; 583

(2) Medical condition, including both physical and mental 584
illnesses; 585

(3) Claims experience; 586

(4) Receipt of health care; 587

(5) Medical history; 588

(6) Genetic information; 589

(7) Evidence of insurability, including conditions arising 590
out of acts of domestic violence; 591

(8) Disability. 592

Sec. 2927.03. (A) No person, whether or not acting under 593
color of law, shall by force or threat of force willfully 594
injure, intimidate, or interfere with, or attempt to injure, 595

intimidate, or interfere with, any of the following: 596

(1) Any person because of race, color, religion, sex, 597
ancestry, or national origin; or familial status as defined in 598
section 4112.01 of the Revised Code, national origin, military 599
status as defined in that section, disability as defined in that 600
section, sexual orientation, gender identity or expression, or 601
ancestry military status as those terms are defined in section 602
4112.01 of the Revised Code, and because that person is or has 603
been selling, purchasing, renting, financing, occupying, 604
contracting, or negotiating for the sale, purchase, rental, 605
financing, or occupation of any housing accommodations, or 606
applying for or participating in any service, organization, or 607
facility relating to the business of selling or renting housing 608
accommodations; 609

(2) Any person because that person is or has been doing, 610
or in order to intimidate that person or any other person or any 611
class of persons from doing, either of the following: 612

(a) Participating, without discrimination on account of 613
race, color, religion, sex, ancestry, or national origin, or 614
familial status as defined in section 4112.01 of the Revised 615
Code, national origin, military status as defined in that 616
section, disability as defined in that section, sexual 617
orientation, gender identity or expression, or ancestry, 618
military status as those terms are defined in section 4112.01 of 619
the Revised Code, in any of the activities, services, 620
organizations, or facilities described in division (A) (1) of 621
this section; 622

(b) Affording another person or class of persons 623
opportunity or protection so to participate. 624

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

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

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

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

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

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

section 3113.37 of the Revised Code, and contributions of goods 654
or services, including materials, commodities, transportation, 655
office space, or other types of facilities or personal services. 656

(4) Provide residential service or facilities for children 657
when accompanied by a parent, guardian, or custodian who is a 658
victim of domestic violence and who is receiving temporary 659
residential service at the shelter; 660

(5) Require persons employed by or volunteering services 661
to the shelter to maintain the confidentiality of any 662
information that would identify individuals served by the 663
shelter. 664

(B) A shelter for victims of domestic violence does not 665
qualify for funds if it discriminates in its admissions or 666
provision of services on the basis of race, ~~religion,~~ color, 667
religion, age, ancestry, national origin, or marital status, 668
~~national origin, or ancestry; or sexual orientation or gender~~ 669
identity or expression, as those terms are defined in section 670
4112.01 of the Revised Code. A shelter does not qualify for 671
funds in the second half of any year if its application projects 672
the provision of residential service and such service has not 673
been provided in the first half of that year; such a shelter 674
does not qualify for funds in the following year. 675

Sec. 3301.53. (A) The state board of education, in 676
consultation with the director of job and family services, shall 677
formulate and prescribe by rule adopted under Chapter 119. of 678
the Revised Code minimum standards to be applied to preschool 679
programs operated by school district boards of education, county 680
boards of developmental disabilities, community schools, or 681
eligible nonpublic schools. The rules shall include the 682
following: 683

(1) Standards ensuring that the preschool program is 684
located in a safe and convenient facility that accommodates the 685
enrollment of the program, is of the quality to support the 686
growth and development of the children according to the program 687
objectives, and meets the requirements of section 3301.55 of the 688
Revised Code; 689

(2) Standards ensuring that supervision, discipline, and 690
programs will be administered according to established 691
objectives and procedures; 692

(3) Standards ensuring that preschool staff members and 693
nonteaching employees are recruited, employed, assigned, 694
evaluated, and provided inservice education without 695
discrimination on the basis of race, color, sex, age, ~~color, or~~ 696
national origin, ~~race, or sex~~; or sexual orientation or gender 697
identity or expression, as those terms are defined in section 698
4112.01 of the Revised Code, and that preschool staff members 699
and nonteaching employees are assigned responsibilities in 700
accordance with written position descriptions commensurate with 701
their training and experience; 702

(4) A requirement that boards of education intending to 703
establish a preschool program demonstrate a need for a preschool 704
program prior to establishing the program; 705

(5) Requirements that children participating in preschool 706
programs have been immunized to the extent considered 707
appropriate by the state board to prevent the spread of 708
communicable disease; 709

(6) Requirements that the parents of preschool children 710
complete the emergency medical authorization form specified in 711
section 3313.712 of the Revised Code. 712

(B) The state board of education in consultation with the 713
director of job and family services shall ensure that the rules 714
adopted by the state board under sections 3301.52 to 3301.58 of 715
the Revised Code are consistent with and meet or exceed the 716
requirements of Chapter 5104. of the Revised Code with regard to 717
child day-care centers. The state board and the director of job 718
and family services shall review all such rules at least once 719
every five years. 720

(C) The state board of education, in consultation with the 721
director of job and family services, shall adopt rules for 722
school child programs that are consistent with and meet or 723
exceed the requirements of the rules adopted for school-age 724
child care centers under Chapter 5104. of the Revised Code. 725

Sec. 3304.15. (A) There is hereby created the 726
opportunities for Ohioans with disabilities agency. The agency 727
is the designated state unit authorized under the 728
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 729
amended, to provide vocational rehabilitation services to 730
eligible individuals with disabilities. 731

(B) The governor shall appoint an executive director of 732
the opportunities for Ohioans with disabilities agency to serve 733
at the pleasure of the governor and shall fix the executive 734
director's compensation. The executive director shall devote the 735
executive director's entire time to the duties of the executive 736
director's office, shall hold no other office or position of 737
trust and profit, and shall engage in no other business during 738
the executive director's term of office. The governor may grant 739
the executive director the authority to appoint, remove, and 740
discipline without regard to ~~sex, race, creed, color, creed,~~ 741
sex, age, or national origin; or sexual orientation or gender 742

identity or expression, as those terms are defined in section 743
4112.01 of the Revised Code, such other professional, 744
administrative, and clerical staff members as are necessary to 745
carry out the functions and duties of the agency. 746

The executive director of the opportunities for Ohioans 747
with disabilities agency is the executive and administrative 748
officer of the agency. Whenever the Revised Code imposes a duty 749
on or requires an action of the agency, the executive director 750
shall perform the duty or action on behalf of the agency. The 751
executive director may establish procedures for all of the 752
following: 753

(1) The governance of the agency; 754

(2) The conduct of agency employees and officers; 755

(3) The performance of agency business; 756

(4) The custody, use, and preservation of agency records, 757
papers, books, documents, and property. 758

(C) The executive director shall have exclusive authority 759
to administer the daily operation and provision of vocational 760
rehabilitation services under this chapter. In exercising that 761
authority, the executive director may do all of the following: 762

(1) Adopt rules in accordance with Chapter 119. of the 763
Revised Code; 764

(2) Prepare and submit an annual report to the governor; 765

(3) Certify any disbursement of funds available to the 766
agency for vocational rehabilitation services; 767

(4) Take appropriate action to guarantee rights of 768
vocational rehabilitation services to eligible individuals with 769

disabilities;	770
(5) Consult with and advise other state agencies and	771
coordinate programs for eligible individuals with disabilities;	772
(6) Comply with the requirements for match as part of	773
budget submission;	774
(7) Establish research and demonstration projects;	775
(8) Accept, hold, invest, reinvest, or otherwise use gifts	776
to further vocational rehabilitation services;	777
(9) For the purposes of the business enterprise program	778
administered under sections 3304.28 to 3304.35 of the Revised	779
Code:	780
(a) Establish and manage small business entities owned or	781
operated by individuals who are blind;	782
(b) Purchase insurance;	783
(c) Accept computers.	784
(10) Enter into contracts and other agreements for the	785
provision of vocational rehabilitation services.	786
(D) The executive director shall establish a fee schedule	787
for vocational rehabilitation services in accordance with 34	788
C.F.R. 361.50.	789
Sec. 3304.50. The Ohio independent living council	790
established and appointed by the governor under the authority of	791
section 107.18 of the Revised Code and pursuant to the	792
"Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29	793
U.S.C.A. 796d, shall appoint an executive director to serve at	794
the pleasure of the council and shall fix his <u>the executive</u>	795
<u>director's</u> compensation. The executive director shall not be	796

considered a public employee for purposes of Chapter 4117. of 797
the Revised Code. The council may delegate to the executive 798
director the authority to appoint, remove, and discipline, 799
without regard to sex, race, ~~creed~~, color, creed, age, or 800
national origin; or sexual orientation or gender identity or 801
expression, as those terms are defined in section 4112.01 of the 802
Revised Code, such other professional, administrative, and 803
clerical staff members as are necessary to carry out the 804
functions and duties of the council. 805

Sec. 3314.06. The governing authority of each community 806
school established under this chapter shall adopt admission 807
procedures that specify the following: 808

(A) That, except as otherwise provided in this section, 809
admission to the school shall be open to any individual age five 810
to twenty-two entitled to attend school pursuant to section 811
3313.64 or 3313.65 of the Revised Code in a school district in 812
the state. 813

Additionally, except as otherwise provided in this 814
section, admission to the school may be open on a tuition basis 815
to any individual age five to twenty-two who is not a resident 816
of this state. The school shall not receive state funds under 817
section 3314.08 of the Revised Code for any student who is not a 818
resident of this state. 819

An individual younger than five years of age may be 820
admitted to the school in accordance with division (A) (2) of 821
section 3321.01 of the Revised Code. The school shall receive 822
funds for an individual admitted under that division in the 823
manner provided under section 3314.08 of the Revised Code. 824

If the school operates a program that uses the Montessori 825

method endorsed by the American Montessori society, the 826
Montessori accreditation council for teacher education, or the 827
association Montessori internationale as its primary method of 828
instruction, admission to the school may be open to individuals 829
younger than five years of age, but the school shall not receive 830
funds under this chapter for those individuals. Notwithstanding 831
anything to the contrary in this chapter, individuals younger 832
than five years of age who are enrolled in a Montessori program 833
shall be offered at least four hundred fifty-five hours of 834
learning opportunities per school year. 835

If the school operates a preschool program that is 836
licensed by the department of education under sections 3301.52 837
to 3301.59 of the Revised Code, admission to the school may be 838
open to individuals who are younger than five years of age, but 839
the school shall not receive funds under this chapter for those 840
individuals. 841

(B) (1) That admission to the school may be limited to 842
students who have attained a specific grade level or are within 843
a specific age group; to students that meet a definition of "at- 844
risk," as defined in the contract; to residents of a specific 845
geographic area within the district, as defined in the contract; 846
or to separate groups of autistic students and nondisabled 847
students, as authorized in section 3314.061 of the Revised Code 848
and as defined in the contract. 849

(2) For purposes of division (B) (1) of this section, "at- 850
risk" students may include those students identified as gifted 851
students under section 3324.03 of the Revised Code. 852

(C) Whether enrollment is limited to students who reside 853
in the district in which the school is located or is open to 854
residents of other districts, as provided in the policy adopted 855

pursuant to the contract. 856

(D) (1) That there will be no discrimination in the 857
admission of students to the school on the basis of race, ~~creed,~~ 858
color, creed, or sex; or disability, ~~or sex~~ sexual orientation, 859
or gender identity or expression, as those terms are defined in 860
section 4112.01 of the Revised Code, except that: 861

(a) The governing authority may do either of the following 862
for the purpose described in division (G) of this section: 863

(i) Establish a single-gender school for either sex; 864

(ii) Establish single-gender schools for each sex under 865
the same contract, provided substantially equal facilities and 866
learning opportunities are offered for both boys and girls. Such 867
facilities and opportunities may be offered for each sex at 868
separate locations. 869

(b) The governing authority may establish a school that 870
simultaneously serves a group of students identified as autistic 871
and a group of students who are not disabled, as authorized in 872
section 3314.061 of the Revised Code. However, unless the total 873
capacity established for the school has been filled, no student 874
with any disability shall be denied admission on the basis of 875
that disability. 876

(2) That upon admission of any student with a disability, 877
the community school will comply with all federal and state laws 878
regarding the education of students with disabilities. 879

(E) That the school may not limit admission to students on 880
the basis of intellectual ability, measures of achievement or 881
aptitude, or athletic ability, except that a school may limit 882
its enrollment to students as described in division (B) of this 883
section. 884

(F) That the community school will admit the number of 885
students that does not exceed the capacity of the school's 886
programs, classes, grade levels, or facilities. 887

(G) That the purpose of single-gender schools that are 888
established shall be to take advantage of the academic benefits 889
some students realize from single-gender instruction and 890
facilities and to offer students and parents residing in the 891
district the option of a single-gender education. 892

(H) That, except as otherwise provided under division (B) 893
of this section or section 3314.061 of the Revised Code, if the 894
number of applicants exceeds the capacity restrictions of 895
division (F) of this section, students shall be admitted by lot 896
from all those submitting applications, except preference shall 897
be given to students attending the school the previous year and 898
to students who reside in the district in which the school is 899
located. Preference may be given to siblings of students 900
attending the school the previous year. Preference also may be 901
given to students who are the children of full-time staff 902
members employed by the school, provided the total number of 903
students receiving this preference is less than five per cent of 904
the school's total enrollment. 905

Notwithstanding divisions (A) to (H) of this section, in 906
the event the racial composition of the enrollment of the 907
community school is violative of a federal desegregation order, 908
the community school shall take any and all corrective measures 909
to comply with the desegregation order. 910

Sec. 3332.09. The state board of career colleges and 911
schools may limit, suspend, revoke, or refuse to issue or renew 912
a certificate of registration or program authorization or may 913
impose a penalty pursuant to section 3332.091 of the Revised 914

Code for any one or combination of the following causes:	915
(A) Violation of any provision of sections 3332.01 to 3332.09 of the Revised Code, the board's minimum standards, or any rule made by the board;	916 917 918
(B) Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the board;	919 920
(C) The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;	921 922 923 924
(D) The signing of an application or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;	925 926 927 928
(E) Violation of any commitment made in an application for a certificate of registration or program authorization;	929 930
(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;	931 932 933 934 935 936 937
(G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	938 939
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	940 941
(I) Failure to maintain financial resources adequate for	942

the satisfactory conduct of programs as presented in the plan of 943
operation or to retain a sufficient number and qualified staff 944
of instruction, except that nothing in this chapter requires an 945
instructor to be licensed by the state board of education or to 946
hold any type of post-high school degree; 947

(J) Offering training or programs other than those 948
presented in the application, except that schools may offer 949
special courses adapted to the needs of individual students when 950
the special courses are in the subject field specified in the 951
application; 952

(K) Discrimination in the acceptance of students upon the 953
basis of race, color, religion, sex, or national origin; or 954
sexual orientation or gender identity or expression, as those 955
terms are defined in section 4112.01 of the Revised Code; 956

(L) Accepting the services of an agent not holding a valid 957
permit issued under section 3332.10 or 3332.11 of the Revised 958
Code; 959

(M) The use of monetary or other valuable consideration by 960
the school's agents or representatives to induce prospective 961
students to enroll in the school, or the practice of awarding 962
monetary or other valuable considerations without board approval 963
to students in exchange for procuring the enrollment of others; 964

(N) Failure to provide at the request of the board, any 965
information, records, or files pertaining to the operation of 966
the school or recruitment and enrollment of students. 967

If the board modifies or adopts additional minimum 968
standards or rules pursuant to section 3332.031 of the Revised 969
Code, all schools and agents shall have sixty days from the 970
effective date of the modifications or additional standards or 971

rules to comply with such modifications or additions. 972

Sec. 3721.13. (A) The rights of residents of a home shall 973
include, but are not limited to, the following: 974

(1) The right to a safe and clean living environment 975
pursuant to the medicare and medicaid programs and applicable 976
state laws and rules adopted by the director of health; 977

(2) The right to be free from physical, verbal, mental, 978
and emotional abuse and to be treated at all times with 979
courtesy, respect, and full recognition of dignity and 980
individuality; 981

(3) Upon admission and thereafter, the right to adequate 982
and appropriate medical treatment and nursing care and to other 983
ancillary services that comprise necessary and appropriate care 984
consistent with the program for which the resident contracted. 985
This care shall be provided without regard to considerations 986
such as race, color, religion, age, or national origin, ~~age, ;~~ 987
sexual orientation or gender identity or expression, as those 988
terms are defined in section 4112.01 of the Revised Code; or 989
source of payment for care. 990

(4) The right to have all reasonable requests and 991
inquiries responded to promptly; 992

(5) The right to have clothes and bed sheets changed as 993
the need arises, to ensure the resident's comfort or sanitation; 994

(6) The right to obtain from the home, upon request, the 995
name and any specialty of any physician or other person 996
responsible for the resident's care or for the coordination of 997
care; 998

(7) The right, upon request, to be assigned, within the 999

capacity of the home to make the assignment, to the staff 1000
physician of the resident's choice, and the right, in accordance 1001
with the rules and written policies and procedures of the home, 1002
to select as the attending physician a physician who is not on 1003
the staff of the home. If the cost of a physician's services is 1004
to be met under a federally supported program, the physician 1005
shall meet the federal laws and regulations governing such 1006
services. 1007

(8) The right to participate in decisions that affect the 1008
resident's life, including the right to communicate with the 1009
physician and employees of the home in planning the resident's 1010
treatment or care and to obtain from the attending physician 1011
complete and current information concerning medical condition, 1012
prognosis, and treatment plan, in terms the resident can 1013
reasonably be expected to understand; the right of access to all 1014
information in the resident's medical record; and the right to 1015
give or withhold informed consent for treatment after the 1016
consequences of that choice have been carefully explained. When 1017
the attending physician finds that it is not medically advisable 1018
to give the information to the resident, the information shall 1019
be made available to the resident's sponsor on the resident's 1020
behalf, if the sponsor has a legal interest or is authorized by 1021
the resident to receive the information. The home is not liable 1022
for a violation of this division if the violation is found to be 1023
the result of an act or omission on the part of a physician 1024
selected by the resident who is not otherwise affiliated with 1025
the home. 1026

(9) The right to withhold payment for physician visitation 1027
if the physician did not visit the resident; 1028

(10) The right to confidential treatment of personal and 1029

medical records, and the right to approve or refuse the release 1030
of these records to any individual outside the home, except in 1031
case of transfer to another home, hospital, or health care 1032
system, as required by law or rule, or as required by a third- 1033
party payment contract; 1034

(11) The right to privacy during medical examination or 1035
treatment and in the care of personal or bodily needs; 1036

(12) The right to refuse, without jeopardizing access to 1037
appropriate medical care, to serve as a medical research 1038
subject; 1039

(13) The right to be free from physical or chemical 1040
restraints or prolonged isolation except to the minimum extent 1041
necessary to protect the resident from injury to self, others, 1042
or to property and except as authorized in writing by the 1043
attending physician for a specified and limited period of time 1044
and documented in the resident's medical record. Prior to 1045
authorizing the use of a physical or chemical restraint on any 1046
resident, the attending physician shall make a personal 1047
examination of the resident and an individualized determination 1048
of the need to use the restraint on that resident. 1049

Physical or chemical restraints or isolation may be used 1050
in an emergency situation without authorization of the attending 1051
physician only to protect the resident from injury to self or 1052
others. Use of the physical or chemical restraints or isolation 1053
shall not be continued for more than twelve hours after the 1054
onset of the emergency without personal examination and 1055
authorization by the attending physician. The attending 1056
physician or a staff physician may authorize continued use of 1057
physical or chemical restraints for a period not to exceed 1058
thirty days, and at the end of this period and any subsequent 1059

period may extend the authorization for an additional period of 1060
not more than thirty days. The use of physical or chemical 1061
restraints shall not be continued without a personal examination 1062
of the resident and the written authorization of the attending 1063
physician stating the reasons for continuing the restraint. 1064

If physical or chemical restraints are used under this 1065
division, the home shall ensure that the restrained resident 1066
receives a proper diet. In no event shall physical or chemical 1067
restraints or isolation be used for punishment, incentive, or 1068
convenience. 1069

(14) The right to the pharmacist of the resident's choice 1070
and the right to receive pharmaceutical supplies and services at 1071
reasonable prices not exceeding applicable and normally accepted 1072
prices for comparably packaged pharmaceutical supplies and 1073
services within the community; 1074

(15) The right to exercise all civil rights, unless the 1075
resident has been adjudicated incompetent pursuant to Chapter 1076
2111. of the Revised Code and has not been restored to legal 1077
capacity, as well as the right to the cooperation of the home's 1078
administrator in making arrangements for the exercise of the 1079
right to vote; 1080

(16) The right of access to opportunities that enable the 1081
resident, at the resident's own expense or at the expense of a 1082
third-party payer, to achieve the resident's fullest potential, 1083
including educational, vocational, social, recreational, and 1084
habilitation programs; 1085

(17) The right to consume a reasonable amount of alcoholic 1086
beverages at the resident's own expense, unless not medically 1087
advisable as documented in the resident's medical record by the 1088

attending physician or unless contradictory to written admission	1089
policies;	1090
(18) The right to use tobacco at the resident's own	1091
expense under the home's safety rules and under applicable laws	1092
and rules of the state, unless not medically advisable as	1093
documented in the resident's medical record by the attending	1094
physician or unless contradictory to written admission policies;	1095
(19) The right to retire and rise in accordance with the	1096
resident's reasonable requests, if the resident does not disturb	1097
others or the posted meal schedules and upon the home's request	1098
remains in a supervised area, unless not medically advisable as	1099
documented by the attending physician;	1100
(20) The right to observe religious obligations and	1101
participate in religious activities; the right to maintain	1102
individual and cultural identity; and the right to meet with and	1103
participate in activities of social and community groups at the	1104
resident's or the group's initiative;	1105
(21) The right upon reasonable request to private and	1106
unrestricted communications with the resident's family, social	1107
worker, and any other person, unless not medically advisable as	1108
documented in the resident's medical record by the attending	1109
physician, except that communications with public officials or	1110
with the resident's attorney or physician shall not be	1111
restricted. Private and unrestricted communications shall	1112
include, but are not limited to, the right to:	1113
(a) Receive, send, and mail sealed, unopened	1114
correspondence;	1115
(b) Reasonable access to a telephone for private	1116
communications;	1117

- (c) Private visits at any reasonable hour. 1118
- (22) The right to assured privacy for visits by the 1119
spouse, or if both are residents of the same home, the right to 1120
share a room within the capacity of the home, unless not 1121
medically advisable as documented in the resident's medical 1122
record by the attending physician; 1123
- (23) The right upon reasonable request to have room doors 1124
closed and to have them not opened without knocking, except in 1125
the case of an emergency or unless not medically advisable as 1126
documented in the resident's medical record by the attending 1127
physician; 1128
- (24) The right to retain and use personal clothing and a 1129
reasonable amount of possessions, in a reasonably secure manner, 1130
unless to do so would infringe on the rights of other residents 1131
or would not be medically advisable as documented in the 1132
resident's medical record by the attending physician; 1133
- (25) The right to be fully informed, prior to or at the 1134
time of admission and during the resident's stay, in writing, of 1135
the basic rate charged by the home, of services available in the 1136
home, and of any additional charges related to such services, 1137
including charges for services not covered under the medicare or 1138
medicaid program. The basic rate shall not be changed unless 1139
thirty days' notice is given to the resident or, if the resident 1140
is unable to understand this information, to the resident's 1141
sponsor. 1142
- (26) The right of the resident and person paying for the 1143
care to examine and receive a bill at least monthly for the 1144
resident's care from the home that itemizes charges not included 1145
in the basic rates; 1146

(27) (a) The right to be free from financial exploitation;	1147
(b) The right to manage the resident's own personal	1148
financial affairs, or, if the resident has delegated this	1149
responsibility in writing to the home, to receive upon written	1150
request at least a quarterly accounting statement of financial	1151
transactions made on the resident's behalf. The statement shall	1152
include:	1153
(i) A complete record of all funds, personal property, or	1154
possessions of a resident from any source whatsoever, that have	1155
been deposited for safekeeping with the home for use by the	1156
resident or the resident's sponsor;	1157
(ii) A listing of all deposits and withdrawals transacted,	1158
which shall be substantiated by receipts which shall be	1159
available for inspection and copying by the resident or sponsor.	1160
(28) The right of the resident to be allowed unrestricted	1161
access to the resident's property on deposit at reasonable	1162
hours, unless requests for access to property on deposit are so	1163
persistent, continuous, and unreasonable that they constitute a	1164
nuisance;	1165
(29) The right to receive reasonable notice before the	1166
resident's room or roommate is changed, including an explanation	1167
of the reason for either change.	1168
(30) The right not to be transferred or discharged from	1169
the home unless the transfer is necessary because of one of the	1170
following:	1171
(a) The welfare and needs of the resident cannot be met in	1172
the home.	1173
(b) The resident's health has improved sufficiently so	1174

that the resident no longer needs the services provided by the home. 1175
1176

(c) The safety of individuals in the home is endangered. 1177

(d) The health of individuals in the home would otherwise be endangered. 1178
1179

(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case: 1180
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1182
1183
1184
1185

(i) The resident's application, or a substantially similar previous application, has been denied. 1186
1187

(ii) If the resident appealed the denial, the denial was upheld. 1188
1189

(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate. 1190
1191
1192
1193

(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied. 1194
1195
1196

(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied. 1197
1198
1199

(31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated 1200
1201
1202

with the operation of the home, of the resident's choice, free 1203
from restraint, interference, coercion, discrimination, or 1204
reprisal. This right includes access to a residents' rights 1205
advocate, and the right to be a member of, to be active in, and 1206
to associate with persons who are active in organizations of 1207
relatives and friends of nursing home residents and other 1208
organizations engaged in assisting residents. 1209

(32) The right to have any significant change in the 1210
resident's health status reported to the resident's sponsor. As 1211
soon as such a change is known to the home's staff, the home 1212
shall make a reasonable effort to notify the sponsor within 1213
twelve hours. 1214

(B) A sponsor may act on a resident's behalf to assure 1215
that the home does not deny the residents' rights under sections 1216
3721.10 to 3721.17 of the Revised Code. 1217

(C) Any attempted waiver of the rights listed in division 1218
(A) of this section is void. 1219

Sec. 3905.55. (A) Except as provided in division (B) of 1220
this section, an agent may charge a consumer a fee if all of the 1221
following conditions are met: 1222

(1) The fee is disclosed to the consumer in a manner that 1223
separately identifies the fee and the premium. 1224

(2) The fee is not calculated as a percentage of the 1225
premium. 1226

(3) The fee is not refunded, forgiven, waived, offset, or 1227
reduced by any commission earned or received for any policy or 1228
coverage sold. 1229

(4) The amount of the fee, and the consumer's obligation 1230

to pay the fee, are not conditioned upon the occurrence of a 1231
future event or condition, such as the purchase, cancellation, 1232
lapse, declination, or nonrenewal of insurance. 1233

(5) The agent discloses to the consumer that the fee is 1234
being charged by the agent and not by the insurance company, 1235
that neither state law nor the insurance company requires the 1236
agent to charge the fee, and that the fee is not refundable. 1237

(6) The consumer consents to the fee. 1238

(7) The agent, in charging the fee, does not discriminate 1239
on the basis of race, sex, religion, age, national origin, 1240
~~religion, disability marital status~~, health status, ~~age, marital~~ 1241
~~status, or geographic location; or disability, sexual~~ 1242
orientation, gender identity or expression, or military status, 1243
as those terms are defined in section 4112.01 of the Revised 1244
Code, ~~or geographic location~~, and does not unfairly discriminate 1245
between persons of essentially the same class and of essentially 1246
the same hazard or expectation of life. 1247

(B) A fee may not be charged for taking or submitting an 1248
initial application for coverage with any one insurer or 1249
different programs with the same insurer, or processing a change 1250
to an existing policy, a cancellation, a claim, or a renewal, in 1251
connection with any of the following personal lines policies: 1252

(1) Private passenger automobile; 1253

(2) Homeowners, including coverage for tenants or 1254
condominium owners, owner-occupied fire or dwelling property 1255
coverage, personal umbrella liability, or any other personal 1256
lines-related coverage whether sold as a separate policy or as 1257
an endorsement to another personal lines policy; 1258

(3) Individual life insurance; 1259

(4) Individual sickness or accident insurance;	1260
(5) Disability income policies;	1261
(6) Credit insurance products.	1262
(C) Notwithstanding any other provision of this section,	1263
an agent may charge a fee for agent services in connection with	1264
a policy issued on a no-commission basis, if the agent provides	1265
the consumer with prior disclosure of the fee and of the	1266
services to be provided.	1267
(D) In the event of a dispute between an agent and a	1268
consumer regarding any disclosure required by this section, the	1269
agent has the burden of proving that the disclosure was made.	1270
(E) (1) No person shall fail to comply with this section.	1271
(2) Whoever violates division (E) (1) of this section is	1272
deemed to have engaged in an unfair and deceptive act or	1273
practice in the business of insurance under sections 3901.19 to	1274
3901.26 of the Revised Code.	1275
(F) This section does not apply with respect to any	1276
expense fee charged by a surety bail bond agent to cover the	1277
costs incurred by the surety bail bond agent in executing the	1278
bail bond.	1279
Sec. 4111.17. (A) No employer, including the state and	1280
political subdivisions thereof, shall discriminate in the	1281
payment of wages on the basis of race, color, religion, sex,	1282
age, <u>ancestry, or national origin</u> ; or ancestry <u>sexual</u>	1283
<u>orientation or gender identity or expression, as those terms are</u>	1284
<u>defined in section 4112.01 of the Revised Code,</u> by paying wages	1285
to any employee at a rate less than the rate at which the	1286
employer pays wages to another employee for equal work on jobs	1287

the performance of which requires equal skill, effort, and 1288
responsibility, and which are performed under similar 1289
conditions. 1290

(B) Nothing in this section prohibits an employer from 1291
paying wages to one employee at a rate different from that at 1292
which the employer pays another employee for the performance of 1293
equal work under similar conditions on jobs requiring equal 1294
skill, effort, and responsibility, when the payment is made 1295
pursuant to any of the following: 1296

(1) A seniority system; 1297

(2) A merit system; 1298

(3) A system which measures earnings by the quantity or 1299
quality of production; 1300

(4) A wage rate differential determined by any factor 1301
other than race, color, religion, sex, age, ancestry, or 1302
national origin, or ancestry; or sexual orientation or gender 1303
identity or expression, as those terms are defined in section 1304
4112.01 of the Revised Code. 1305

(C) No employer shall reduce the wage rate of any employee 1306
in order to comply with this section. 1307

(D) The director of commerce shall carry out, administer, 1308
and enforce this section. Any employee discriminated against in 1309
violation of this section may sue in any court of competent 1310
jurisdiction to recover two times the amount of the difference 1311
between the wages actually received and the wages received by a 1312
person performing equal work for the employer, from the date of 1313
the commencement of the violation, and for costs, including 1314
attorney fees. The director may take an assignment of any such 1315
wage claim in trust for such employee and sue in the employee's 1316

behalf. In any civil action under this section, two or more 1317
employees of the same employer may join as co-plaintiffs in one 1318
action. The director may sue in one action for claims assigned 1319
to the director by two or more employees of the same employer. 1320
No agreement to work for a discriminatory wage constitutes a 1321
defense for any civil or criminal action to enforce this 1322
section. No employer shall discriminate against any employee 1323
because such employee makes a complaint or institutes, or 1324
testifies in, any proceeding under this section. 1325

(E) Any action arising under this section shall be 1326
initiated within one year after the date of violation. 1327

Sec. 4112.01. (A) As used in this chapter: 1328

(1) "Person" includes one or more individuals, 1329
partnerships, associations, organizations, corporations, legal 1330
representatives, trustees, trustees in bankruptcy, receivers, 1331
and other organized groups of persons. "Person" also includes, 1332
but is not limited to, any owner, lessor, assignor, builder, 1333
manager, broker, salesperson, appraiser, agent, employee, 1334
lending institution, and the state and all political 1335
subdivisions, authorities, agencies, boards, and commissions of 1336
the state. 1337

(2) "Employer" includes the state, any political 1338
subdivision of the state, any person employing four or more 1339
persons within the state, and any person acting directly or 1340
indirectly in the interest of an employer. 1341

(3) "Employee" means an individual employed by any 1342
employer but does not include any individual employed in the 1343
domestic service of any person. 1344

(4) "Labor organization" includes any organization that 1345

exists, in whole or in part, for the purpose of collective 1346
bargaining or of dealing with employers concerning grievances, 1347
terms or conditions of employment, or other mutual aid or 1348
protection in relation to employment. 1349

(5) "Employment agency" includes any person regularly 1350
undertaking, with or without compensation, to procure 1351
opportunities to work or to procure, recruit, refer, or place 1352
employees. 1353

(6) "Commission" means the Ohio civil rights commission 1354
created by section 4112.03 of the Revised Code. 1355

(7) "Discriminate" includes segregate or separate. 1356

(8) "Unlawful discriminatory practice" means any act 1357
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1358
Revised Code. 1359

(9) "Place of public accommodation" means any inn, 1360
restaurant, eating house, barbershop, public conveyance by air, 1361
land, or water, theater, store, other place for the sale of 1362
merchandise, or any other place of public accommodation or 1363
amusement of which the accommodations, advantages, facilities, 1364
or privileges are available to the public. 1365

(10) "Housing accommodations" includes any building or 1366
structure, or portion of a building or structure, that is used 1367
or occupied or is intended, arranged, or designed to be used or 1368
occupied as the home residence, dwelling, dwelling unit, or 1369
sleeping place of one or more individuals, groups, or families 1370
whether or not living independently of each other; and any 1371
vacant land offered for sale or lease. "Housing accommodations" 1372
also includes any housing accommodations held or offered for 1373
sale or rent by a real estate broker, salesperson, or agent, by 1374

any other person pursuant to authorization of the owner, by the 1375
owner, or by the owner's legal representative. 1376

(11) "Restrictive covenant" means any specification 1377
limiting the transfer, rental, lease, or other use of any 1378
housing accommodations because of race, color, religion, sex, 1379
~~military status, familial status~~ancestry, national origin, 1380
familial status, disability, or ancestry~~sexual orientation,~~ 1381
gender identity or expression, or military status, or any 1382
limitation based upon affiliation with or approval by any 1383
person, directly or indirectly, employing race, color, religion, 1384
sex, ~~military status, familial status~~ancestry, national origin, 1385
familial status, disability, or ancestry ~~sexual orientation,~~ 1386
gender identity or expression, or military status, as a 1387
condition of affiliation or approval. 1388

(12) "Burial lot" means any lot for the burial of deceased 1389
persons within any public burial ground or cemetery, including, 1390
but not limited to, cemeteries owned and operated by municipal 1391
corporations, townships, or companies or associations 1392
incorporated for cemetery purposes. 1393

(13) "Disability" means a physical or mental impairment 1394
that substantially limits one or more major life activities, 1395
including the functions of caring for one's self, performing 1396
manual tasks, walking, seeing, hearing, speaking, breathing, 1397
learning, and working; a record of a physical or mental 1398
impairment; or being regarded as having a physical or mental 1399
impairment. 1400

(14) Except as otherwise provided in section 4112.021 of 1401
the Revised Code, "age" means at least forty years old. 1402

(15) "Familial status" means either of the following: 1403

(a) One or more individuals who are under eighteen years 1404
of age and who are domiciled with a parent or guardian having 1405
legal custody of the individual or domiciled, with the written 1406
permission of the parent or guardian having legal custody, with 1407
a designee of the parent or guardian; 1408

(b) Any person who is pregnant or in the process of 1409
securing legal custody of any individual who is under eighteen 1410
years of age. 1411

(16) (a) Except as provided in division (A) (16) (b) of this 1412
section, "physical or mental impairment" includes any of the 1413
following: 1414

(i) Any physiological disorder or condition, cosmetic 1415
disfigurement, or anatomical loss affecting one or more of the 1416
following body systems: neurological; musculoskeletal; special 1417
sense organs; respiratory, including speech organs; 1418
cardiovascular; reproductive; digestive; genito-urinary; hemic 1419
and lymphatic; skin; and endocrine; 1420

(ii) Any mental or psychological disorder, including, but 1421
not limited to, intellectual disability, organic brain syndrome, 1422
emotional or mental illness, and specific learning disabilities; 1423

(iii) Diseases and conditions, including, but not limited 1424
to, orthopedic, visual, speech, and hearing impairments, 1425
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1426
sclerosis, cancer, heart disease, diabetes, human 1427
immunodeficiency virus infection, intellectual disability, 1428
emotional illness, drug addiction, and alcoholism. 1429

(b) "Physical or mental impairment" does not include any 1430
of the following: 1431

(i) ~~Homosexuality and bisexuality;~~ 1432

(ii) Transvestism, transsexualism, pedophilia, <u>Pedophilia,</u>	1433
exhibitionism, voyeurism, gender identity disorders not	1434
resulting from physical impairments, or other sexual behavior	1435
disorders <u>with corresponding criminal behavior;</u>	1436
(iii) <u>(ii)</u> Compulsive gambling, kleptomania, or pyromania;	1437
(iv) <u>(iii)</u> Psychoactive substance use disorders resulting	1438
from the current illegal use of a controlled substance or the	1439
current use of alcoholic beverages.	1440
(17) "Dwelling unit" means a single unit of residence for	1441
a family of one or more persons.	1442
(18) "Common use areas" means rooms, spaces, or elements	1443
inside or outside a building that are made available for the use	1444
of residents of the building or their guests, and includes, but	1445
is not limited to, hallways, lounges, lobbies, laundry rooms,	1446
refuse rooms, mail rooms, recreational areas, and passageways	1447
among and between buildings.	1448
(19) "Public use areas" means interior or exterior rooms	1449
or spaces of a privately or publicly owned building that are	1450
made available to the general public.	1451
(20) "Controlled substance" has the same meaning as in	1452
section 3719.01 of the Revised Code.	1453
(21) "Disabled tenant" means a tenant or prospective	1454
tenant who is a person with a disability.	1455
(22) "Military status" means a person's status in "service	1456
in the uniformed services" as defined in section 5923.05 of the	1457
Revised Code.	1458
(23) "Aggrieved person" includes both of the following:	1459

(a) Any person who claims to have been injured by any 1460
unlawful discriminatory practice described in division (H) of 1461
section 4112.02 of the Revised Code; 1462

(b) Any person who believes that the person will be 1463
injured by, any unlawful discriminatory practice described in 1464
division (H) of section 4112.02 of the Revised Code that is 1465
about to occur. 1466

(24) "Sexual orientation" means actual or perceived, 1467
heterosexuality, homosexuality, or bisexuality. 1468

(25) "Gender identity or expression" means the gender- 1469
related identity, appearance, or mannerisms or other gender- 1470
related characteristics of an individual, without regard to the 1471
individual's designated sex at birth. 1472

(B) For the purposes of divisions (A) to (F) of section 1473
4112.02 of the Revised Code, the terms "because of sex" and "on 1474
the basis of sex" include, but are not limited to, because of or 1475
on the basis of pregnancy, any illness arising out of and 1476
occurring during the course of a pregnancy, childbirth, or 1477
related medical conditions. Women affected by pregnancy, 1478
childbirth, or related medical conditions shall be treated the 1479
same for all employment-related purposes, including receipt of 1480
benefits under fringe benefit programs, as other persons not so 1481
affected but similar in their ability or inability to work, and 1482
nothing in division (B) of section 4111.17 of the Revised Code 1483
shall be interpreted to permit otherwise. This division shall 1484
not be construed to require an employer to pay for health 1485
insurance benefits for abortion, except where the life of the 1486
mother would be endangered if the fetus were carried to term or 1487
except where medical complications have arisen from the 1488
abortion, provided that nothing in this division precludes an 1489

employer from providing abortion benefits or otherwise affects 1490
bargaining agreements in regard to abortion. 1491

Sec. 4112.02. It shall be an unlawful discriminatory 1492
practice: 1493

(A) For any employer, because of the race, color, 1494
religion, sex, age, ancestry, national origin, disability, 1495
sexual orientation, gender identity or expression, or military 1496
status, national origin, disability, age, or ancestry of any 1497
person, to discharge without just cause, to refuse to hire, or 1498
otherwise to discriminate against that person with respect to 1499
hire, tenure, terms, conditions, or privileges of employment, or 1500
any matter directly or indirectly related to employment. 1501

(B) For an employment agency or personnel placement 1502
service, because of race, color, religion, sex, age, ancestry, 1503
national origin, disability, sexual orientation, gender identity 1504
or expression, or military status, national origin, disability, 1505
age, or ancestry, to do any of the following: 1506

(1) Refuse or fail to accept, register, classify properly, 1507
or refer for employment, or otherwise discriminate against any 1508
person; 1509

(2) Comply with a request from an employer for referral of 1510
applicants for employment if the request directly or indirectly 1511
indicates that the employer fails to comply with the provisions 1512
of sections 4112.01 to 4112.07 of the Revised Code. 1513

(C) For any labor organization to do any of the following: 1514

(1) Limit or classify its membership on the basis of race, 1515
color, religion, sex, age, ancestry, national origin, 1516
disability, sexual orientation, gender identity or expression, 1517
or military status, national origin, disability, age, or 1518

ancestry; 1519

(2) Discriminate against, limit the employment 1520
opportunities of, or otherwise adversely affect the employment 1521
status, wages, hours, or employment conditions of any person as 1522
an employee because of race, color, religion, sex, age, 1523
ancestry, national origin, disability, sexual orientation, 1524
gender identity or expression, or military status,~~national~~ 1525
~~origin, disability, age, or ancestry.~~ 1526

(D) For any employer, labor organization, or joint labor- 1527
management committee controlling apprentice training programs to 1528
discriminate against any person because of race, color, 1529
religion, sex, ancestry, national origin, disability, sexual 1530
orientation, gender identity or expression, or military status, ~~1531
national origin, disability, or ancestry~~ in admission to, or 1532
employment in, any program established to provide apprentice 1533
training. 1534

(E) Except where based on a bona fide occupational 1535
qualification certified in advance by the commission, for any 1536
employer, employment agency, personnel placement service, or 1537
labor organization, prior to employment or admission to 1538
membership, to do any of the following: 1539

(1) Elicit or attempt to elicit any information concerning 1540
the race, color, religion, sex, age, ancestry, national origin, 1541
disability, sexual orientation, gender identity or expression, 1542
or military status,~~national origin, disability, age, or~~ 1543
~~ancestry~~ of an applicant for employment or membership; 1544

(2) Make or keep a record of the race, color, religion, 1545
sex, age, ancestry, national origin, disability, sexual 1546
orientation, gender identity or expression, or military status, ~~1547~~

~~national origin, disability, age, or ancestry~~ of any applicant 1548
for employment or membership; 1549

(3) Use any form of application for employment, or 1550
personnel or membership blank, seeking to elicit information 1551
regarding race, color, religion, sex, age, ancestry, national 1552
origin, disability, sexual orientation, gender identity or 1553
expression, or military status,~~national origin, disability,~~ 1554
~~age, or ancestry;~~ but an employer holding a contract containing 1555
a nondiscrimination clause with the government of the United 1556
States, or any department or agency of that government, may 1557
require an employee or applicant for employment to furnish 1558
documentary proof of United States citizenship and may retain 1559
that proof in the employer's personnel records and may use 1560
photographic or fingerprint identification for security 1561
purposes; 1562

(4) Print or publish or cause to be printed or published 1563
any notice or advertisement relating to employment or membership 1564
indicating any preference, limitation, specification, or 1565
discrimination, based upon race, color, religion, sex, age, 1566
ancestry, national origin, disability, sexual orientation, 1567
gender identity or expression, or military status,~~national~~ 1568
~~origin, disability, age, or ancestry;~~ 1569

(5) Announce or follow a policy of denying or limiting, 1570
through a quota system or otherwise, employment or membership 1571
opportunities of any group because of the race, color, religion, 1572
sex, age, ancestry, national origin, disability, sexual 1573
orientation, gender identity or expression, or military status,~~—~~ 1574
~~national origin, disability, age, or ancestry~~ of that group; 1575

(6) Utilize in the recruitment or hiring of persons any 1576
employment agency, personnel placement service, training school 1577

or center, labor organization, or any other employee-referring 1578
source known to discriminate against persons because of their 1579
race, color, religion, sex, age, ancestry, national origin, 1580
disability, sexual orientation, gender identity or expression, 1581
or military status,~~national origin, disability, age, or~~ 1582
~~ancestry.~~ 1583

(F) For any person seeking employment to publish or cause 1584
to be published any advertisement that specifies or in any 1585
manner indicates that person's race, color, religion, sex, age, 1586
ancestry, national origin, disability, sexual orientation, 1587
gender identity or expression, or military status,~~national~~ 1588
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1589
or preference as to the race, color, religion, sex, age, 1590
ancestry, national origin, disability, sexual orientation, 1591
gender identity or expression, or military status,~~national~~ 1592
~~origin, disability, age, or ancestry~~ of any prospective 1593
employer. 1594

(G) For any proprietor or any employee, keeper, or manager 1595
of a place of public accommodation to deny to any person, except 1596
for reasons applicable alike to all persons regardless of race, 1597
color, religion, sex, age, ancestry, national origin, 1598
disability, sexual orientation, gender identity or expression, 1599
or military status,~~national origin, disability, age, or~~ 1600
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1601
facilities, or privileges of the place of public accommodation. 1602

(H) Subject to section 4112.024 of the Revised Code, for 1603
any person to do any of the following: 1604

(1) Refuse to sell, transfer, assign, rent, lease, 1605
sublease, or finance housing accommodations, refuse to negotiate 1606
for the sale or rental of housing accommodations, or otherwise 1607

deny or make unavailable housing accommodations because of race, 1608
color, religion, sex, ancestry, national origin, familial 1609
status, disability, sexual orientation, gender identity or 1610
expression, or military status, ~~familial status, ancestry,~~ 1611
~~disability, or national origin;~~ 1612

(2) Represent to any person that housing accommodations 1613
are not available for inspection, sale, or rental, when in fact 1614
they are available, because of race, color, religion, sex, 1615
ancestry, national origin, familial status, disability, sexual 1616
orientation, gender identity or expression, or military status, 1617
~~familial status, ancestry, disability, or national origin;~~ 1618

(3) Discriminate against any person in the making or 1619
purchasing of loans or the provision of other financial 1620
assistance for the acquisition, construction, rehabilitation, 1621
repair, or maintenance of housing accommodations, or any person 1622
in the making or purchasing of loans or the provision of other 1623
financial assistance that is secured by residential real estate, 1624
because of race, color, religion, sex, ancestry, national 1625
origin, familial status, disability, sexual orientation, gender 1626
identity or expression, or military status, ~~familial status,~~ 1627
~~ancestry, disability, or national origin~~ or because of the 1628
racial composition of the neighborhood in which the housing 1629
accommodations are located, provided that the person, whether an 1630
individual, corporation, or association of any type, lends money 1631
as one of the principal aspects or incident to the person's 1632
principal business and not only as a part of the purchase price 1633
of an owner-occupied residence the person is selling nor merely 1634
casually or occasionally to a relative or friend; 1635

(4) Discriminate against any person in the terms or 1636
conditions of selling, transferring, assigning, renting, 1637

leasing, or subleasing any housing accommodations or in 1638
furnishing facilities, services, or privileges in connection 1639
with the ownership, occupancy, or use of any housing 1640
accommodations, including the sale of fire, extended coverage, 1641
or homeowners insurance, because of race, color, religion, sex, 1642
ancestry, national origin, familial status, disability, sexual 1643
orientation, gender identity or expression, or military status, 1644
~~familial status, ancestry, disability, or national origin~~ or 1645
because of the racial composition of the neighborhood in which 1646
the housing accommodations are located; 1647

(5) Discriminate against any person in the terms or 1648
conditions of any loan of money, whether or not secured by 1649
mortgage or otherwise, for the acquisition, construction, 1650
rehabilitation, repair, or maintenance of housing accommodations 1651
because of race, color, religion, sex, ancestry, national 1652
origin, familial status, disability, sexual orientation, gender 1653
identity or expression, or military status, ~~familial status,~~ 1654
~~ancestry, disability, or national origin~~ or because of the 1655
racial composition of the neighborhood in which the housing 1656
accommodations are located; 1657

(6) Refuse to consider without prejudice the combined 1658
income of both husband and wife for the purpose of extending 1659
mortgage credit to a married couple or either member of a 1660
married couple; 1661

(7) Print, publish, or circulate any statement or 1662
advertisement, or make or cause to be made any statement or 1663
advertisement, relating to the sale, transfer, assignment, 1664
rental, lease, sublease, or acquisition of any housing 1665
accommodations, or relating to the loan of money, whether or not 1666
secured by mortgage or otherwise, for the acquisition, 1667

construction, rehabilitation, repair, or maintenance of housing 1668
accommodations, that indicates any preference, limitation, 1669
specification, or discrimination based upon race, color, 1670
religion, sex, ancestry, national origin, familial status, 1671
disability, sexual orientation, gender identity or expression, 1672
or military status, ~~familial status, ancestry, disability, or~~ 1673
~~national origin,~~ or an intention to make any such preference, 1674
limitation, specification, or discrimination; 1675

(8) Except as otherwise provided in division (H) (8) or 1676
(17) of this section, make any inquiry, elicit any information, 1677
make or keep any record, or use any form of application 1678
containing questions or entries concerning race, color, 1679
religion, sex, ancestry, national origin, familial status, 1680
disability, sexual orientation, gender identity or expression, 1681
or military status, ~~familial status, ancestry, disability, or~~ 1682
~~national origin~~ in connection with the sale or lease of any 1683
housing accommodations or the loan of any money, whether or not 1684
secured by mortgage or otherwise, for the acquisition, 1685
construction, rehabilitation, repair, or maintenance of housing 1686
accommodations. Any person may make inquiries, and make and keep 1687
records, concerning race, color, religion, sex, ancestry, 1688
national origin, familial status, disability, sexual 1689
orientation, gender identity or expression, or military status, 1690
~~familial status, ancestry, disability, or national origin~~ for 1691
the purpose of monitoring compliance with this chapter. 1692

(9) Include in any transfer, rental, or lease of housing 1693
accommodations any restrictive covenant, or honor or exercise, 1694
or attempt to honor or exercise, any restrictive covenant; 1695

(10) Induce or solicit, or attempt to induce or solicit, a 1696
housing accommodations listing, sale, or transaction by 1697

representing that a change has occurred or may occur with 1698
respect to the racial, religious, sexual, familial status, 1699
sexual orientation, gender identity or expression, military 1700
status, ~~familial status,~~ or ethnic composition of the block, 1701
neighborhood, or other area in which the housing accommodations 1702
are located, or induce or solicit, or attempt to induce or 1703
solicit, a housing accommodations listing, sale, or transaction 1704
by representing that the presence or anticipated presence of 1705
persons of any race, color, religion, sex, ancestry, national 1706
origin, familial status, disability, sexual orientation, gender 1707
identity or expression, or military status, ~~familial status,~~ 1708
~~ancestry, disability, or national origin,~~ in the block, 1709
neighborhood, or other area will or may have results including, 1710
but not limited to, the following: 1711

(a) The lowering of property values; 1712

(b) A change in the racial, religious, sexual, familial 1713
status, sexual orientation, gender identity or expression, 1714
military status, ~~familial status,~~ or ethnic composition of the 1715
block, neighborhood, or other area; 1716

(c) An increase in criminal or antisocial behavior in the 1717
block, neighborhood, or other area; 1718

(d) A decline in the quality of the schools serving the 1719
block, neighborhood, or other area. 1720

(11) Deny any person access to or membership or 1721
participation in any multiple-listing service, real estate 1722
brokers' organization, or other service, organization, or 1723
facility relating to the business of selling or renting housing 1724
accommodations, or discriminate against any person in the terms 1725
or conditions of that access, membership, or participation, on 1726

account of race, color, religion, sex, ancestry, national 1727
origin, familial status, disability, sexual orientation, gender 1728
identity or expression, or military status, ~~familial status,~~ 1729
~~national origin, disability, or ancestry;~~ 1730

(12) Coerce, intimidate, threaten, or interfere with any 1731
person in the exercise or enjoyment of, or on account of that 1732
person's having exercised or enjoyed or having aided or 1733
encouraged any other person in the exercise or enjoyment of, any 1734
right granted or protected by division (H) of this section; 1735

(13) Discourage or attempt to discourage the purchase by a 1736
prospective purchaser of housing accommodations, by representing 1737
that any block, neighborhood, or other area has undergone or 1738
might undergo a change with respect to its racial, religious, 1739
~~racial, sexual, familial status, sexual orientation, gender~~ 1740
identity or expression, military status, ~~familial status,~~ or 1741
ethnic composition; 1742

(14) Refuse to sell, transfer, assign, rent, lease, 1743
sublease, or finance, or otherwise deny or withhold, a burial 1744
lot from any person because of the race, color, sex, age, 1745
ancestry, national origin, familial status, disability, sexual 1746
orientation, gender identity or expression, or military status, ~~—~~ 1747
~~familial status, age, ancestry, disability, or national origin—~~ 1748
of any prospective owner or user of the lot; 1749

(15) Discriminate in the sale or rental of, or otherwise 1750
make unavailable or deny, housing accommodations to any buyer or 1751
renter because of a disability of any of the following: 1752

(a) The buyer or renter; 1753

(b) A person residing in or intending to reside in the 1754
housing accommodations after they are sold, rented, or made 1755

available;	1756
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	1757 1758
(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:	1759 1760 1761 1762 1763
(a) That person;	1764
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	1765 1766 1767
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	1768 1769
(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:	1770 1771 1772 1773 1774 1775 1776 1777 1778 1779 1780
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	1781 1782
(b) An inquiry to determine whether an applicant is	1783

qualified for housing accommodations available only to persons 1784
with disabilities or persons with a particular type of 1785
disability; 1786

(c) An inquiry to determine whether an applicant is 1787
qualified for a priority available to persons with disabilities 1788
or persons with a particular type of disability; 1789

(d) An inquiry to determine whether an applicant currently 1790
uses a controlled substance in violation of section 2925.11 of 1791
the Revised Code or a substantively comparable municipal 1792
ordinance; 1793

(e) An inquiry to determine whether an applicant at any 1794
time has been convicted of or pleaded guilty to any offense, an 1795
element of which is the illegal sale, offer to sell, 1796
cultivation, manufacture, other production, shipment, 1797
transportation, delivery, or other distribution of a controlled 1798
substance. 1799

(18) (a) Refuse to permit, at the expense of a person with 1800
a disability, reasonable modifications of existing housing 1801
accommodations that are occupied or to be occupied by the person 1802
with a disability, if the modifications may be necessary to 1803
afford the person with a disability full enjoyment of the 1804
housing accommodations. This division does not preclude a 1805
landlord of housing accommodations that are rented or to be 1806
rented to a disabled tenant from conditioning permission for a 1807
proposed modification upon the disabled tenant's doing one or 1808
more of the following: 1809

(i) Providing a reasonable description of the proposed 1810
modification and reasonable assurances that the proposed 1811
modification will be made in a workerlike manner and that any 1812

required building permits will be obtained prior to the 1813
commencement of the proposed modification; 1814

(ii) Agreeing to restore at the end of the tenancy the 1815
interior of the housing accommodations to the condition they 1816
were in prior to the proposed modification, but subject to 1817
reasonable wear and tear during the period of occupancy, if it 1818
is reasonable for the landlord to condition permission for the 1819
proposed modification upon the agreement; 1820

(iii) Paying into an interest-bearing escrow account that 1821
is in the landlord's name, over a reasonable period of time, a 1822
reasonable amount of money not to exceed the projected costs at 1823
the end of the tenancy of the restoration of the interior of the 1824
housing accommodations to the condition they were in prior to 1825
the proposed modification, but subject to reasonable wear and 1826
tear during the period of occupancy, if the landlord finds the 1827
account reasonably necessary to ensure the availability of funds 1828
for the restoration work. The interest earned in connection with 1829
an escrow account described in this division shall accrue to the 1830
benefit of the disabled tenant who makes payments into the 1831
account. 1832

(b) A landlord shall not condition permission for a 1833
proposed modification upon a disabled tenant's payment of a 1834
security deposit that exceeds the customarily required security 1835
deposit of all tenants of the particular housing accommodations. 1836

(19) Refuse to make reasonable accommodations in rules, 1837
policies, practices, or services when necessary to afford a 1838
person with a disability equal opportunity to use and enjoy a 1839
dwelling unit, including associated public and common use areas; 1840

(20) Fail to comply with the standards and rules adopted 1841

under division (A) of section 3781.111 of the Revised Code; 1842

(21) Discriminate against any person in the selling, 1843
brokering, or appraising of real property because of race, 1844
color, religion, sex, ancestry, national origin, familial 1845
status, disability, sexual orientation, gender identity or 1846
expression, or military status, familial status, ancestry, 1847
disability, or national origin; 1848

(22) Fail to design and construct covered multifamily 1849
dwellings for first occupancy on or after June 30, 1992, in 1850
accordance with the following conditions: 1851

(a) The dwellings shall have at least one building 1852
entrance on an accessible route, unless it is impractical to do 1853
so because of the terrain or unusual characteristics of the 1854
site. 1855

(b) With respect to dwellings that have a building 1856
entrance on an accessible route, all of the following apply: 1857

(i) The public use areas and common use areas of the 1858
dwellings shall be readily accessible to and usable by persons 1859
with a disability. 1860

(ii) All the doors designed to allow passage into and 1861
within all premises shall be sufficiently wide to allow passage 1862
by persons with a disability who are in wheelchairs. 1863

(iii) All premises within covered multifamily dwelling 1864
units shall contain an accessible route into and through the 1865
dwelling; all light switches, electrical outlets, thermostats, 1866
and other environmental controls within such units shall be in 1867
accessible locations; the bathroom walls within such units shall 1868
contain reinforcements to allow later installation of grab bars; 1869
and the kitchens and bathrooms within such units shall be 1870

designed and constructed in a manner that enables an individual 1871
in a wheelchair to maneuver about such rooms. 1872

For purposes of division (H) (22) of this section, "covered 1873
multifamily dwellings" means buildings consisting of four or 1874
more units if such buildings have one or more elevators and 1875
ground floor units in other buildings consisting of four or more 1876
units. 1877

(I) For any person to discriminate in any manner against 1878
any other person because that person has opposed any unlawful 1879
discriminatory practice defined in this section or because that 1880
person has made a charge, testified, assisted, or participated 1881
in any manner in any investigation, proceeding, or hearing under 1882
sections 4112.01 to 4112.07 of the Revised Code. 1883

(J) For any person to aid, abet, incite, compel, or coerce 1884
the doing of any act declared by this section to be an unlawful 1885
discriminatory practice, to obstruct or prevent any person from 1886
complying with this chapter or any order issued under it, or to 1887
attempt directly or indirectly to commit any act declared by 1888
this section to be an unlawful discriminatory practice. 1889

(K) Nothing in divisions (A) to (E) of this section shall 1890
be construed to require a person with a disability to be 1891
employed or trained under circumstances that would significantly 1892
increase the occupational hazards affecting either the person 1893
with a disability, other employees, the general public, or the 1894
facilities in which the work is to be performed, or to require 1895
the employment or training of a person with a disability in a 1896
job that requires the person with a disability routinely to 1897
undertake any task, the performance of which is substantially 1898
and inherently impaired by the person's disability. 1899

(L) An aggrieved individual may enforce the individual's 1900
rights relative to discrimination on the basis of age as 1901
provided for in this section by instituting a civil action, 1902
within one hundred eighty days after the alleged unlawful 1903
discriminatory practice occurred, in any court with jurisdiction 1904
for any legal or equitable relief that will effectuate the 1905
individual's rights. 1906

A person who files a civil action under this division is 1907
barred, with respect to the practices complained of, from 1908
instituting a civil action under section 4112.14 of the Revised 1909
Code and from filing a charge with the commission under section 1910
4112.05 of the Revised Code. 1911

(M) With regard to age, it shall not be an unlawful 1912
discriminatory practice and it shall not constitute a violation 1913
of division (A) of section 4112.14 of the Revised Code for any 1914
employer, employment agency, joint labor-management committee 1915
controlling apprenticeship training programs, or labor 1916
organization to do any of the following: 1917

(1) Establish bona fide employment qualifications 1918
reasonably related to the particular business or occupation that 1919
may include standards for skill, aptitude, physical capability, 1920
intelligence, education, maturation, and experience; 1921

(2) Observe the terms of a bona fide seniority system or 1922
any bona fide employee benefit plan, including, but not limited 1923
to, a retirement, pension, or insurance plan, that is not a 1924
subterfuge to evade the purposes of this section. However, no 1925
such employee benefit plan shall excuse the failure to hire any 1926
individual, and no such seniority system or employee benefit 1927
plan shall require or permit the involuntary retirement of any 1928
individual, because of the individual's age except as provided 1929

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.

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

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

(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;	1959 1960 1961
(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code;	1962 1963 1964
(4) The maximum age requirements established for original appointment to a police department or fire department in sections 124.41 and 124.42 of the Revised Code;	1965 1966 1967
(5) Any maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter;	1968 1969 1970 1971
(6) Any mandatory retirement provision not in conflict with federal law of a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters;	1972 1973 1974 1975
(7) Until January 1, 1994, the mandatory retirement of any employee who has attained seventy years of age and who is serving under a contract of unlimited tenure, or similar arrangement providing for unlimited tenure, at an institution of higher education as defined in the "Education Amendments of 1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a).	1976 1977 1978 1979 1980 1981
(O) (1) (a) Except as provided in division (O) (1) (b) of this section, for purposes of divisions (A) to (E) of this section, a disability does not include any physiological disorder or condition, mental or psychological disorder, or disease or condition caused by an illegal use of any controlled substance by an employee, applicant, or other person, if an employer,	1982 1983 1984 1985 1986 1987

employment agency, personnel placement service, labor 1988
organization, or joint labor-management committee acts on the 1989
basis of that illegal use. 1990

(b) Division (O)(1)(a) of this section does not apply to 1991
an employee, applicant, or other person who satisfies any of the 1992
following: 1993

(i) The employee, applicant, or other person has 1994
successfully completed a supervised drug rehabilitation program 1995
and no longer is engaging in the illegal use of any controlled 1996
substance, or the employee, applicant, or other person otherwise 1997
successfully has been rehabilitated and no longer is engaging in 1998
that illegal use. 1999

(ii) The employee, applicant, or other person is 2000
participating in a supervised drug rehabilitation program and no 2001
longer is engaging in the illegal use of any controlled 2002
substance. 2003

(iii) The employee, applicant, or other person is 2004
erroneously regarded as engaging in the illegal use of any 2005
controlled substance, but the employee, applicant, or other 2006
person is not engaging in that illegal use. 2007

(2) Divisions (A) to (E) of this section do not prohibit 2008
an employer, employment agency, personnel placement service, 2009
labor organization, or joint labor-management committee from 2010
doing any of the following: 2011

(a) Adopting or administering reasonable policies or 2012
procedures, including, but not limited to, testing for the 2013
illegal use of any controlled substance, that are designed to 2014
ensure that an individual described in division (O)(1)(b)(i) or 2015
(ii) of this section no longer is engaging in the illegal use of 2016

any controlled substance;	2017
(b) Prohibiting the illegal use of controlled substances	2018
and the use of alcohol at the workplace by all employees;	2019
(c) Requiring that employees not be under the influence of	2020
alcohol or not be engaged in the illegal use of any controlled	2021
substance at the workplace;	2022
(d) Requiring that employees behave in conformance with	2023
the requirements established under "The Drug-Free Workplace Act	2024
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;	2025
(e) Holding an employee who engages in the illegal use of	2026
any controlled substance or who is an alcoholic to the same	2027
qualification standards for employment or job performance, and	2028
the same behavior, to which the employer, employment agency,	2029
personnel placement service, labor organization, or joint labor-	2030
management committee holds other employees, even if any	2031
unsatisfactory performance or behavior is related to an	2032
employee's illegal use of a controlled substance or alcoholism;	2033
(f) Exercising other authority recognized in the	2034
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42	2035
U.S.C.A. 12101, as amended, including, but not limited to,	2036
requiring employees to comply with any applicable federal	2037
standards.	2038
(3) For purposes of this chapter, a test to determine the	2039
illegal use of any controlled substance does not include a	2040
medical examination.	2041
(4) Division (0) of this section does not encourage,	2042
prohibit, or authorize, and shall not be construed as	2043
encouraging, prohibiting, or authorizing, the conduct of testing	2044
for the illegal use of any controlled substance by employees,	2045

applicants, or other persons, or the making of employment 2046
decisions based on the results of that type of testing. 2047

(P) This section does not apply to a religious 2048
corporation, association, educational institution, or society 2049
with respect to the employment of an individual of a particular 2050
religion to perform work connected with the carrying on by that 2051
religious corporation, association, educational institution, or 2052
society of its activities. 2053

The unlawful discriminatory practices defined in this 2054
section do not make it unlawful for a person or an appointing 2055
authority administering an examination under section 124.23 of 2056
the Revised Code to obtain information about an applicant's 2057
military status for the purpose of determining if the applicant 2058
is eligible for the additional credit that is available under 2059
that section. 2060

(Q) It shall be an unlawful discriminatory practice for 2061
any employer, employment agency, or labor organization to limit, 2062
segregate, or classify its employees or applicants for 2063
employment in any way that would deprive or tend to deprive any 2064
individual of employment or otherwise adversely affect the 2065
status of the individual as an employee because of the 2066
individual's actual or perceived sexual orientation or gender 2067
identity or expression. 2068

Sec. 4112.021. (A) As used in this section: 2069

(1) "Credit" means the right granted by a creditor to a 2070
person to defer payment of a debt, to incur debt and defer its 2071
payment, or to purchase property or services and defer payment 2072
for the property or services. 2073

(2) "Creditor" means any person who regularly extends, 2074

renews, or continues credit, any person who regularly arranges 2075
for the extension, renewal, or continuation of credit, or any 2076
assignee of an original creditor who participates in the 2077
decision to extend, renew, or continue credit, whether or not 2078
any interest or finance charge is required. 2079

(3) "Credit reporting agency" means any person who, for 2080
monetary fees or dues or on a cooperative nonprofit basis, 2081
regularly assembles or evaluates credit information for the 2082
purpose of furnishing credit reports to creditors. 2083

(4) "Age" means any age of eighteen years or older. 2084

(B) It shall be an unlawful discriminatory practice: 2085

(1) For any creditor to do any of the following: 2086

(a) Discriminate against any applicant for credit in the 2087
granting, withholding, extending, or renewing of credit, or in 2088
the fixing of the rates, terms, or conditions of any form of 2089
credit, on the basis of race, color, religion, sex, age, ~~sex~~ 2090
ancestry, national origin, marital status, disability, sexual 2091
orientation, gender identity or expression, or military status, 2092
~~marital status, national origin, disability, or ancestry,~~ except 2093
that this division shall not apply with respect to age in any 2094
real estate transaction between a financial institution, a 2095
dealer in intangibles, or an insurance company as defined in 2096
section 5725.01 of the Revised Code and its customers; 2097

(b) Use or make any inquiry as to race, color, religion, 2098
sex, age, ~~sex~~ ancestry, national origin, marital status, 2099
disability, sexual orientation, gender identity or expression, 2100
or military status, ~~marital status, national origin, disability,~~ 2101
~~or ancestry~~ for the purpose of limiting or specifying those 2102
persons to whom credit will be granted, except that an inquiry 2103

of marital status does not constitute discrimination for the 2104
purposes of this section if the inquiry is made for the purpose 2105
of ascertaining the creditor's rights and remedies applicable to 2106
the particular extension of credit, and except that creditors 2107
are excepted from this division with respect to any inquiry, 2108
elicitation of information, record, or form of application 2109
required of a particular creditor by any instrumentality or 2110
agency of the United States, or required of a particular 2111
creditor by any agency or instrumentality to enforce the "Civil 2112
Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 2113

(c) Refuse to consider the sources of income of an 2114
applicant for credit, or disregard or ignore the income of an 2115
applicant, in whole or in part, on the basis of race, color, 2116
religion, sex, age, ~~sex~~, ancestry, national origin, marital 2117
status, disability, sexual orientation, gender identity or 2118
expression, or military status, ~~marital status, disability,~~ 2119
national origin, or ancestry; 2120

(d) Refuse to grant credit to an individual in any name 2121
that individual customarily uses, if it has been determined in 2122
the normal course of business that the creditor will grant 2123
credit to the individual; 2124

(e) Impose any special requirements or conditions, 2125
including, but not limited to, a requirement for co-obligors or 2126
reapplication, upon any applicant or class of applicants on the 2127
basis of race, color, religion, sex, age, ~~sex~~ ancestry, national 2128
origin, marital status, disability, sexual orientation, gender 2129
identity or expression, or military status, ~~marital status,~~ 2130
national origin, disability, or ancestry in circumstances where 2131
similar requirements or conditions are not imposed on other 2132
applicants similarly situated, unless the special requirements 2133

or conditions that are imposed with respect to age are the 2134
result of a real estate transaction exempted under division (B) 2135
(1) (a) of this section or are the result of programs that grant 2136
preferences to certain age groups administered by 2137
instrumentalities or agencies of the United States, a state, or 2138
a political subdivision of a state; 2139

(f) Fail or refuse to provide an applicant for credit a 2140
written statement of the specific reasons for rejection of the 2141
application if requested in writing by the applicant within 2142
sixty days of the rejection. The creditor shall provide the 2143
written statement of the specific reason for rejection within 2144
thirty days after receipt of a request of that nature. For 2145
purposes of this section, a statement that the applicant was 2146
rejected solely on the basis of information received from a 2147
credit reporting agency or because the applicant failed to meet 2148
the standards required by the creditor's credit scoring system, 2149
uniformly applied, shall constitute a specific reason for 2150
rejection. 2151

(g) Fail or refuse to print on or firmly attach to each 2152
application for credit, in a type size no smaller than that used 2153
throughout most of the application form, the following notice: 2154
"The Ohio laws against discrimination require that all creditors 2155
make credit equally available to all credit worthy customers, 2156
and that credit reporting agencies maintain separate credit 2157
histories on each individual upon request. The Ohio civil rights 2158
commission administers compliance with this law." This notice is 2159
not required to be included in applications that have a multi- 2160
state distribution if the notice is mailed to the applicant with 2161
the notice of acceptance or rejection of the application. 2162

(h) Fail or refuse on the basis of race, color, religion, 2163

sex, age, ~~sex~~ ancestry, national origin, marital status, 2164
disability, sexual orientation, gender identity or expression, 2165
or military status, marital status, national origin, disability, 2166
~~or ancestry~~ to maintain, upon the request of the individual, a 2167
separate account for each individual to whom credit is extended; 2168

(i) Fail or refuse on the basis of race, color, religion, 2169
sex, age, ~~sex~~ ancestry, national origin, marital status, 2170
disability, sexual orientation, gender identity or expression, 2171
or military status, marital status, national origin, disability, 2172
~~or ancestry~~ to maintain records on any account established after 2173
November 1, 1976, to furnish information on the accounts to 2174
credit reporting agencies in a manner that clearly designates 2175
the contractual liability for repayment as indicated on the 2176
application for the account, and, if more than one individual is 2177
contractually liable for repayment, to maintain records and 2178
furnish information in the name of each individual. This 2179
division does not apply to individuals who are contractually 2180
liable only if the primary party defaults on the account. 2181

(2) For any credit reporting agency to do any of the 2182
following: 2183

(a) Fail or refuse on the basis of race, color, religion, 2184
sex, age, ~~sex~~ ancestry, national origin, marital status, 2185
disability, sexual orientation, gender identity or expression, 2186
or military status, marital status, national origin, disability, 2187
~~or ancestry~~ to maintain, upon the request of the individual, a 2188
separate file on each individual about whom information is 2189
assembled or evaluated; 2190

(b) Fail or refuse on the basis of race, color, religion, 2191
sex, age, ~~sex~~ ancestry, national origin, marital status, 2192
disability, sexual orientation, gender identity or expression, 2193

~~or military status, marital status, national origin, disability,~~ 2194
~~or ancestry~~ to clearly note, maintain, and report any 2195
information furnished it under division (B) (1) (i) of this 2196
section. 2197

(C) This section does not prohibit a creditor from 2198
requesting the signature of both spouses to create a valid lien, 2199
pass clear title, or waive inchoate rights to property. 2200

(D) The rights granted by this section may be enforced by 2201
aggrieved individuals by filing a civil action in a court of 2202
common pleas within one hundred eighty days after the alleged 2203
unlawful discriminatory practice occurred. Upon application by 2204
the plaintiff and in circumstances that the court considers 2205
just, the court in which a civil action under this section is 2206
brought may appoint an attorney for the plaintiff and may 2207
authorize the commencement of a civil action upon proper showing 2208
without the payment of costs. If the court finds that an 2209
unlawful discriminatory practice prohibited by this section 2210
occurred or is about to occur, the court may grant relief that 2211
it considers appropriate, including a permanent or temporary 2212
injunction, temporary restraining order, or other order, and may 2213
award to the plaintiff compensatory and punitive damages of not 2214
less than one hundred dollars, together with attorney's fees and 2215
court costs. 2216

(E) Nothing contained in this section shall bar a creditor 2217
from reviewing an application for credit on the basis of 2218
established criteria used in the normal course of business for 2219
the determination of the credit worthiness of the individual 2220
applicant for credit, including the credit history of the 2221
applicant. 2222

Sec. 4112.04. (A) The commission shall do all of the 2223

following:	2224
(1) Establish and maintain a principal office in the city of Columbus and any other offices within the state that it considers necessary;	2225 2226 2227
(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.	2228 2229 2230 2231
(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;	2232 2233 2234
(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;	2235 2236 2237
(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;	2238 2239 2240
(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;	2241 2242
(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, <u>age, ancestry, national origin, familial status, disability, sexual orientation, gender identity or expression, or military status,</u> familial status, national origin, disability, age, or ancestry on the enjoyment of civil rights by persons within the state;	2243 2244 2245 2246 2247 2248
(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	2249 2250 2251

conducted and their outcome, the decisions it has rendered, and 2252
the other work performed by it, which report shall include a 2253
copy of any surveys prepared pursuant to division (A) (7) of this 2254
section and shall include the recommendations of the commission 2255
as to legislative or other remedial action; 2256

(9) Prepare a comprehensive educational program, in 2257
cooperation with the department of education, for the students 2258
of the primary and secondary public schools of this state and 2259
for all other residents of this state that is designed to 2260
eliminate prejudice on the basis of race, color, religion, sex, 2261
military status, familial status, national origin, disability, 2262
age, ~~or~~ ancestry, sexual orientation, or gender identity or 2263
expression in this state, to further good will among those 2264
groups, and to emphasize the origin of prejudice against those 2265
groups and discrimination, its ~~their~~ harmful effects, and ~~its~~ 2266
~~their~~ incompatibility with American principles of equality and 2267
fair play; 2268

(10) Receive progress reports from agencies, 2269
instrumentalities, institutions, boards, commissions, and other 2270
entities of this state or any of its political subdivisions and 2271
their agencies, instrumentalities, institutions, boards, 2272
commissions, and other entities regarding affirmative action 2273
programs for the employment of persons against whom 2274
discrimination is prohibited by this chapter, or regarding any 2275
affirmative housing accommodations programs developed to 2276
eliminate or reduce an imbalance of race, color, religion, sex, 2277
ancestry, national origin, familial status, disability, sexual 2278
orientation, gender identity or expression, or military status, 2279
~~familial status, national origin, disability, or ancestry~~. All 2280
agencies, instrumentalities, institutions, boards, commissions, 2281
and other entities of this state or its political subdivisions, 2282

and all political subdivisions, that have undertaken affirmative 2283
action programs pursuant to a conciliation agreement with the 2284
commission, an executive order of the governor, any federal 2285
statute or rule, or an executive order of the president of the 2286
United States shall file progress reports with the commission 2287
annually on or before the first day of November. The commission 2288
shall analyze and evaluate the progress reports and report its 2289
findings annually to the general assembly on or before the 2290
thirtieth day of January of the year immediately following the 2291
receipt of the reports. 2292

(B) The commission may do any of the following: 2293

(1) Meet and function at any place within the state; 2294

(2) Initiate and undertake on its own motion 2295
investigations of problems of employment or housing 2296
accommodations discrimination; 2297

(3) Hold hearings, subpoena witnesses, compel their 2298
attendance, administer oaths, take the testimony of any person 2299
under oath, require the production for examination of any books 2300
and papers relating to any matter under investigation or in 2301
question before the commission, and make rules as to the 2302
issuance of subpoenas by individual commissioners. 2303

(a) In conducting a hearing or investigation, the 2304
commission shall have access at all reasonable times to 2305
premises, records, documents, individuals, and other evidence or 2306
possible sources of evidence and may examine, record, and copy 2307
the premises, records, documents, and other evidence or possible 2308
sources of evidence and take and record the testimony or 2309
statements of the individuals as reasonably necessary for the 2310
furtherance of the hearing or investigation. In investigations, 2311

the commission shall comply with the fourth amendment to the 2312
United States Constitution relating to unreasonable searches and 2313
seizures. The commission or a member of the commission may issue 2314
subpoenas to compel access to or the production of premises, 2315
records, documents, and other evidence or possible sources of 2316
evidence or the appearance of individuals, and may issue 2317
interrogatories to a respondent, to the same extent and subject 2318
to the same limitations as would apply if the subpoenas or 2319
interrogatories were issued or served in aid of a civil action 2320
in a court of common pleas. 2321

(b) Upon written application by a party to a hearing under 2322
division (B) of section 4112.05 of the Revised Code, the 2323
commission shall issue subpoenas in its name to the same extent 2324
and subject to the same limitations as subpoenas issued by the 2325
commission. Subpoenas issued at the request of a party shall 2326
show on their face the name and address of the party and shall 2327
state that they were issued at the party's request. 2328

(c) Witnesses summoned by subpoena of the commission are 2329
entitled to the witness and mileage fees provided for under 2330
section 119.094 of the Revised Code. 2331

(d) Within five days after service of a subpoena upon any 2332
person, the person may petition the commission to revoke or 2333
modify the subpoena. The commission shall grant the petition if 2334
it finds that the subpoena requires an appearance or attendance 2335
at an unreasonable time or place, that it requires production of 2336
evidence that does not relate to any matter before the 2337
commission, that it does not describe with sufficient 2338
particularity the evidence to be produced, that compliance would 2339
be unduly onerous, or for other good reason. 2340

(e) In case of contumacy or refusal to obey a subpoena, 2341

the commission or person at whose request it was issued may 2342
petition for its enforcement in the court of common pleas in the 2343
county in which the person to whom the subpoena was addressed 2344
resides, was served, or transacts business. 2345

(4) Create local or statewide advisory agencies and 2346
conciliation councils to aid in effectuating the purposes of 2347
this chapter. The commission may itself, or it may empower these 2348
agencies and councils to, do either or both of the following: 2349

(a) Study the problems of discrimination in all or 2350
specific fields of human relationships when based on race, 2351
color, religion, sex, age, ancestry, national origin, familial 2352
status, disability, sexual orientation, gender identity or 2353
expression, or military status, familial status, national- 2354
origin, disability, age, or ancestry; 2355

(b) Foster through community effort, or otherwise, good 2356
will among the groups and elements of the population of the 2357
state. 2358

The agencies and councils may make recommendations to the 2359
commission for the development of policies and procedures in 2360
general. They shall be composed of representative citizens who 2361
shall serve without pay, except that reimbursement for actual 2362
and necessary traveling expenses shall be made to citizens who 2363
serve on a statewide agency or council. 2364

(5) Issue any publications and the results of 2365
investigations and research that in its judgment will tend to 2366
promote good will and minimize or eliminate discrimination 2367
because of race, color, religion, sex, age, ancestry, national 2368
origin, familial status, disability, sexual orientation, gender 2369
identity or expression, or military status, familial status,- 2370

~~national origin, disability, age, or ancestry.~~ 2371

Sec. 4112.05. (A) (1) The commission, as provided in this 2372
section, shall prevent any person from engaging in unlawful 2373
discriminatory practices. 2374

(2) The commission may at any time attempt to resolve 2375
allegations of unlawful discriminatory practices by the use of 2376
alternative dispute resolution, provided that, before 2377
instituting the formal hearing authorized by division (B) of 2378
this section, it shall attempt, by informal methods of 2379
conference, conciliation, mediation, and persuasion, to induce 2380
compliance with this chapter. 2381

(B) (1) Any person may file a charge with the commission 2382
alleging that another person has engaged or is engaging in an 2383
unlawful discriminatory practice. In the case of a charge 2384
alleging an unlawful discriminatory practice described in 2385
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2386
section 4112.02 or in section 4112.021 or 4112.022 of the 2387
Revised Code, the charge shall be in writing and under oath and 2388
shall be filed with the commission within six months after the 2389
alleged unlawful discriminatory practice was committed. In the 2390
case of a charge alleging an unlawful discriminatory practice 2391
described in division (H) of section 4112.02 of the Revised 2392
Code, the charge shall be in writing and under oath and shall be 2393
filed with the commission within one year after the alleged 2394
unlawful discriminatory practice was committed. 2395

(a) An oath under this chapter may be made in any form of 2396
affirmation the person deems binding on the person's conscience. 2397
Acceptable forms include, but are not limited to, declarations 2398
made under penalty of perjury. 2399

(b) Any charge timely received, via facsimile, postal 2400
mail, electronic mail, or otherwise, may be signed under oath 2401
after the limitations period for filing set forth under division 2402
(B) (1) of this section and will relate back to the original 2403
filing date. 2404

(2) Upon receiving a charge, the commission may initiate a 2405
preliminary investigation to determine whether it is probable 2406
that an unlawful discriminatory practice has been or is being 2407
engaged in. The commission also may conduct, upon its own 2408
initiative and independent of the filing of any charges, a 2409
preliminary investigation relating to any of the unlawful 2410
discriminatory practices described in division (A), (B), (C), 2411
(D), (E), (F), (I), or (J) of section 4112.02 or in section 2412
4112.021 or 4112.022 of the Revised Code. Prior to a 2413
notification of a complainant under division (B) (4) of this 2414
section or prior to the commencement of informal methods of 2415
conference, conciliation, mediation, and persuasion, or 2416
alternative dispute resolution, under that division, the members 2417
of the commission and the officers and employees of the 2418
commission shall not make public in any manner and shall retain 2419
as confidential all information that was obtained as a result of 2420
or that otherwise pertains to a preliminary investigation other 2421
than one described in division (B) (3) of this section. 2422

(3) (a) Unless it is impracticable to do so and subject to 2423
its authority under division (B) (3) (d) of this section, the 2424
commission shall complete a preliminary investigation of a 2425
charge filed pursuant to division (B) (1) of this section that 2426
alleges an unlawful discriminatory practice described in 2427
division (H) of section 4112.02 of the Revised Code, and shall 2428
take one of the following actions, within one hundred days after 2429
the filing of the charge: 2430

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

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

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

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

(c) Prior to the issuance of a complaint under division (B) (3) (a) (ii) or (iii) of this section or prior to a notification of the complainant and the respondent under division (B) (3) (a) (i) of this section, the members of the commission and the officers and employees of the commission shall not make public in any manner and shall retain as confidential all information that was obtained as a result of or that otherwise pertains to a preliminary investigation of a

charge filed pursuant to division (B)(1) of this section that 2461
alleges an unlawful discriminatory practice described in 2462
division (H) of section 4112.02 of the Revised Code. 2463

(d) Notwithstanding the types of action described in 2464
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2465
issuance of a complaint or the referral of a complaint to the 2466
attorney general and prior to endeavoring to eliminate an 2467
unlawful discriminatory practice described in division (H) of 2468
section 4112.02 of the Revised Code by informal methods of 2469
conference, conciliation, mediation, and persuasion, or by 2470
alternative dispute resolution, the commission may seek a 2471
temporary or permanent injunction or a temporary restraining 2472
order in the court of common pleas of the county in which the 2473
unlawful discriminatory practice allegedly occurred. 2474

(4) If the commission determines after a preliminary 2475
investigation other than one described in division (B)(3) of 2476
this section that it is not probable that an unlawful 2477
discriminatory practice has been or is being engaged in, it 2478
shall notify any complainant under division (B)(1) of this 2479
section that it has so determined and that it will not issue a 2480
complaint in the matter. If the commission determines after a 2481
preliminary investigation other than the one described in 2482
division (B)(3) of this section that it is probable that an 2483
unlawful discriminatory practice has been or is being engaged 2484
in, it shall endeavor to eliminate the practice by informal 2485
methods of conference, conciliation, mediation, and persuasion, 2486
or by alternative dispute resolution. 2487

(5) Nothing said or done during informal methods of 2488
conference, conciliation, mediation, and persuasion, or during 2489
alternative dispute resolution, under this section shall be 2490

disclosed by any member of the commission or its staff or be 2491
used as evidence in any subsequent hearing or other proceeding. 2492
If, after a preliminary investigation and the use of informal 2493
methods of conference, conciliation, mediation, and persuasion, 2494
or alternative dispute resolution, under this section, the 2495
commission is satisfied that any unlawful discriminatory 2496
practice will be eliminated, it may treat the charge involved as 2497
being conciliated and enter that disposition on the records of 2498
the commission. If the commission fails to effect the 2499
elimination of an unlawful discriminatory practice by informal 2500
methods of conference, conciliation, mediation, and persuasion, 2501
or by alternative dispute resolution under this section and to 2502
obtain voluntary compliance with this chapter, the commission 2503
shall issue and cause to be served upon any person, including 2504
the respondent against whom a complainant has filed a charge 2505
pursuant to division (B) (1) of this section, a complaint stating 2506
the charges involved and containing a notice of an opportunity 2507
for a hearing before the commission, a member of the commission, 2508
or a hearing examiner at a place that is stated in the notice 2509
and that is located within the county in which the alleged 2510
unlawful discriminatory practice has occurred or is occurring or 2511
in which the respondent resides or transacts business. The 2512
hearing shall be held not less than thirty days after the 2513
service of the complaint upon the complainant, the aggrieved 2514
persons other than the complainant on whose behalf the complaint 2515
is issued, and the respondent, unless the complainant, an 2516
aggrieved person, or the respondent elects to proceed under 2517
division (A) (2) of section 4112.051 of the Revised Code when 2518
that division is applicable. If a complaint pertains to an 2519
alleged unlawful discriminatory practice described in division 2520
(H) of section 4112.02 of the Revised Code, the complaint shall 2521
notify the complainant, an aggrieved person, and the respondent 2522

of the right of the complainant, an aggrieved person, or the respondent to elect to proceed with the administrative hearing process under this section or to proceed under division (A) (2) of section 4112.051 of the Revised Code.

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

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

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

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

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

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

(D) The complainant shall be a party to a hearing under 2552
division (B) of this section, and any person who is an 2553
indispensable party to a complete determination or settlement of 2554
a question involved in the hearing shall be joined. Any 2555
aggrieved person who has or claims an interest in the subject of 2556
the hearing and in obtaining or preventing relief against the 2557
unlawful discriminatory practices complained of shall be 2558
permitted to appear only for the presentation of oral or written 2559
arguments, to present evidence, perform direct and cross- 2560
examination, and be represented by counsel. The commission shall 2561
adopt rules, in accordance with Chapter 119. of the Revised Code 2562
governing the authority granted under this division. 2563

(E) In any hearing under division (B) of this section, the 2564
commission, a member of the commission, or the hearing examiner 2565
shall not be bound by the Rules of Evidence but, in ascertaining 2566
the practices followed by the respondent, shall take into 2567
account all reliable, probative, and substantial statistical or 2568
other evidence produced at the hearing that may tend to prove 2569
the existence of a predetermined pattern of employment or 2570
membership, provided that nothing contained in this section 2571
shall be construed to authorize or require any person to observe 2572
the proportion that persons of any race, color, religion, sex, 2573
age, ancestry, national origin, familial status, disability, 2574
sexual orientation, gender identity or expression, or military 2575
status, familial status, national origin, disability, age, or 2576
ancestry bear to the total population or in accordance with any 2577
criterion other than the individual qualifications of the 2578
applicant. 2579

(F) The testimony taken at a hearing under division (B) of 2580
this section shall be under oath and shall be reduced to writing 2581
and filed with the commission. Thereafter, in its discretion, 2582

the commission, upon the service of a notice upon the 2583
complainant and the respondent that indicates an opportunity to 2584
be present, may take further testimony or hear argument. 2585

(G) (1) (a) If, upon all reliable, probative, and 2586
substantial evidence presented at a hearing under division (B) 2587
of this section, the commission determines that the respondent 2588
has engaged in, or is engaging in, any unlawful discriminatory 2589
practice, whether against the complainant or others, the 2590
commission shall state its findings of fact and conclusions of 2591
law and shall issue and, subject to the provisions of Chapter 2592
119. of the Revised Code, cause to be served on the respondent 2593
an order requiring the respondent to do all of the following: 2594

(i) Cease and desist from the unlawful discriminatory 2595
practice; 2596

(ii) Take any further affirmative or other action that 2597
will effectuate the purposes of this chapter, including, but not 2598
limited to, hiring, reinstatement, or upgrading of employees 2599
with or without back pay, or admission or restoration to union 2600
membership; 2601

(iii) Report to the commission the manner of compliance. 2602

If the commission directs payment of back pay, it shall 2603
make allowance for interim earnings. 2604

(b) If the commission finds a violation of division (H) of 2605
section 4112.02 of the Revised Code, in addition to the action 2606
described in division (G) (1) (a) of this section, the commission 2607
additionally may require the respondent to undergo remediation 2608
in the form of a class, seminar, or any other type of 2609
remediation approved by the commission, may require the 2610
respondent to pay actual damages and reasonable attorney's fees, 2611

and may, to vindicate the public interest, assess a civil 2612
penalty against the respondent as follows: 2613

(i) If division (G)(1)(b)(ii) or (iii) of this section 2614
does not apply, a civil penalty in an amount not to exceed ten 2615
thousand dollars; 2616

(ii) If division (G)(1)(b)(iii) of this section does not 2617
apply and if the respondent has been determined by a final order 2618
of the commission or by a final judgment of a court to have 2619
committed one violation of division (H) of section 4112.02 of 2620
the Revised Code during the five-year period immediately 2621
preceding the date on which a complaint was issued pursuant to 2622
division (B) of this section, a civil penalty in an amount not 2623
to exceed twenty-five thousand dollars; 2624

(iii) If the respondent has been determined by a final 2625
order of the commission or by a final judgment of a court to 2626
have committed two or more violations of division (H) of section 2627
4112.02 of the Revised Code during the seven-year period 2628
immediately preceding the date on which a complaint was issued 2629
pursuant to division (B) of this section, a civil penalty 2630
damages in an amount not to exceed fifty thousand dollars. 2631

(2) Upon the submission of reports of compliance, the 2632
commission may issue a declaratory order stating that the 2633
respondent has ceased to engage in particular unlawful 2634
discriminatory practices. 2635

(H) If the commission finds that no probable cause exists 2636
for crediting charges of unlawful discriminatory practices or 2637
if, upon all the evidence presented at a hearing under division 2638
(B) of this section on a charge, the commission finds that a 2639
respondent has not engaged in any unlawful discriminatory 2640

practice against the complainant or others, it shall state its 2641
findings of fact and shall issue and cause to be served on the 2642
complainant an order dismissing the complaint as to the 2643
respondent. A copy of the order shall be delivered in all cases 2644
to the attorney general and any other public officers whom the 2645
commission considers proper. 2646

If, upon all the evidence presented at a hearing under 2647
division (B) of this section on a charge, the commission finds 2648
that a respondent has not engaged in any unlawful discriminatory 2649
practice against the complainant or others, it may award to the 2650
respondent reasonable attorney's fees to the extent provided in 2651
5 U.S.C. 504 and accompanying regulations. 2652

(I) Until the time period for appeal set forth in division 2653
(H) of section 4112.06 of the Revised Code expires, the 2654
commission, subject to the provisions of Chapter 119. of the 2655
Revised Code, at any time, upon reasonable notice, and in the 2656
manner it considers proper, may modify or set aside, in whole or 2657
in part, any finding or order made by it under this section. 2658

Sec. 4112.08. This chapter shall be construed liberally 2659
for the accomplishment of its purposes, and any law inconsistent 2660
with any provision of this chapter shall not apply. Nothing 2661
contained in this chapter shall be considered to repeal any of 2662
the provisions of any law of this state relating to 2663
discrimination because of race, color, religion, sex, age, 2664
ancestry, national origin, familial status, disability, sexual 2665
orientation, gender identity or expression, or military status, 2666
~~familial status, disability, national origin, age, or ancestry,~~ 2667
except that any person filing a charge under division (B) (1) of 2668
section 4112.05 of the Revised Code, with respect to the 2669
unlawful discriminatory practices complained of, is barred from 2670

instituting a civil action under section 4112.14 or division (L) 2671
of section 4112.02 of the Revised Code. This chapter does not 2672
limit actions, procedures, and remedies afforded under federal 2673
law. 2674

Sec. 4117.19. (A) Every employee organization that is 2675
certified or recognized as a representative of public employees 2676
under this chapter shall file with the state employment 2677
relations board a registration report that is signed by its 2678
president or other appropriate officer. The report shall be in a 2679
form prescribed by the board and accompanied by two copies of 2680
the employee organization's constitution and bylaws. The board 2681
shall accept a filing by a statewide, national, or international 2682
employee organization of its constitution and bylaws in lieu of 2683
a filing of the documents by each subordinate organization. The 2684
exclusive representative or other employee organization 2685
originally filing its constitution and bylaws shall report, 2686
promptly, to the board all changes or amendments to its 2687
constitution and bylaws. 2688

(B) Every employee organization shall file with the board 2689
an annual report. The report shall be in a form prescribed by 2690
the board and shall contain the following information: 2691

(1) The names and addresses of the organization, any 2692
parent organization or organizations with which it is 2693
affiliated, and all organizationwide officers; 2694

(2) The name and address of its local agent for service of 2695
process; 2696

(3) A general description of the public employees the 2697
organization represents or seeks to represent; 2698

(4) The amounts of the initiation fee and monthly dues 2699

members must pay; 2700

(5) A pledge, in a form prescribed by the board, that the 2701
organization will comply with the laws of the state and that it 2702
will accept members as provided by law without regard to ~~age,~~ 2703
~~race, color, sex, creed,~~ religion, creed, sex, age, ancestry, 2704
or national origin; disability, sexual orientation, gender 2705
identity or expression, or military status as those terms are 2706
defined in section 4112.01 of the Revised Code, ~~military status~~ 2707
~~as defined in that section;~~ or physical disability as provided 2708
by law; 2709

(6) A financial report. 2710

(C) The constitution or bylaws of every employee 2711
organization shall do all of the following: 2712

(1) Require that the organization keep accurate accounts 2713
of all income and expenses, prepare an annual financial report, 2714
keep open for inspection by any member of the organization its 2715
accounts, and make loans to officers and agents only on terms 2716
and conditions available to all members; 2717

(2) Prohibit business or financial interests of its 2718
officers and agents, their spouses, minor children, parents, or 2719
otherwise, in conflict with the fiduciary obligation of such 2720
persons to the organization; 2721

(3) When specifically requested by the board, require 2722
every official who is designated as a fiscal officer of an 2723
employee organization and who is responsible for funds or other 2724
property of the organization or trust in which an organization 2725
is interested, or a subsidiary organization be bonded with the 2726
amount, scope, and form of the bond determined by the board; 2727

(4) Require periodic elections of officers by secret 2728

ballot subject to recognized safeguards concerning the equal 2729
right of all members to nominate, seek office, and vote in the 2730
elections, the right of individual members to participate in the 2731
affairs of the organization, and fair and equitable procedures 2732
in disciplinary actions. 2733

(D) The board shall prescribe rules necessary to govern 2734
the establishment and reporting of trusteeships over employee 2735
organizations. The establishment of trusteeships is permissible 2736
only if the constitution or bylaws of the organization set forth 2737
reasonable procedures. 2738

(E) The board may withhold certification of an employee 2739
organization that willfully refuses to register or file an 2740
annual report or that willfully refuses to comply with other 2741
provisions of this section. The board may revoke a certification 2742
of an employee organization for willfully failing to comply with 2743
this section. The board may enforce the prohibitions contained 2744
in this section by petitioning the court of common pleas of the 2745
county in which the violation occurs for an injunction. Persons 2746
complaining of a violation of this section shall file the 2747
complaint with the board. 2748

(F) Upon the written request to the board of any member of 2749
a certified employee organization and where the board determines 2750
the necessity for an audit, the board may require the employee 2751
organization to provide a certified audit of its financial 2752
records. 2753

(G) Any employee organization subject to the "Labor- 2754
Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2755
29 U.S.C.A., 401, as amended, may file copies with the board of 2756
all reports it is required to file under that act in lieu of 2757
compliance with all parts of this section other than division 2758

(A) of this section. The board shall accept a filing by a 2759
statewide, national, or international employee organization of 2760
its reports in lieu of a filing of such reports by each 2761
subordinate organization. 2762

Sec. 4725.67. The state vision professionals board and any 2763
committees established by the board shall not discriminate 2764
against an applicant or holder of a certificate, license, 2765
registration, or endorsement issued under this chapter because 2766
of the person's race, color, religion, sex, national origin, or 2767
age; or disability, sexual orientation, or gender identity or 2768
expression, as those terms are defined in section 4112.01 of the 2769
Revised Code, ~~or age~~. A person who files with the board or 2770
committee a statement alleging discrimination based on any of 2771
those reasons may request a hearing with the board or committee, 2772
as appropriate. 2773

Sec. 4735.16. (A) Every real estate broker licensed under 2774
this chapter shall erect or maintain a sign on the business 2775
premises plainly stating that the licensee is a real estate 2776
broker. If the real estate broker maintains one or more branch 2777
offices, the real estate broker shall erect or maintain a sign 2778
at each branch office plainly stating that the licensee is a 2779
real estate broker. 2780

(B) (1) Any licensed real estate broker or salesperson who 2781
advertises to buy, sell, exchange, or lease real estate, or to 2782
engage in any act regulated by this chapter, with respect to 2783
property the licensee does not own, shall be identified in the 2784
advertisement by name and indicate the name of the brokerage 2785
with which the licensee is affiliated. 2786

(2) Any licensed real estate broker or ~~sales person~~ 2787
salesperson who advertises to sell, exchange, or lease real 2788

estate, or to engage in any act regulated by this chapter, with 2789
respect to property that the licensee owns, shall be identified 2790
in the advertisement by name and indicate that the property is 2791
agent owned, and if the property is listed with a real estate 2792
brokerage, the advertisement shall also indicate the name of the 2793
brokerage with which the property is listed. 2794

(3) The name of the brokerage shall be displayed in equal 2795
prominence with the name of the salesperson in the 2796
advertisement. For purposes of this section, "brokerage" means 2797
the name the real estate company or sole broker is doing 2798
business as, or if the real estate company or sole broker does 2799
not use such a name, the name of the real estate company or sole 2800
broker as licensed. 2801

(4) A real estate broker who is representing a seller 2802
under an exclusive right to sell or lease listing agreement 2803
shall not advertise such property to the public as "for sale by 2804
owner" or otherwise mislead the public to believe that the 2805
seller is not represented by a real estate broker. 2806

(5) If any real estate broker or real estate salesperson 2807
advertises in a manner other than as provided in this section or 2808
the rules adopted under this section, that advertisement is 2809
prima-facie evidence of a violation under division (A) (21) of 2810
section 4735.18 of the Revised Code. 2811

When the superintendent determines that prima-facie 2812
evidence of a violation of division (A) (21) of section 4735.18 2813
of the Revised Code or any of the rules adopted thereunder 2814
exists, the superintendent may do either of the following: 2815

(a) Initiate disciplinary action under section 4735.051 of 2816
the Revised Code for a violation of division (A) (21) of section 2817

4735.18 of the Revised Code, in accordance with Chapter 119. of 2818
the Revised Code; 2819

(b) Personally, or by certified mail, serve a citation 2820
upon the licensee. 2821

(c) (1) Every citation served under this section shall give 2822
notice to the licensee of the alleged violation or violations 2823
charged and inform the licensee of the opportunity to request a 2824
hearing in accordance with Chapter 119. of the Revised Code. The 2825
citation also shall contain a statement of a fine of two hundred 2826
dollars per violation, not to exceed two thousand five hundred 2827
dollars per citation. All fines collected pursuant to this 2828
section shall be credited to the real estate recovery fund, 2829
created in the state treasury under section 4735.12 of the 2830
Revised Code. 2831

(2) If any licensee is cited three times within twelve 2832
consecutive months, the superintendent shall initiate 2833
disciplinary action pursuant to section 4735.051 of the Revised 2834
Code for any subsequent violation that occurs within the same 2835
twelve-month period. 2836

(3) If a licensee fails to request a hearing within thirty 2837
days of the date of service of the citation, or the licensee and 2838
the superintendent fail to reach an alternative agreement, the 2839
citation shall become final. 2840

(4) Unless otherwise indicated, the licensee named in a 2841
final citation must meet all requirements contained in the final 2842
citation within thirty days of the effective date of that 2843
citation. 2844

(5) The superintendent shall suspend automatically a 2845
licensee's license if the licensee fails to comply with division 2846

(C) (4) of this section. 2847

(D) A real estate broker or salesperson obtaining the 2848
signature of a party to a listing or other agreement involved in 2849
a real estate transaction shall furnish a copy of the listing or 2850
other agreement to the party immediately after obtaining the 2851
party's signature. Every broker's office shall prominently 2852
display in the same immediate area as licenses are displayed a 2853
statement that it is illegal to discriminate against any person 2854
because of race, color, religion, sex, ancestry, or national 2855
origin; or familial status as defined in section 4112.01 of the 2856
Revised Code, national origin, disability, sexual orientation, 2857
gender identity or expression, or military status as defined in 2858
that section, disability as defined in that section, or ancestry 2859
, as those terms are defined in section 4112.01 of the Revised 2860
Code, in the sale or rental of housing or residential lots, in 2861
advertising the sale or rental of housing, in the financing of 2862
housing, or in the provision of real estate brokerage services 2863
and that blockbusting also is illegal. The statement shall bear 2864
the United States department of housing and urban development 2865
equal housing logo, shall contain the information that the 2866
broker and the broker's salespersons are licensed by the 2867
division of real estate and professional licensing and that the 2868
division can assist with any consumer complaints or inquiries, 2869
and shall explain the provisions of section 4735.12 of the 2870
Revised Code. The statement shall provide the division's address 2871
and telephone number. The Ohio real estate commission shall 2872
provide by rule for the wording and size of the statement. The 2873
pamphlet required under section 4735.03 of the Revised Code 2874
shall contain the same statement that is required on the 2875
statement displayed as provided in this section and shall be 2876
made available by real estate brokers and salespersons to their 2877

clients. The commission shall provide the wording and size of 2878
the pamphlet. 2879

Sec. 4735.55. (A) Each written agency agreement shall 2880
contain all of the following: 2881

(1) An expiration date; 2882

(2) A statement that it is illegal, pursuant to the Ohio 2883
fair housing law, division (H) of section 4112.02 of the Revised 2884
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 2885
amended, to refuse to sell, transfer, assign, rent, lease, 2886
sublease, or finance housing accommodations, refuse to negotiate 2887
for the sale or rental of housing accommodations, or otherwise 2888
deny or make unavailable housing accommodations because of race, 2889
color, religion, sex, ancestry, or national origin; or familial 2890
status as defined in section 4112.01 of the Revised Code, 2891
ancestry, disability, sexual orientation, gender identity or 2892
expression, or military status as defined in that section, 2893
disability as defined in that section, or national origin, as 2894
those terms are defined in section 4112.01 of the Revised Code, 2895
or to so discriminate in advertising the sale or rental of 2896
housing, in the financing of housing, or in the provision of 2897
real estate brokerage services; 2898

(3) A statement defining the practice known as 2899
"blockbusting" and stating that it is illegal; 2900

(4) A copy of the United States department of housing and 2901
urban development equal housing opportunity logotype, as set 2902
forth in 24 C.F.R. 109.30, as amended. 2903

(B) Each written agency agreement shall contain a place 2904
for the licensee and the client to sign and date the agreement. 2905

(C) A licensee shall furnish a copy of any written agency 2906

agreement to a client in a timely manner after the licensee and 2907
the client have signed and dated it. 2908

Sec. 4744.54. The state speech and hearing professionals 2909
board or any committees established by the board shall not 2910
discriminate against an applicant or license holder because of 2911
the person's race, color, religion, sex, national origin, or 2912
age; or disability, sexual orientation, or gender identity or 2913
expression, as those terms are defined in section 4112.01 of the 2914
Revised Code, ~~or age~~. A person who files with the board or 2915
committee a statement alleging discrimination based on any of 2916
those reasons may request a hearing with the board or committee, 2917
as appropriate. 2918

Sec. 4757.07. The counselor, social worker, and marriage 2919
and family therapist board and its professional standards 2920
committees shall not discriminate against any licensee, 2921
registrant, or applicant for a license or certificate of 2922
registration under this chapter because of the person's race, 2923
color, religion, sex, age, or national origin, ~~;~~ or disability, 2924
sexual orientation, or gender identity or expression, as those 2925
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 2926
~~age~~. The board or committee, as appropriate, shall afford a 2927
hearing to any person who files with the board or committee a 2928
statement alleging discrimination based on any of those reasons. 2929

Sec. 4758.16. The chemical dependency professionals board 2930
shall not discriminate against any licensee, certificate holder, 2931
endorsement holder, or applicant for a license, certificate, or 2932
endorsement under this chapter because of the individual's race, 2933
color, religion, ~~gender~~ sex, age, or national origin, ~~;~~ or 2934
disability, sexual orientation, or gender identity or 2935
expression, as those terms are defined in section 4112.01 of the 2936

Revised Code, ~~or age~~. The board shall afford a hearing to any 2937
individual who files with the board a statement alleging 2938
discrimination based on any of those reasons. 2939

Sec. 4765.18. The state board of emergency medical, fire, 2940
and transportation services may suspend or revoke a certificate 2941
of accreditation or a certificate of approval issued under 2942
section 4765.17 of the Revised Code for any of the following 2943
reasons: 2944

(A) Violation of this chapter or any rule adopted under 2945
it; 2946

(B) Furnishing of false, misleading, or incomplete 2947
information to the board; 2948

(C) The signing of an application or the holding of a 2949
certificate of accreditation by a person who has pleaded guilty 2950
to or has been convicted of a felony, or has pleaded guilty to 2951
or been convicted of a crime involving moral turpitude; 2952

(D) The signing of an application or the holding of a 2953
certificate of accreditation by a person who is addicted to the 2954
use of any controlled substance or has been adjudicated 2955
incompetent for that purpose by a court, as provided in section 2956
5122.301 of the Revised Code; 2957

(E) Violation of any commitment made in an application for 2958
a certificate of accreditation or certificate of approval; 2959

(F) Presentation to prospective students of misleading, 2960
false, or fraudulent information relating to the emergency 2961
medical services training program or emergency medical services 2962
continuing education program, employment opportunities, or 2963
opportunities for enrollment in accredited institutions of 2964
higher education after entering or completing courses offered by 2965

the operator of a program;	2966
(G) Failure to maintain in a safe and sanitary condition premises and equipment used in conducting courses of study;	2967 2968
(H) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study or to retain a sufficient number of certified instructors;	2969 2970 2971
(I) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin; <u>or sexual orientation or gender identity or expression, as those terms are defined in section 4112.01 of the Revised Code.</u>	2972 2973 2974 2975
Sec. 5104.09. No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin; <u>or sexual orientation or gender identity or expression, as those terms are defined in section 4112.01 of the Revised Code.</u>	2976 2977 2978 2979 2980 2981
Sec. 5107.26. (A) As used in this section, "transitional child care" means publicly funded child care provided under division (A) (3) of section 5104.34 of the Revised Code.	2982 2983 2984
(B) Except as provided in division (C) of this section:	2985
(1) Each member of an assistance group participating in Ohio works first is ineligible to participate in the program for six payment months if a county department of job and family services determines that a member of the assistance group terminated the member's employment.	2986 2987 2988 2989 2990
(2) Each person who, on the day prior to the day a recipient begins to receive transitional child care, was a member of the recipient's assistance group is ineligible to	2991 2992 2993

participate in Ohio works first for six payment months if a 2994
county department determines that the recipient terminated the 2995
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 2999
was because an assistance group member or recipient of 3000
transitional child care secured comparable or better employment 3001
or the county department of job and family services certifies 3002
that the member or recipient terminated the employment with just 3003
cause. 3004

Just cause includes the following: 3005

(1) Discrimination by an employer based on ~~age, race, sex,~~ 3006
~~color, handicap, religious beliefs, or sex, age, national~~ 3007
origin; or disability, sexual orientation, or gender identity or 3008
expression, as those terms are defined in section 4112.01 of the 3009
Revised Code; 3010

(2) Work demands or conditions that render continued 3011
employment unreasonable, such as working without being paid on 3012
schedule; 3013

(3) Employment that has become unsuitable due to any of 3014
the following: 3015

(a) The wage is less than the federal minimum wage; 3016

(b) The work is at a site subject to a strike or lockout, 3017
unless the strike has been enjoined under section 208 of the 3018
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 3019
U.S.C.A. 178, as amended, an injunction has been issued under 3020
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 3021
U.S.C.A. 160, as amended, or an injunction has been issued under 3022

section 4117.16 of the Revised Code;	3023
(c) The documented degree of risk to the member or recipient's health and safety is unreasonable;	3024 3025
(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.	3026 3027 3028
(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;	3029 3030 3031
(5) A documented household emergency;	3032
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	3033 3034
Sec. 5123.351. The director of developmental disabilities, with respect to the eligibility for state reimbursement of expenses incurred by facilities and programs established and operated under Chapter 5126. of the Revised Code for persons with developmental disabilities, shall do all of the following:	3035 3036 3037 3038 3039
(A) Make rules that may be necessary to carry out the purposes of Chapter 5126. and sections 5123.35, 5123.351, and 5123.36 of the Revised Code;	3040 3041 3042
(B) Define minimum standards for qualifications of personnel, professional services, and in-service training and educational leave programs;	3043 3044 3045
(C) Review and evaluate community programs and make recommendations for needed improvements to county boards of developmental disabilities and to program directors;	3046 3047 3048
(D) Withhold state reimbursement, in whole or in part,	3049

from any county or combination of counties for failure to comply 3050
with Chapter 5126. or section 5123.35 or 5123.351 of the Revised 3051
Code or rules of the department of developmental disabilities; 3052

(E) Withhold state funds from an agency, corporation, or 3053
association denying or rendering service on the basis of race, 3054
color, ~~sex~~, religion, sex, ancestry, or national origin; or 3055
disability, sexual orientation, or gender identity or 3056
expression, as those terms are defined in section 4112.01 of the 3057
Revised Code, or inability to pay; 3058

(F) Provide consultative staff service to communities to 3059
assist in ascertaining needs and in planning and establishing 3060
programs. 3061

Sec. 5126.07. No county board of developmental 3062
disabilities or any agency, corporation, or association under 3063
contract with a county board of developmental disabilities shall 3064
discriminate in the provision of services under its authority or 3065
contract on the basis of race, color, ~~sex~~, creed, sex, national 3066
origin, or disability, national origin, ; sexual orientation or 3067
gender identity or expression, as those terms are defined in 3068
section 4112.01 of the Revised Code; or the inability to pay. 3069

Each county board of developmental disabilities shall 3070
provide a plan of affirmative action describing its goals and 3071
methods for the provision of equal employment opportunities for 3072
all persons under its authority and shall ensure 3073
nondiscrimination in employment under its authority or contract 3074
on the basis of race, color, ~~sex~~, creed, sex, national origin, 3075
or disability, or national origin; or sexual orientation or 3076
gender identity or expression, as those terms are defined in 3077
section 4112.01 of the Revised Code. 3078

Sec. 5165.08. (A) As used in this section:	3079
"Bed need" means the number of long-term care beds a county needs as determined by the director of health pursuant to division (B) (3) of section 3702.593 of the Revised Code.	3080 3081 3082
"Bed need excess" means that a county's bed need is such that one or more long-term care beds may be relocated from the county according to the director's determination of the county's bed need.	3083 3084 3085 3086
(B) Every provider agreement with a nursing facility provider shall do both of the following:	3087 3088
(1) Permit the provider to exclude one or more parts of the nursing facility from the provider agreement, even though those parts meet federal and state standards for medicaid certification, if all of the following apply:	3089 3090 3091 3092
(a) The nursing facility initially obtained both its nursing home license under Chapter 3721. of the Revised Code and medicaid certification on or after January 1, 2008.	3093 3094 3095
(b) The nursing facility is located in a county that has a bed need excess at the time the provider excludes the parts from the provider agreement.	3096 3097 3098
(c) Federal law permits the provider to exclude the parts from the provider agreement.	3099 3100
(d) The provider gives the department of medicaid written notice of the exclusion not less than forty-five days before the first day of the calendar quarter in which the exclusion is to occur.	3101 3102 3103 3104
(2) Prohibit the provider from doing either of the following:	3105 3106

(a) Discriminating against a resident on the basis of 3107
race, color, sex, creed, or national origin; or sexual 3108
orientation or gender identity or expression, as those terms are 3109
defined in section 4112.01 of the Revised Code; 3110

(b) Subject to division (D) of this section, failing or 3111
refusing to do either of the following: 3112

(i) Except as otherwise prohibited under section 5165.82 3113
of the Revised Code, admit as a resident of the nursing facility 3114
an individual because the individual is, or may (as a resident 3115
of the nursing facility) become, a medicaid recipient unless at 3116
least twenty-five per cent of the nursing facility's medicaid- 3117
certified beds are occupied by medicaid recipients at the time 3118
the person would otherwise be admitted; 3119

(ii) Retain as a resident of the nursing facility an 3120
individual because the individual is, or may (as a resident of 3121
the nursing facility) become, a medicaid recipient. 3122

(C) For the purpose of division (B) (2) (b) (ii) of this 3123
section, a medicaid recipient who is a resident of a nursing 3124
facility shall be considered a resident of the nursing facility 3125
during any hospital stays totaling less than twenty-five days 3126
during any twelve-month period. 3127

(D) Nothing in this section shall bar a provider from 3128
doing any of the following: 3129

(1) If the provider is a religious organization operating 3130
a religious or denominational nursing facility from giving 3131
preference to persons of the same religion or denomination; 3132

(2) Giving preference to persons with whom the provider 3133
has contracted to provide continuing care; 3134

(3) If the nursing facility is a county home organized 3135
under Chapter 5155. of the Revised Code, admitting residents 3136
exclusively from the county in which the county home is located; 3137

(4) Retaining residents who have resided in the provider's 3138
nursing facility for not less than one year as private pay 3139
patients and who subsequently become medicaid recipients, but 3140
refusing to accept as a resident any person who is, or may (as a 3141
resident of the nursing facility) become a medicaid recipient, 3142
if all of the following apply: 3143

(a) The provider does not refuse to retain any resident 3144
who has resided in the provider's nursing facility for not less 3145
than one year as a private pay resident because the resident 3146
becomes a medicaid recipient, except as necessary to comply with 3147
division (D) (4) (b) of this section; 3148

(b) The number of medicaid recipients retained under 3149
division (D) (4) of this section does not at any time exceed ten 3150
per cent of all the residents in the nursing facility; 3151

(c) On July 1, 1980, all the residents in the nursing 3152
facility were private pay residents. 3153

(E) No provider shall violate the provider agreement 3154
obligations imposed by this section. 3155

(F) A nursing facility provider who excludes one or more 3156
parts of the nursing facility from a provider agreement pursuant 3157
to division (B) (1) of this section does not violate division (C) 3158
of section 3702.53 of the Revised Code. 3159

Sec. 5312.04. (A) A board of directors of an owners 3160
association shall elect officers from the members of the board, 3161
to include a president, secretary, treasurer, and other officers 3162
as the board designates. 3163

(B) A board may act in all instances on behalf of an 3164
association unless otherwise provided in this chapter, the 3165
declaration, or bylaws. The board may appoint persons to fill 3166
vacancies in its membership for the unexpired portion of any 3167
term. 3168

(C) Except during a period of declarant control, the board 3169
shall call a meeting of the owners association at least once 3170
each year. Special meetings may be called by the president, a 3171
majority of the board, owners representing fifty per cent of the 3172
voting power in the owners association, or any lower share of 3173
the voting power as the declaration or bylaws specify. 3174

(D) The board may hold a meeting by any method of 3175
communication, including electronic or telephonic communication, 3176
provided that each member of the board can hear or read in real 3177
time and participate and respond to every other member of the 3178
board. 3179

(E) In lieu of conducting a meeting, the board may take an 3180
action with the unanimous written consent of the members of the 3181
board. Any written consent shall be filed with the minutes of 3182
the meetings of the board. 3183

(F) No owner other than a director may attend or 3184
participate in any discussion or deliberation of a meeting of 3185
the board of directors unless the board expressly authorizes 3186
that owner to attend or participate. 3187

(G) The board of directors of an owners association shall 3188
comply with all applicable state and federal laws concerning 3189
prohibitions against discrimination on the basis of race, color, 3190
religion, ~~sex, military status, ancestry, or national origin, or~~ 3191
sex, age, disability, age, or ancestry ~~sexual orientation, gender~~ 3192

identity or expression, or military status, as those terms are 3193
defined in section 4112.01 of the Revised Code, including, but 3194
not limited to, Chapter 4112. of the Revised Code. No private 3195
right of action additional to those conferred by the applicable 3196
state and federal anti-discrimination laws is conferred on any 3197
aggrieved individual by the preceding sentence. 3198

Sec. 5515.08. (A) The department of transportation may 3199
contract to sell commercial advertising space within or on the 3200
outside surfaces of any building located within a roadside rest 3201
area under its jurisdiction in exchange for cash payment. Money 3202
the department receives under this section shall be deposited in 3203
the state treasury to the credit of the highway operating fund. 3204

(B) Advertising placed under this section shall comply 3205
with all of the following: 3206

(1) It shall not be libelous or obscene and shall not 3207
promote any illegal product or service. 3208

(2) It shall not promote illegal discrimination on the 3209
basis of the race, religion, age, ancestry, national origin, or 3210
handicap, age, or ancestry or sexual orientation or gender 3211
identity or expression, as those terms are defined in section 3212
4112.01 of the Revised Code, of any person. 3213

(3) It shall not support or oppose any candidate for 3214
political office or any political cause, issue, or organization. 3215

(4) It shall comply with any controlling federal or state 3216
regulations or restrictions. 3217

(5) To the extent physically and technically practical, it 3218
shall state that the advertisement is a paid commercial 3219
advertisement and that the state does not endorse the product or 3220
service promoted by the advertisement or make any representation 3221

about the accuracy of the advertisement or the quality or 3222
performance of the product or service promoted by the 3223
advertisement. 3224

(6) It shall conform to all applicable rules adopted by 3225
the director of transportation under division (E) of this 3226
section. 3227

(C) Contracts entered into under this section shall be 3228
awarded only to the qualified bidder who submits the highest 3229
responsive bid or according to uniformly applied rate classes. 3230

(D) No person, except an advertiser alleging a breach of 3231
contract or the improper awarding of a contract, has a cause of 3232
action against the state with respect to any contract or 3233
advertising authorized by this section. Under no circumstances 3234
is the state liable for consequential or noneconomic damages 3235
with respect to any contract or advertising authorized under 3236
this section. 3237

(E) The director, in accordance with Chapter 119. of the 3238
Revised Code, shall adopt rules to implement this section. The 3239
rules shall be consistent with the policy of protecting the 3240
safety of the traveling public and consistent with the national 3241
policy governing the use and control of such roadside rest 3242
areas. The rules shall regulate the awarding of contracts and 3243
may regulate the content, display, and other aspects of the 3244
commercial advertising authorized by this section. 3245

Sec. 5709.832. The legislative authority of a county, 3246
township, or municipal corporation that grants an exemption from 3247
taxation under Chapter 725. or 1728. or section 3735.67, 3248
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 3249
or 5709.78 of the Revised Code shall develop policies to ensure 3250

that the recipient of the exemption practices nondiscriminatory 3251
hiring in its operations. As used in this section, 3252
"nondiscriminatory hiring" means that no individual may be 3253
denied employment solely on the basis of race, color, religion, 3254
sex, ancestry, or national origin; or disability, ~~color,~~ 3255
~~national origin, or ancestry~~ sexual orientation, or gender 3256
identity or expression, as those terms are defined in section 3257
4112.021 of the Revised Code. 3258

Section 2. That existing sections 9.03, 124.93, 125.111, 3259
153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 3260
2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3261
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 3262
4112.05, 4112.08, 4117.19, 4725.67, 4735.16, 4735.55, 4744.54, 3263
4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 3264
5165.08, 5312.04, 5515.08, and 5709.832 of the Revised Code are 3265
hereby repealed. 3266

Section 3. Section 4112.04 of the Revised Code is 3267
presented in this act as a composite of the section as amended 3268
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3269
Sub. H.B. 1 of the 128th General Assembly. Section 5104.09 of 3270
the Revised Code is presented in this act as a composite of the 3271
section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 3272
316 of the 129th General Assembly. The General Assembly, 3273
applying the principle stated in division (B) of section 1.52 of 3274
the Revised Code that amendments are to be harmonized if 3275
reasonably capable of simultaneous operation, finds that the 3276
composites are the resulting versions of the sections in effect 3277
prior to the effective date of the sections as presented in this 3278
act. 3279

Section 4. (A) The General Assembly finds both of the 3280

following: 3281

(1) Lesbian, gay, bisexual, and transgender individuals 3282
are too often the victims of discrimination. They may be fired 3283
from jobs, denied access to housing and educational 3284
institutions, refused credit, and excluded from public 3285
accommodations because of their sexual orientation or gender 3286
identity or expression. 3287

(2) It is essential that the State of Ohio protect the 3288
civil rights of all its residents. 3289

(B) The Ohio Fairness Act is enacted to protect civil 3290
rights by prohibiting discrimination against lesbian, gay, 3291
bisexual, and transgender individuals. 3292

This act upholds existing religious exemptions currently 3293
in Ohio law. 3294