

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 11**

**Senator Antonio**

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

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**A BILL**

To amend sections 9.03, 124.93, 125.111, 153.59, 1  
153.591, 340.12, 511.03, 717.01, 1501.012, 2  
1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 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 commercial in nature;	103 104
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	105 106 107 108
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	109 110
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	111 112
<b>Sec. 124.93.</b> (A) As used in this section, "physician" means any person who holds a valid license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code.	113 114 115 116
(B) No health insuring corporation that, on or after July 1, 1993, enters into or renews a contract with the department of administrative services under section 124.82 of the Revised Code, because of a physician's race, color, religion, sex, <u>age, ancestry, or national origin</u> , <del>;</del> <u>or disability, sexual orientation, gender identity or expression</u> , or military status as <u>those terms are</u> defined in section 4112.01 of the Revised Code, <del>age, or ancestry</del> , shall refuse to contract with that physician for the provision of health care services under section 124.82 of the Revised Code.	117 118 119 120 121 122 123 124 125 126
Any health insuring corporation that violates this division is deemed to have engaged in an unlawful discriminatory practice as defined in section 4112.02 of the Revised Code and is subject to Chapter 4112. of the Revised Code.	127 128 129 130

(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 <del>sex,</del> 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
<b>Sec. 1751.18.</b> (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
<b>Sec. 3304.50.</b> 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 <del>his</del> <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 policies; 1089  
1090

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

(b) Reasonable access to a telephone for private communications; 1116  
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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(i) The resident's application, or a substantially similar previous application, has been denied. 1186  
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(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  
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(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
<b>Sec. 4111.17.</b> (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 <del>ancestry</del> <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

<del>(ii) Transvestism, transsexualism, pedophilia, <u>Pedophilia,</u></del>	1433
exhibitionism, voyeurism, <del>gender identity disorders not</del>	1434
<del>resulting from physical impairments,</del> or other sexual behavior	1435
disorders <u>with corresponding criminal behavior;</u>	1436
<del>(iii)</del> <u>(ii)</u> Compulsive gambling, kleptomania, or pyromania;	1437
<del>(iv)</del> <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	2225
of Columbus and any other offices within the state that it	2226
considers necessary;	2227
(2) Appoint an executive director who shall serve at the	2228
pleasure of the commission and be its principal administrative	2229
officer. The executive director shall be paid a salary fixed	2230
pursuant to Chapter 124. of the Revised Code.	2231
(3) Appoint hearing examiners and other employees and	2232
agents who it considers necessary and prescribe their duties	2233
subject to Chapter 124. of the Revised Code;	2234
(4) Adopt, promulgate, amend, and rescind rules to	2235
effectuate the provisions of this chapter and the policies and	2236
practice of the commission in connection with this chapter;	2237
(5) Formulate policies to effectuate the purposes of this	2238
chapter and make recommendations to agencies and officers of the	2239
state or political subdivisions to effectuate the policies;	2240
(6) Receive, investigate, and pass upon written charges	2241
made under oath of unlawful discriminatory practices;	2242
(7) Make periodic surveys of the existence and effect of	2243
discrimination because of race, color, religion, sex, <u>age,</u>	2244
<u>ancestry, national origin, familial status, disability, sexual</u>	2245
<u>orientation, gender identity or expression, or military status,</u>	2246
<del>familial status, national origin, disability, age, or ancestry</del>	2247
on the enjoyment of civil rights by persons within the state;	2248
(8) Report, from time to time, but not less than once a	2249
year, to the general assembly and the governor, describing in	2250
detail the investigations, proceedings, and hearings it has	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~~ ~~their~~ 2266  
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	2967
premises and equipment used in conducting courses of study;	2968
(H) Failure to maintain financial resources adequate for	2969
the satisfactory conduct of courses of study or to retain a	2970
sufficient number of certified instructors;	2971
(I) Discrimination in the acceptance of students upon the	2972
basis of race, color, religion, sex, or national origin; <u>or</u>	2973
<u>sexual orientation or gender identity or expression, as those</u>	2974
<u>terms are defined in section 4112.01 of the Revised Code.</u>	2975
<b>Sec. 5104.09.</b> No administrator, licensee, or child-care	2976
staff member shall discriminate in the enrollment of children in	2977
a child day-care center upon the basis of race, color, religion,	2978
sex, or national origin; <u>or sexual orientation or gender</u>	2979
<u>identity or expression, as those terms are defined in section</u>	2980
<u>4112.01 of the Revised Code.</u>	2981
<b>Sec. 5107.26.</b> (A) As used in this section, "transitional	2982
child care" means publicly funded child care provided under	2983
division (A) (3) of section 5104.34 of the Revised Code.	2984
(B) Except as provided in division (C) of this section:	2985
(1) Each member of an assistance group participating in	2986
Ohio works first is ineligible to participate in the program for	2987
six payment months if a county department of job and family	2988
services determines that a member of the assistance group	2989
terminated the member's employment.	2990
(2) Each person who, on the day prior to the day a	2991
recipient begins to receive transitional child care, was a	2992
member of the recipient's assistance group is ineligible to	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
<b>Sec. 5123.351.</b> 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

<b>Sec. 5165.08.</b> (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