

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 369

Representatives Hillyer, Skindell

Cosponsors: Representatives Kelly, Boyd, Smith, K., Russo, Crossman, Miller, A., Sobecki, Liston, Upchurch, Clites, Boggs, Weinstein, Miranda, Miller, J., Sweeney, Brent, West, Lightbody, Sykes, Crawley, Lepore-Hagan, Brown, Robinson, Denson, Galonski, Sheehy, Rogers, Strahorn, Cera, Leland, Kent, Hicks-Hudson, Blair, Ingram, Patterson, Howse, O'Brien

A BILL

To amend sections 9.03, 124.93, 340.12, 511.03, 1
717.01, 1501.012, 1751.18, 2927.03, 3113.36, 2
3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4
4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 5
4725.67, 4735.16, 4735.55, 4744.54, 4757.07, 6
4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 7
5126.07, 5165.08, 5312.04, 5515.08, and 5709.832 8
of the Revised Code to enact the Ohio Fairness 9
Act to prohibit discrimination on the basis of 10
sexual orientation or gender identity or 11
expression, to add mediation as an informal 12
method that the Ohio Civil Rights Commission may 13
use, and to uphold existing religious exemptions 14
under Ohio's Civil Rights Law. 15

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

Section 1. That sections 9.03, 124.93, 340.12, 511.03, 16

717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 17
3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 18
4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4725.67, 19
4735.16, 4735.55, 4744.54, 4757.07, 4758.16, 4765.18, 5104.09, 20
5107.26, 5123.351, 5126.07, 5165.08, 5312.04, 5515.08, and 21
5709.832 of the Revised Code be amended to read as follows: 22

Sec. 9.03. (A) As used in this section: 23

(1) "Political subdivision" means any body corporate and 24
politic, except a municipal corporation that has adopted a 25
charter under Section 7 of Article XVIII, Ohio Constitution, and 26
except a county that has adopted a charter under Sections 3 and 27
4 of Article X, Ohio Constitution, to which both of the 28
following apply: 29

(a) It is responsible for governmental activities only in 30
a geographic area smaller than the state. 31

(b) It is subject to the sovereign immunity of the state. 32

(2) "Cigarettes" and "tobacco product" have the same 33
meanings as in section 5743.01 of the Revised Code. 34

(3) "Transaction" has the same meaning as in section 35
1315.51 of the Revised Code. 36

(4) "Campaign committee," "campaign fund," "candidate," 37
"legislative campaign fund," "political action committee," 38
"political committee," "political party," and "separate 39
segregated fund" have the same meanings as in section 3517.01 of 40
the Revised Code. 41

(B) Except as otherwise provided in division (C) of this 42
section, the governing body of a political subdivision may use 43
public funds to publish and distribute newsletters, or to use 44

any other means, to communicate information about the plans, 45
policies, and operations of the political subdivision to members 46
of the public within the political subdivision and to other 47
persons who may be affected by the political subdivision. 48

(C) Except as otherwise provided in division (A) (7) of 49
section 340.03 of the Revised Code, no governing body of a 50
political subdivision shall use public funds to do any of the 51
following: 52

(1) Publish, distribute, or otherwise communicate 53
information that does any of the following: 54

(a) Contains defamatory, libelous, or obscene matter; 55

(b) Promotes alcoholic beverages, cigarettes or other 56
tobacco products, or any illegal product, service, or activity; 57

(c) Promotes illegal discrimination on the basis of race, 58
color, religion, age, ancestry, national origin, or handicap, 59
age, or ancestry; or sexual orientation or gender identity or 60
expression as those terms are defined in section 4112.01 of the 61
Revised Code; 62

(d) Supports or opposes any labor organization or any 63
action by, on behalf of, or against any labor organization; 64

(e) Supports or opposes the nomination or election of a 65
candidate for public office, the investigation, prosecution, or 66
recall of a public official, or the passage of a levy or bond 67
issue. 68

(2) Compensate any employee of the political subdivision 69
for time spent on any activity to influence the outcome of an 70
election for any of the purposes described in division (C) (1) (e) 71
of this section. Division (C) (2) of this section does not 72

prohibit the use of public funds to compensate an employee of a 73
political subdivision for attending a public meeting to present 74
information about the political subdivision's finances, 75
activities, and governmental actions in a manner that is not 76
designed to influence the outcome of an election or the passage 77
of a levy or bond issue, even though the election, levy, or bond 78
issue is discussed or debated at the meeting. 79

(D) Except as otherwise provided in division (A) (7) of 80
section 340.03 of the Revised Code or in division (E) of this 81
section, no person shall knowingly conduct a direct or indirect 82
transaction of public funds to the benefit of any of the 83
following: 84

- (1) A campaign committee; 85
- (2) A political action committee; 86
- (3) A legislative campaign fund; 87
- (4) A political party; 88
- (5) A campaign fund; 89
- (6) A political committee; 90
- (7) A separate segregated fund; 91
- (8) A candidate. 92

(E) Division (D) of this section does not prohibit the 93
utilization of any person's own time to speak in support of or 94
in opposition to any candidate, recall, referendum, levy, or 95
bond issue unless prohibited by any other section of the Revised 96
Code. 97

(F) Nothing in this section prohibits or restricts any 98
political subdivision from sponsoring, participating in, or 99

doing any of the following:	100
(1) Charitable or public service advertising that is not commercial in nature;	101 102
(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;	103 104 105 106
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	107 108
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	109 110
Sec. 124.93. (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.	111 112 113 114
(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> ; <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, age, or ancestry , shall refuse to contract with that physician for the provision of health care services under section 124.82 of the Revised Code.	115 116 117 118 119 120 121 122 123 124
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.	125 126 127 128

(C) Each health insuring corporation that, on or after 129
July 1, 1993, enters into or renews a contract with the 130
department of administrative services under section 124.82 of 131
the Revised Code and that refuses to contract with a physician 132
for the provision of health care services under that section 133
shall provide that physician with a written notice that clearly 134
explains the reason or reasons for the refusal. The notice shall 135
be sent to the physician by regular mail within thirty days 136
after the refusal. 137

Any health insuring corporation that fails to provide 138
notice in compliance with this division is deemed to have 139
engaged in an unfair and deceptive act or practice in the 140
business of insurance as defined in section 3901.21 of the 141
Revised Code and is subject to sections 3901.19 to 3901.26 of 142
the Revised Code. 143

Sec. 340.12. As used in this section, "disability," ~~has~~ 144
"sexual orientation," and "gender identity or expression" have 145
the same ~~meaning~~ meanings as in section 4112.01 of the Revised 146
Code. 147

No board of alcohol, drug addiction, and mental health 148
services or any community addiction services provider or 149
community mental health services provider under contract with 150
such a board shall discriminate in the provision of addiction 151
services, mental health services, or recovery supports under its 152
authority, in employment, or under a contract on the basis of 153
race, color, religion, sex, age, ancestry, ~~military status, sex,~~ 154
~~age, or national origin;~~ or disability, sexual orientation, 155
gender identity or expression, or military status. 156

Each board, community addiction services provider, and 157
community mental health services provider shall have a written 158

affirmative action program. The affirmative action program shall 159
include goals for the employment and effective utilization of, 160
including contracts with, members of economically disadvantaged 161
groups as defined in division (E) (1) of section 122.71 of the 162
Revised Code in percentages reflecting as nearly as possible the 163
composition of the alcohol, drug addiction, and mental health 164
service district served by the board. Each board and provider 165
shall file a description of the affirmative action program and a 166
progress report on its implementation with the department of 167
mental health and addiction services. 168

Sec. 511.03. After an affirmative vote in an election held 169
under sections 511.01 and 511.02 of the Revised Code, the board 170
of township trustees may make all contracts necessary for the 171
purchase of a site, and the erection, improvement, or 172
enlargement of such building. The board shall have control of 173
any town hall belonging to the township, and it may rent or 174
lease all or part of any hall, lodge, or recreational facility 175
belonging to the township, to any person or organization under 176
terms the board considers proper, for which all rent shall be 177
paid in advance or fully secured. In establishing the terms of 178
any rental agreement or lease pursuant to this section, the 179
board of township trustees may give preference to persons who 180
are residents of or organizations that are headquartered in the 181
township or that are charitable or fraternal in nature. All 182
persons or organizations shall be treated on a like or similar 183
basis, and no differentiation shall be made on the basis of 184
race, color, religion, ~~national origin~~, sex, national origin, or 185
political affiliation; or sexual orientation or gender identity 186
or expression as those terms are defined in section 4112.01 of 187
the Revised Code. The rents received for such facilities may be 188
used for their repair or improvement, and any balance shall be 189

used for general township purposes.	190
Sec. 717.01. Each municipal corporation may do any of the	191
following:	192
(A) Acquire by purchase or condemnation real estate with	193
or without buildings on it, and easements or interests in real	194
estate;	195
(B) Extend, enlarge, reconstruct, repair, equip, furnish,	196
or improve a building or improvement that it is authorized to	197
acquire or construct;	198
(C) Erect a crematory or provide other means for disposing	199
of garbage or refuse, and erect public comfort stations;	200
(D) Purchase turnpike roads and make them free;	201
(E) Construct wharves and landings on navigable waters;	202
(F) Construct infirmaries, workhouses, prisons, police	203
stations, houses of refuge and correction, market houses, public	204
halls, public offices, municipal garages, repair shops, storage	205
houses, and warehouses;	206
(G) Construct or acquire waterworks for supplying water to	207
the municipal corporation and its inhabitants and extend the	208
waterworks system outside of the municipal corporation limits;	209
(H) Construct or purchase gas works or works for the	210
generation and transmission of electricity, for the supplying of	211
gas or electricity to the municipal corporation and its	212
inhabitants;	213
(I) Provide grounds for cemeteries or crematories, enclose	214
and embellish them, and construct vaults or crematories;	215
(J) Construct sewers, sewage disposal works, flushing	216

tunnels, drains, and ditches;	217
(K) Construct free public libraries and reading rooms, and free recreation centers;	218 219
(L) Establish free public baths and municipal lodging houses;	220 221
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	222 223 224
(N) Provide land for and improve parks, boulevards, and public playgrounds;	225 226
(O) Construct hospitals and pesthouses;	227
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	228 229
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	230 231 232
(R) Construct or improve viaducts, bridges, and culverts;	233
(S) (1) Construct any building necessary for the police or fire department;	234 235
(2) Purchase fire engines or fire boats;	236
(3) Construct water towers or fire cisterns;	237
(4) Place underground the wires or signal apparatus of any police or fire department.	238 239
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	240 241
(U) Construct subways under any street or boulevard or	242

elsewhere;	243
(V) Acquire by purchase, gift, devise, bequest, lease,	244
condemnation proceedings, or otherwise, real or personal	245
property, and thereon and thereof to establish, construct,	246
enlarge, improve, equip, maintain, and operate airports, landing	247
fields, or other air navigation facilities, either within or	248
outside the limits of a municipal corporation, and acquire by	249
purchase, gift, devise, lease, or condemnation proceedings	250
rights-of-way for connections with highways, waterways, and	251
electric, steam, and interurban railroads, and improve and equip	252
such facilities with structures necessary or appropriate for	253
such purposes. No municipal corporation may take or disturb	254
property or facilities belonging to any public utility or to a	255
common carrier engaged in interstate commerce, which property or	256
facilities are required for the proper and convenient operation	257
of the utility or carrier, unless provision is made for the	258
restoration, relocation, or duplication of the property or	259
facilities elsewhere at the sole cost of the municipal	260
corporation.	261
(W) Provide by agreement with any regional airport	262
authority, created under section 308.03 of the Revised Code, for	263
the making of necessary surveys, appraisals, and examinations	264
preliminary to the acquisition or construction of any airport or	265
airport facility and pay the portion of the expense of the	266
surveys, appraisals, and examinations as set forth in the	267
agreement;	268
(X) Provide by agreement with any regional airport	269
authority, created under section 308.03 of the Revised Code, for	270
the acquisition, construction, maintenance, or operation of any	271
airport or airport facility owned or to be owned and operated by	272

the regional airport authority or owned or to be owned and 273
operated by the municipal corporation and pay the portion of the 274
expense of it as set forth in the agreement; 275

(Y) Acquire by gift, purchase, lease, or condemnation, 276
land, forest, and water rights necessary for conservation of 277
forest reserves, water parks, or reservoirs, either within or 278
without the limits of the municipal corporation, and improve and 279
equip the forest and water parks with structures, equipment, and 280
reforestation necessary or appropriate for any purpose for the 281
utilization of any of the forest and water benefits that may 282
properly accrue therefrom to the municipal corporation; 283

(Z) Acquire real property by purchase, gift, or devise and 284
construct and maintain on it public swimming pools, either 285
within or outside the limits of the municipal corporation; 286

(AA) Construct or rehabilitate, equip, maintain, operate, 287
and lease facilities for housing of elderly persons and for 288
persons of low and moderate income, and appurtenant facilities. 289
No municipal corporation shall deny housing accommodations to or 290
withhold housing accommodations from elderly persons or persons 291
of low and moderate income because of race, color, religion, 292
sex, ancestry, or national origin; or familial status as defined 293
in section 4112.01 of the Revised Code, military status as 294
defined in that section, disability as defined in that section, 295
ancestry, or national origin, sexual orientation, gender 296
identity or expression, or military status as those terms are 297
defined in section 4112.01 of the Revised Code. Any elderly 298
person or person of low or moderate income who is denied housing 299
accommodations or has them withheld by a municipal corporation 300
because of race, color, religion, sex, ancestry, or national 301
origin; or familial status as defined in section 4112.01 of the 302

~~Revised Code, military status as defined in that section,~~ 303
~~disability as defined in that section, ancestry, or national-~~ 304
~~origin, sexual orientation, gender identity or expression, or~~ 305
military status as those terms are defined in section 4112.01 of 306
the Revised Code, may file a charge with the Ohio civil rights 307
commission as provided in Chapter 4112. of the Revised Code. 308

(BB) Acquire, rehabilitate, and develop rail property or 309
rail service, and enter into agreements with the Ohio rail 310
development commission, boards of county commissioners, boards 311
of township trustees, legislative authorities of other municipal 312
corporations, with other governmental agencies or organizations, 313
and with private agencies or organizations in order to achieve 314
those purposes; 315

(CC) Appropriate and contribute money to a soil and water 316
conservation district for use under Chapter 940. of the Revised 317
Code; 318

(DD) Authorize the board of county commissioners, pursuant 319
to a contract authorizing the action, to contract on the 320
municipal corporation's behalf for the administration and 321
enforcement within its jurisdiction of the state building code 322
by another county or another municipal corporation located 323
within or outside the county. The contract for administration 324
and enforcement shall provide for obtaining certification 325
pursuant to division (E) of section 3781.10 of the Revised Code 326
for the exercise of administration and enforcement authority 327
within the municipal corporation seeking those services and 328
shall specify which political subdivision is responsible for 329
securing that certification. 330

(EE) Expend money for providing and maintaining services 331
and facilities for senior citizens. 332

"Airport," "landing field," and "air navigation facility," 333
as defined in section 4561.01 of the Revised Code, apply to 334
division (V) of this section. 335

As used in divisions (W) and (X) of this section, 336
"airport" and "airport facility" have the same meanings as in 337
section 308.01 of the Revised Code. 338

As used in division (BB) of this section, "rail property" 339
and "rail service" have the same meanings as in section 4981.01 340
of the Revised Code. 341

Sec. 1501.012. (A) The director of natural resources may 342
lease lands in state parks, as defined in section 1501.07 of the 343
Revised Code, and contract for the construction and operation of 344
public service facilities, as mentioned in that section, and for 345
major renovation or remodeling of existing public service 346
facilities by the lessees on those lands. If the director 347
determines that doing so would be consistent with long-range 348
planning of the department of natural resources and in the best 349
interests of the department and the division of parks and 350
watercraft in the department, the director shall negotiate and 351
execute a lease and contract for those purposes in accordance 352
with this chapter except as otherwise provided in this section. 353

(B) The director shall draft a statement of intent 354
describing any public service facility that the department 355
wishes to have constructed in accordance with this section and 356
establishing a procedure for the submission of proposals for 357
providing the facility, including, but not limited to, a 358
requirement that each prospective bidder or lessee of land shall 359
submit with the proposal a completed questionnaire and financial 360
statement, on forms prescribed and furnished by the department, 361
to enable the department to ascertain the person's financial 362

worth and experience in maintaining and operating facilities 363
similar or related to the public service facility in question. 364
The completed questionnaire and financial statement shall be 365
verified under oath by the prospective bidder or lessee. 366
Questionnaires and financial statements submitted under this 367
division are confidential and are not open to public inspection. 368
Nothing in this division shall be construed to prevent use of or 369
reference to questionnaires and financial statements in a civil 370
action or criminal prosecution commenced by the state. 371

The director shall publish the statement of intent in at 372
least three daily newspapers of general circulation in the state 373
at least once each week for four consecutive weeks. The director 374
then shall accept proposals in response to the statement of 375
intent for at least thirty days following the final publication 376
of the statement. At the end of the period during which 377
proposals may be submitted under this division, the director 378
shall select the proposal that the director determines best 379
complies with the statement of intent and may negotiate a lease 380
and contract with the person that submitted that proposal. 381

(C) Any lease and contract negotiated under this section 382
shall include in its terms and conditions all of the following: 383

(1) The legal description of the leasehold; 384

(2) The duration of the lease and contract, which shall 385
not exceed forty years, and a requirement that the lease and 386
contract be nonrenewable; 387

(3) A requirement that the lessee maintain in full force 388
and effect during the term of the lease and contract 389
comprehensive liability insurance for injury, death, or loss to 390
persons or property and fire casualty insurance for the public 391

service facility and all its structures in an amount established	392
by the director and naming the department as an additional	393
insured;	394
(4) A requirement that the lessee maintain in full force	395
and effect suitable performance bonds or other adequate security	396
pertaining to the construction and operation of the public	397
service facility;	398
(5) Detailed plans and specifications controlling the	399
construction of the public service facility that shall include	400
all of the following:	401
(a) The size and capacity of the facility;	402
(b) The type and quality of construction;	403
(c) Other criteria that the department considers necessary	404
and advisable.	405
(6) The manner of rental payment;	406
(7) A stipulation that the director shall have control and	407
supervision over all of the following:	408
(a) The operating season of the public service facility;	409
(b) The facility's hours of operation;	410
(c) The maximum rates to be charged guests using the	411
facility;	412
(d) The facility's sanitary conditions;	413
(e) The quality of food and service furnished the guests	414
of the facility;	415
(f) The lessee's general and structural maintenance	416
responsibilities at the facility.	417

(8) The disposition of the leasehold and improvements at 418
the expiration of the lease and contract; 419

(9) A requirement that the public service facility be 420
available to all members of the public without regard to ~~sex,~~ 421
race, color, creed, sex, ancestry, or national origin~~;~~ or 422
disability, sexual orientation, gender identity or expression, 423
or military status, as those terms are defined in section 424
4112.01 of the Revised Code; 425

(10) Other terms and conditions that the director 426
considers necessary and advisable to carry out the purposes of 427
this section. 428

(D) The attorney general shall approve the form of the 429
lease and contract prior to its execution by the director. 430

(E) The authority granted in this section to the director 431
is in addition and supplemental to any other authority granted 432
the director under state law. 433

Sec. 1751.18. (A) (1) No health insuring corporation shall 434
cancel or fail to renew the coverage of a subscriber or enrollee 435
because of any health status-related factor in relation to the 436
subscriber or enrollee, the subscriber's or enrollee's 437
requirements for health care services, or for any other reason 438
designated under rules adopted by the superintendent of 439
insurance. 440

(2) Unless otherwise required by state or federal law, no 441
health insuring corporation, or health care facility or provider 442
through which the health insuring corporation has made 443
arrangements to provide health care services, shall discriminate 444
against any individual with regard to enrollment, disenrollment, 445
or the quality of health care services rendered, on the basis of 446

the individual's race, color, sex, religion, or age,~~religion,~~
or sexual orientation, gender identity or expression, or
military status, as those terms are defined in section 4112.01
of the Revised Code~~;~~ or the individual's status as a recipient
of medicare or medicaid~~;~~ or any health status-related factor in
relation to the individual. However, a health insuring
corporation shall not be required to accept a recipient of
medicare or medical assistance, if an agreement has not been
reached on appropriate payment mechanisms between the health
insuring corporation and the governmental agency administering
these programs. Further, except for open enrollment coverage
under sections 3923.58 and 3923.581 of the Revised Code and
except as provided in section 1751.65 of the Revised Code, a
health insuring corporation may reject an applicant for nongroup
enrollment on the basis of any health status-related factor in
relation to the applicant.

(B) A health insuring corporation may cancel or decide not
to renew the coverage of an enrollee if the enrollee has
performed an act or practice that constitutes fraud or
intentional misrepresentation of material fact under the terms
of the coverage and if the cancellation or nonrenewal is not
based, either directly or indirectly, on any health status-
related factor in relation to the enrollee.

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

insuring corporation, appeal the health insuring corporation's	478
action or decision to the superintendent.	479
(D) As used in this section, "health status-related	480
factor" means any of the following:	481
(1) Health status;	482
(2) Medical condition, including both physical and mental	483
illnesses;	484
(3) Claims experience;	485
(4) Receipt of health care;	486
(5) Medical history;	487
(6) Genetic information;	488
(7) Evidence of insurability, including conditions arising	489
out of acts of domestic violence;	490
(8) Disability.	491
Sec. 2927.03. (A) No person, whether or not acting under	492
color of law, shall by force or threat of force willfully	493
injure, intimidate, or interfere with, or attempt to injure,	494
intimidate, or interfere with, any of the following:	495
(1) Any person because of race, color, religion, sex,	496
ancestry, or national origin; or familial status as defined in	497
section 4112.01 of the Revised Code, national origin, military	498
status as defined in that section, disability as defined in that	499
section, <u>sexual orientation, gender identity or expression, or</u>	500
ancestry military status as those terms are defined in section	501
<u>4112.01 of the Revised Code,</u> and because that person is or has	502
been selling, purchasing, renting, financing, occupying,	503
contracting, or negotiating for the sale, purchase, rental,	504

financing, or occupation of any housing accommodations, or 505
applying for or participating in any service, organization, or 506
facility relating to the business of selling or renting housing 507
accommodations; 508

(2) Any person because that person is or has been doing, 509
or in order to intimidate that person or any other person or any 510
class of persons from doing, either of the following: 511

(a) Participating, without discrimination on account of 512
race, color, religion, sex, ancestry, or national origin, or 513
familial status as defined in section 4112.01 of the Revised 514
Code, national origin, military status as defined in that 515
section, disability as defined in that section, sexual 516
orientation, gender identity or expression, or ancestry, 517
military status as those terms are defined in section 4112.01 of 518
the Revised Code, in any of the activities, services, 519
organizations, or facilities described in division (A) (1) of 520
this section; 521

(b) Affording another person or class of persons 522
opportunity or protection so to participate. 523

(3) Any person because that person is or has been, or in 524
order to discourage that person or any other person from, 525
lawfully aiding or encouraging other persons to participate, 526
without discrimination on account of race, color, religion, sex, 527
ancestry, or national origin; or familial status as defined in 528
section 4112.01 of the Revised Code, national origin, military 529
status as defined in that section, disability as defined in that 530
section, sexual orientation, gender identity or expression, or 531
ancestry, military status, as those terms are defined in section 532
4112.01 of the Revised Code, in any of the activities, services, 533
organizations, or facilities described in division (A) (1) of 534

this section, or participating lawfully in speech or peaceful 535
assembly opposing any denial of the opportunity to so 536
participate. 537

(B) Whoever violates division (A) of this section is 538
guilty of a misdemeanor of the first degree. 539

Sec. 3113.36. (A) To qualify for funds under section 540
3113.35 of the Revised Code, a shelter for victims of domestic 541
violence shall meet all of the following requirements: 542

(1) Be incorporated in this state as a nonprofit 543
corporation; 544

(2) Have trustees who represent the racial, ethnic, and 545
socioeconomic diversity of the community to be served, including 546
at least one person who is or has been a victim of domestic 547
violence; 548

(3) Receive at least twenty-five per cent of its funds 549
from sources other than funds distributed pursuant to section 550
3113.35 of the Revised Code. These other sources may be public 551
or private, and may include funds distributed pursuant to 552
section 3113.37 of the Revised Code, and contributions of goods 553
or services, including materials, commodities, transportation, 554
office space, or other types of facilities or personal services. 555

(4) Provide residential service or facilities for children 556
when accompanied by a parent, guardian, or custodian who is a 557
victim of domestic violence and who is receiving temporary 558
residential service at the shelter; 559

(5) Require persons employed by or volunteering services 560
to the shelter to maintain the confidentiality of any 561
information that would identify individuals served by the 562
shelter. 563

(B) A shelter for victims of domestic violence does not 564
qualify for funds if it discriminates in its admissions or 565
provision of services on the basis of race, ~~religion,~~ color, 566
religion, age, ancestry, national origin, or marital status, 567
~~national origin, or ancestry;~~ or sexual orientation or gender 568
identity or expression, as those terms are defined in section 569
4112.01 of the Revised Code. A shelter does not qualify for 570
funds in the second half of any year if its application projects 571
the provision of residential service and such service has not 572
been provided in the first half of that year; such a shelter 573
does not qualify for funds in the following year. 574

Sec. 3301.53. (A) The state board of education, in 575
consultation with the director of job and family services, shall 576
formulate and prescribe by rule adopted under Chapter 119. of 577
the Revised Code minimum standards to be applied to preschool 578
programs operated by school district boards of education, county 579
boards of developmental disabilities, community schools, or 580
eligible nonpublic schools. The rules shall include the 581
following: 582

(1) Standards ensuring that the preschool program is 583
located in a safe and convenient facility that accommodates the 584
enrollment of the program, is of the quality to support the 585
growth and development of the children according to the program 586
objectives, and meets the requirements of section 3301.55 of the 587
Revised Code; 588

(2) Standards ensuring that supervision, discipline, and 589
programs will be administered according to established 590
objectives and procedures; 591

(3) Standards ensuring that preschool staff members and 592
nonteaching employees are recruited, employed, assigned, 593

evaluated, and provided inservice education without 594
discrimination on the basis of race, color, sex, age, color, or 595
national origin, race, or sex; or sexual orientation or gender 596
identity or expression, as those terms are defined in section 597
4112.01 of the Revised Code, and that preschool staff members 598
and nonteaching employees are assigned responsibilities in 599
accordance with written position descriptions commensurate with 600
their training and experience; 601

(4) A requirement that boards of education intending to 602
establish a preschool program demonstrate a need for a preschool 603
program prior to establishing the program; 604

(5) Requirements that children participating in preschool 605
programs have been immunized to the extent considered 606
appropriate by the state board to prevent the spread of 607
communicable disease; 608

(6) Requirements that the parents of preschool children 609
complete the emergency medical authorization form specified in 610
section 3313.712 of the Revised Code. 611

(B) The state board of education in consultation with the 612
director of job and family services shall ensure that the rules 613
adopted by the state board under sections 3301.52 to 3301.58 of 614
the Revised Code are consistent with and meet or exceed the 615
requirements of Chapter 5104. of the Revised Code with regard to 616
child day-care centers that serve preschool children. The state 617
board and the director of job and family services shall review 618
all such rules at least once every five years. 619

(C) The state board of education, in consultation with the 620
director of job and family services, shall adopt rules for 621
school child programs that are consistent with and meet or 622

exceed the requirements of the rules adopted for child day-care 623
centers that serve school-age children under Chapter 5104. of 624
the Revised Code. 625

Sec. 3304.15. (A) There is hereby created the 626
opportunities for Ohioans with disabilities agency. The agency 627
is the designated state unit authorized under the 628
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 629
amended, to provide vocational rehabilitation services to 630
eligible individuals with disabilities. 631

(B) The governor shall appoint an executive director of 632
the opportunities for Ohioans with disabilities agency to serve 633
at the pleasure of the governor and shall fix the executive 634
director's compensation. The executive director shall devote the 635
executive director's entire time to the duties of the executive 636
director's office, shall hold no other office or position of 637
trust and profit, and shall engage in no other business during 638
the executive director's term of office. The governor may grant 639
the executive director the authority to appoint, remove, and 640
discipline without regard to ~~sex, race, creed, color, creed,~~ 641
sex, age, or national origin; or sexual orientation or gender 642
identity or expression, as those terms are defined in section 643
4112.01 of the Revised Code, such other professional, 644
administrative, and clerical staff members as are necessary to 645
carry out the functions and duties of the agency. 646

The executive director of the opportunities for Ohioans 647
with disabilities agency is the executive and administrative 648
officer of the agency. Whenever the Revised Code imposes a duty 649
on or requires an action of the agency, the executive director 650
shall perform the duty or action on behalf of the agency. The 651
executive director may establish procedures for all of the 652

following:	653
(1) The governance of the agency;	654
(2) The conduct of agency employees and officers;	655
(3) The performance of agency business;	656
(4) The custody, use, and preservation of agency records, papers, books, documents, and property.	657 658
(C) The executive director shall have exclusive authority to administer the daily operation and provision of vocational rehabilitation services under this chapter. In exercising that authority, the executive director may do all of the following:	659 660 661 662
(1) Adopt rules in accordance with Chapter 119. of the Revised Code;	663 664
(2) Prepare and submit an annual report to the governor;	665
(3) Certify any disbursement of funds available to the agency for vocational rehabilitation services;	666 667
(4) Take appropriate action to guarantee rights of vocational rehabilitation services to eligible individuals with disabilities;	668 669 670
(5) Consult with and advise other state agencies and coordinate programs for eligible individuals with disabilities;	671 672
(6) Comply with the requirements for match as part of budget submission;	673 674
(7) Establish research and demonstration projects;	675
(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation services;	676 677
(9) For the purposes of the business enterprise program	678

administered under sections 3304.28 to 3304.35 of the Revised Code: 679
680

(a) Establish and manage small business entities owned or operated by individuals who are blind; 681
682

(b) Purchase insurance; 683

(c) Accept computers. 684

(10) Enter into contracts and other agreements for the provision of vocational rehabilitation services. 685
686

(D) The executive director, by rule adopted under Chapter 119. of the Revised Code, shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50. 687
688
689
690

Sec. 3304.50. The Ohio independent living council established and appointed by the governor under the authority of section 107.18 of the Revised Code and pursuant to the "Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29 U.S.C.A. 796d, shall appoint an executive director to serve at the pleasure of the council and shall fix his the executive director's compensation. The executive director shall not be considered a public employee for purposes of Chapter 4117. of the Revised Code. The council may delegate to the executive director the authority to appoint, remove, and discipline, without regard to sex, race, ~~creed,~~ color, creed, age, or national origin; or sexual orientation or gender identity or expression, as those terms are defined in section 4112.01 of the Revised Code, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the council. 691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706

Sec. 3314.06. The governing authority of each community 707

school established under this chapter shall adopt admission 708
procedures that specify the following: 709

(A) That, except as otherwise provided in this section, 710
admission to the school shall be open to any individual age five 711
to twenty-two entitled to attend school pursuant to section 712
3313.64 or 3313.65 of the Revised Code in a school district in 713
the state. 714

Additionally, except as otherwise provided in this 715
section, admission to the school may be open on a tuition basis 716
to any individual age five to twenty-two who is not a resident 717
of this state. The school shall not receive state funds under 718
section 3314.08 of the Revised Code for any student who is not a 719
resident of this state. 720

An individual younger than five years of age may be 721
admitted to the school in accordance with division (A) (2) of 722
section 3321.01 of the Revised Code. The school shall receive 723
funds for an individual admitted under that division in the 724
manner provided under section 3314.08 of the Revised Code. 725

If the school operates a program that uses the Montessori 726
method endorsed by the American Montessori society, the 727
Montessori accreditation council for teacher education, or the 728
association Montessori internationale as its primary method of 729
instruction, admission to the school may be open to individuals 730
younger than five years of age. The department of education 731
shall pay the school an amount equal to the formula amount, as 732
defined in section 3317.02 of the Revised Code, for each of 733
these students younger than four years of age. However, the 734
school shall not receive any other funds under this chapter for 735
those individuals. Notwithstanding anything to the contrary in 736
this chapter, individuals younger than five years of age who are 737

enrolled in a Montessori program shall be offered at least four 738
hundred fifty-five hours of learning opportunities per school 739
year. 740

If the school operates a preschool program that is 741
licensed by the department of education under sections 3301.52 742
to 3301.59 of the Revised Code, admission to the school may be 743
open to individuals who are younger than five years of age, but 744
the school shall not receive funds under this chapter for those 745
individuals. 746

(B) (1) That admission to the school may be limited to 747
students who have attained a specific grade level or are within 748
a specific age group; to students that meet a definition of "at- 749
risk," as defined in the contract; to residents of a specific 750
geographic area within the district, as defined in the contract; 751
or to separate groups of autistic students and nondisabled 752
students, as authorized in section 3314.061 of the Revised Code 753
and as defined in the contract. 754

(2) For purposes of division (B) (1) of this section, "at- 755
risk" students may include those students identified as gifted 756
students under section 3324.03 of the Revised Code. 757

(C) Whether enrollment is limited to students who reside 758
in the district in which the school is located or is open to 759
residents of other districts, as provided in the policy adopted 760
pursuant to the contract. 761

(D) (1) That there will be no discrimination in the 762
admission of students to the school on the basis of race, ~~creed,~~ 763
color, creed, or sex; or disability, ~~or sex~~ sexual orientation, 764
or gender identity or expression, as those terms are defined in 765
section 4112.01 of the Revised Code, except that: 766

(a) The governing authority may do either of the following 767
for the purpose described in division (G) of this section: 768

(i) Establish a single-gender school for either sex; 769

(ii) Establish single-gender schools for each sex under 770
the same contract, provided substantially equal facilities and 771
learning opportunities are offered for both boys and girls. Such 772
facilities and opportunities may be offered for each sex at 773
separate locations. 774

(b) The governing authority may establish a school that 775
simultaneously serves a group of students identified as autistic 776
and a group of students who are not disabled, as authorized in 777
section 3314.061 of the Revised Code. However, unless the total 778
capacity established for the school has been filled, no student 779
with any disability shall be denied admission on the basis of 780
that disability. 781

(2) That upon admission of any student with a disability, 782
the community school will comply with all federal and state laws 783
regarding the education of students with disabilities. 784

(E) That the school may not limit admission to students on 785
the basis of intellectual ability, measures of achievement or 786
aptitude, or athletic ability, except that a school may limit 787
its enrollment to students as described in division (B) of this 788
section. 789

(F) That the community school will admit the number of 790
students that does not exceed the capacity of the school's 791
programs, classes, grade levels, or facilities. 792

(G) That the purpose of single-gender schools that are 793
established shall be to take advantage of the academic benefits 794
some students realize from single-gender instruction and 795

facilities and to offer students and parents residing in the 796
district the option of a single-gender education. 797

(H) That, except as otherwise provided under division (B) 798
of this section or section 3314.061 of the Revised Code, if the 799
number of applicants exceeds the capacity restrictions of 800
division (F) of this section, students shall be admitted by lot 801
from all those submitting applications, except preference shall 802
be given to students attending the school the previous year and 803
to students who reside in the district in which the school is 804
located. Preference may be given to siblings of students 805
attending the school the previous year. Preference also may be 806
given to students who are the children of full-time staff 807
members employed by the school, provided the total number of 808
students receiving this preference is less than five per cent of 809
the school's total enrollment. 810

Notwithstanding divisions (A) to (H) of this section, in 811
the event the racial composition of the enrollment of the 812
community school is violative of a federal desegregation order, 813
the community school shall take any and all corrective measures 814
to comply with the desegregation order. 815

Sec. 3332.09. The state board of career colleges and 816
schools may limit, suspend, revoke, or refuse to issue or renew 817
a certificate of registration or program authorization or may 818
impose a penalty pursuant to section 3332.091 of the Revised 819
Code for any one or combination of the following causes: 820

(A) Violation of any provision of sections 3332.01 to 821
3332.09 of the Revised Code, the board's minimum standards, or 822
any rule made by the board; 823

(B) Furnishing of false, misleading, deceptive, altered, 824

or incomplete information or documents to the board;	825
(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;	826 827 828 829
(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;	830 831 832 833
(E) Violation of any commitment made in an application for a certificate of registration or program authorization;	834 835
(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;	836 837 838 839 840 841 842
(G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	843 844
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	845 846
(I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be licensed by the state board of education or to hold any type of post-high school degree;	847 848 849 850 851 852

(J) Offering training or programs other than those 853
presented in the application, except that schools may offer 854
special courses adapted to the needs of individual students when 855
the special courses are in the subject field specified in the 856
application; 857

(K) Discrimination in the acceptance of students upon the 858
basis of race, color, religion, sex, or national origin; or 859
sexual orientation or gender identity or expression, as those 860
terms are defined in section 4112.01 of the Revised Code; 861

(L) Accepting the services of an agent not holding a valid 862
permit issued under section 3332.10 or 3332.11 of the Revised 863
Code; 864

(M) The use of monetary or other valuable consideration by 865
the school's agents or representatives to induce prospective 866
students to enroll in the school, or the practice of awarding 867
monetary or other valuable considerations without board approval 868
to students in exchange for procuring the enrollment of others; 869

(N) Failure to provide at the request of the board, any 870
information, records, or files pertaining to the operation of 871
the school or recruitment and enrollment of students. 872

If the board modifies or adopts additional minimum 873
standards or rules pursuant to section 3332.031 of the Revised 874
Code, all schools and agents shall have sixty days from the 875
effective date of the modifications or additional standards or 876
rules to comply with such modifications or additions. 877

Sec. 3721.13. (A) The rights of residents of a home shall 878
include, but are not limited to, the following: 879

(1) The right to a safe and clean living environment 880
pursuant to the medicare and medicaid programs and applicable 881

state laws and rules adopted by the director of health; 882

(2) The right to be free from physical, verbal, mental, 883
and emotional abuse and to be treated at all times with 884
courtesy, respect, and full recognition of dignity and 885
individuality; 886

(3) Upon admission and thereafter, the right to adequate 887
and appropriate medical treatment and nursing care and to other 888
ancillary services that comprise necessary and appropriate care 889
consistent with the program for which the resident contracted. 890
This care shall be provided without regard to considerations 891
such as race, color, religion, age, or national origin,~~age,~~ 892
sexual orientation or gender identity or expression, as those 893
terms are defined in section 4112.01 of the Revised Code; or 894
source of payment for care. 895

(4) The right to have all reasonable requests and 896
inquiries responded to promptly; 897

(5) The right to have clothes and bed sheets changed as 898
the need arises, to ensure the resident's comfort or sanitation; 899

(6) The right to obtain from the home, upon request, the 900
name and any specialty of any physician or other person 901
responsible for the resident's care or for the coordination of 902
care; 903

(7) The right, upon request, to be assigned, within the 904
capacity of the home to make the assignment, to the staff 905
physician of the resident's choice, and the right, in accordance 906
with the rules and written policies and procedures of the home, 907
to select as the attending physician a physician who is not on 908
the staff of the home. If the cost of a physician's services is 909
to be met under a federally supported program, the physician 910

shall meet the federal laws and regulations governing such 911
services. 912

(8) The right to participate in decisions that affect the 913
resident's life, including the right to communicate with the 914
physician and employees of the home in planning the resident's 915
treatment or care and to obtain from the attending physician 916
complete and current information concerning medical condition, 917
prognosis, and treatment plan, in terms the resident can 918
reasonably be expected to understand; the right of access to all 919
information in the resident's medical record; and the right to 920
give or withhold informed consent for treatment after the 921
consequences of that choice have been carefully explained. When 922
the attending physician finds that it is not medically advisable 923
to give the information to the resident, the information shall 924
be made available to the resident's sponsor on the resident's 925
behalf, if the sponsor has a legal interest or is authorized by 926
the resident to receive the information. The home is not liable 927
for a violation of this division if the violation is found to be 928
the result of an act or omission on the part of a physician 929
selected by the resident who is not otherwise affiliated with 930
the home. 931

(9) The right to withhold payment for physician visitation 932
if the physician did not visit the resident; 933

(10) The right to confidential treatment of personal and 934
medical records, and the right to approve or refuse the release 935
of these records to any individual outside the home, except in 936
case of transfer to another home, hospital, or health care 937
system, as required by law or rule, or as required by a third- 938
party payment contract; 939

(11) The right to privacy during medical examination or 940

treatment and in the care of personal or bodily needs; 941

(12) The right to refuse, without jeopardizing access to 942
appropriate medical care, to serve as a medical research 943
subject; 944

(13) The right to be free from physical or chemical 945
restraints or prolonged isolation except to the minimum extent 946
necessary to protect the resident from injury to self, others, 947
or to property and except as authorized in writing by the 948
attending physician for a specified and limited period of time 949
and documented in the resident's medical record. Prior to 950
authorizing the use of a physical or chemical restraint on any 951
resident, the attending physician shall make a personal 952
examination of the resident and an individualized determination 953
of the need to use the restraint on that resident. 954

Physical or chemical restraints or isolation may be used 955
in an emergency situation without authorization of the attending 956
physician only to protect the resident from injury to self or 957
others. Use of the physical or chemical restraints or isolation 958
shall not be continued for more than twelve hours after the 959
onset of the emergency without personal examination and 960
authorization by the attending physician. The attending 961
physician or a staff physician may authorize continued use of 962
physical or chemical restraints for a period not to exceed 963
thirty days, and at the end of this period and any subsequent 964
period may extend the authorization for an additional period of 965
not more than thirty days. The use of physical or chemical 966
restraints shall not be continued without a personal examination 967
of the resident and the written authorization of the attending 968
physician stating the reasons for continuing the restraint. 969

If physical or chemical restraints are used under this 970

division, the home shall ensure that the restrained resident 971
receives a proper diet. In no event shall physical or chemical 972
restraints or isolation be used for punishment, incentive, or 973
convenience. 974

(14) The right to the pharmacist of the resident's choice 975
and the right to receive pharmaceutical supplies and services at 976
reasonable prices not exceeding applicable and normally accepted 977
prices for comparably packaged pharmaceutical supplies and 978
services within the community; 979

(15) The right to exercise all civil rights, unless the 980
resident has been adjudicated incompetent pursuant to Chapter 981
2111. of the Revised Code and has not been restored to legal 982
capacity, as well as the right to the cooperation of the home's 983
administrator in making arrangements for the exercise of the 984
right to vote; 985

(16) The right of access to opportunities that enable the 986
resident, at the resident's own expense or at the expense of a 987
third-party payer, to achieve the resident's fullest potential, 988
including educational, vocational, social, recreational, and 989
habilitation programs; 990

(17) The right to consume a reasonable amount of alcoholic 991
beverages at the resident's own expense, unless not medically 992
advisable as documented in the resident's medical record by the 993
attending physician or unless contradictory to written admission 994
policies; 995

(18) The right to use tobacco at the resident's own 996
expense under the home's safety rules and under applicable laws 997
and rules of the state, unless not medically advisable as 998
documented in the resident's medical record by the attending 999

physician or unless contradictory to written admission policies;	1000
(19) The right to retire and rise in accordance with the	1001
resident's reasonable requests, if the resident does not disturb	1002
others or the posted meal schedules and upon the home's request	1003
remains in a supervised area, unless not medically advisable as	1004
documented by the attending physician;	1005
(20) The right to observe religious obligations and	1006
participate in religious activities; the right to maintain	1007
individual and cultural identity; and the right to meet with and	1008
participate in activities of social and community groups at the	1009
resident's or the group's initiative;	1010
(21) The right upon reasonable request to private and	1011
unrestricted communications with the resident's family, social	1012
worker, and any other person, unless not medically advisable as	1013
documented in the resident's medical record by the attending	1014
physician, except that communications with public officials or	1015
with the resident's attorney or physician shall not be	1016
restricted. Private and unrestricted communications shall	1017
include, but are not limited to, the right to:	1018
(a) Receive, send, and mail sealed, unopened	1019
correspondence;	1020
(b) Reasonable access to a telephone for private	1021
communications;	1022
(c) Private visits at any reasonable hour.	1023
(22) The right to assured privacy for visits by the	1024
spouse, or if both are residents of the same home, the right to	1025
share a room within the capacity of the home, unless not	1026
medically advisable as documented in the resident's medical	1027
record by the attending physician;	1028

(23) The right upon reasonable request to have room doors 1029
closed and to have them not opened without knocking, except in 1030
the case of an emergency or unless not medically advisable as 1031
documented in the resident's medical record by the attending 1032
physician; 1033

(24) The right to retain and use personal clothing and a 1034
reasonable amount of possessions, in a reasonably secure manner, 1035
unless to do so would infringe on the rights of other residents 1036
or would not be medically advisable as documented in the 1037
resident's medical record by the attending physician; 1038

(25) The right to be fully informed, prior to or at the 1039
time of admission and during the resident's stay, in writing, of 1040
the basic rate charged by the home, of services available in the 1041
home, and of any additional charges related to such services, 1042
including charges for services not covered under the medicare or 1043
medicaid program. The basic rate shall not be changed unless 1044
thirty days' notice is given to the resident or, if the resident 1045
is unable to understand this information, to the resident's 1046
sponsor. 1047

(26) The right of the resident and person paying for the 1048
care to examine and receive a bill at least monthly for the 1049
resident's care from the home that itemizes charges not included 1050
in the basic rates; 1051

(27) (a) The right to be free from financial exploitation; 1052

(b) The right to manage the resident's own personal 1053
financial affairs, or, if the resident has delegated this 1054
responsibility in writing to the home, to receive upon written 1055
request at least a quarterly accounting statement of financial 1056
transactions made on the resident's behalf. The statement shall 1057

include: 1058

(i) A complete record of all funds, personal property, or 1059
possessions of a resident from any source whatsoever, that have 1060
been deposited for safekeeping with the home for use by the 1061
resident or the resident's sponsor; 1062

(ii) A listing of all deposits and withdrawals transacted, 1063
which shall be substantiated by receipts which shall be 1064
available for inspection and copying by the resident or sponsor. 1065

(28) The right of the resident to be allowed unrestricted 1066
access to the resident's property on deposit at reasonable 1067
hours, unless requests for access to property on deposit are so 1068
persistent, continuous, and unreasonable that they constitute a 1069
nuisance; 1070

(29) The right to receive reasonable notice before the 1071
resident's room or roommate is changed, including an explanation 1072
of the reason for either change. 1073

(30) The right not to be transferred or discharged from 1074
the home unless the transfer is necessary because of one of the 1075
following: 1076

(a) The welfare and needs of the resident cannot be met in 1077
the home. 1078

(b) The resident's health has improved sufficiently so 1079
that the resident no longer needs the services provided by the 1080
home. 1081

(c) The safety of individuals in the home is endangered. 1082

(d) The health of individuals in the home would otherwise 1083
be endangered. 1084

(e) The resident has failed, after reasonable and 1085
appropriate notice, to pay or to have the medicare or medicaid 1086
program pay on the resident's behalf, for the care provided by 1087
the home. A resident shall not be considered to have failed to 1088
have the resident's care paid for if the resident has applied 1089
for medicaid, unless both of the following are the case: 1090

(i) The resident's application, or a substantially similar 1091
previous application, has been denied. 1092

(ii) If the resident appealed the denial, the denial was 1093
upheld. 1094

(f) The home's license has been revoked, the home is being 1095
closed pursuant to section 3721.08, sections 5165.60 to 5165.89, 1096
or section 5155.31 of the Revised Code, or the home otherwise 1097
ceases to operate. 1098

(g) The resident is a recipient of medicaid, and the 1099
home's participation in the medicaid program is involuntarily 1100
terminated or denied. 1101

(h) The resident is a beneficiary under the medicare 1102
program, and the home's participation in the medicare program is 1103
involuntarily terminated or denied. 1104

(31) The right to voice grievances and recommend changes 1105
in policies and services to the home's staff, to employees of 1106
the department of health, or to other persons not associated 1107
with the operation of the home, of the resident's choice, free 1108
from restraint, interference, coercion, discrimination, or 1109
reprisal. This right includes access to a residents' rights 1110
advocate, and the right to be a member of, to be active in, and 1111
to associate with persons who are active in organizations of 1112
relatives and friends of nursing home residents and other 1113

organizations engaged in assisting residents. 1114

(32) The right to have any significant change in the 1115
resident's health status reported to the resident's sponsor. As 1116
soon as such a change is known to the home's staff, the home 1117
shall make a reasonable effort to notify the sponsor within 1118
twelve hours. 1119

(33) The right, if the resident has requested the care and 1120
services of a hospice care program, to choose a hospice care 1121
program licensed under Chapter 3712. of the Revised Code that 1122
best meets the resident's needs. 1123

(B) A sponsor may act on a resident's behalf to assure 1124
that the home does not deny the residents' rights under sections 1125
3721.10 to 3721.17 of the Revised Code. 1126

(C) Any attempted waiver of the rights listed in division 1127
(A) of this section is void. 1128

Sec. 3905.55. (A) Except as provided in division (B) of 1129
this section, an agent may charge a consumer a fee if all of the 1130
following conditions are met: 1131

(1) The fee is disclosed to the consumer in a manner that 1132
separately identifies the fee and the premium. 1133

(2) The fee is not calculated as a percentage of the 1134
premium. 1135

(3) The fee is not refunded, forgiven, waived, offset, or 1136
reduced by any commission earned or received for any policy or 1137
coverage sold. 1138

(4) The amount of the fee, and the consumer's obligation 1139
to pay the fee, are not conditioned upon the occurrence of a 1140
future event or condition, such as the purchase, cancellation, 1141

lapse, declination, or nonrenewal of insurance. 1142

(5) The agent discloses to the consumer that the fee is 1143
being charged by the agent and not by the insurance company, 1144
that neither state law nor the insurance company requires the 1145
agent to charge the fee, and that the fee is not refundable. 1146

(6) The consumer consents to the fee. 1147

(7) The agent, in charging the fee, does not discriminate 1148
on the basis of race, sex, religion, age, national origin, 1149
~~religion, disability marital status~~, health status, ~~age, marital~~ 1150
~~status, or geographic location; or disability, sexual~~ 1151
orientation, gender identity or expression, or military status, 1152
as those terms are defined in section 4112.01 of the Revised 1153
Code, ~~or geographic location~~, and does not unfairly discriminate 1154
between persons of essentially the same class and of essentially 1155
the same hazard or expectation of life. 1156

(B) A fee may not be charged for taking or submitting an 1157
initial application for coverage with any one insurer or 1158
different programs with the same insurer, or processing a change 1159
to an existing policy, a cancellation, a claim, or a renewal, in 1160
connection with any of the following personal lines policies: 1161

(1) Private passenger automobile; 1162

(2) Homeowners, including coverage for tenants or 1163
condominium owners, owner-occupied fire or dwelling property 1164
coverage, personal umbrella liability, or any other personal 1165
lines-related coverage whether sold as a separate policy or as 1166
an endorsement to another personal lines policy; 1167

(3) Individual life insurance; 1168

(4) Individual sickness or accident insurance; 1169

(5) Disability income policies;	1170
(6) Credit insurance products.	1171
(C) Notwithstanding any other provision of this section, an agent may charge a fee for agent services in connection with a policy issued on a no-commission basis, if the agent provides the consumer with prior disclosure of the fee and of the services to be provided.	1172 1173 1174 1175 1176
(D) In the event of a dispute between an agent and a consumer regarding any disclosure required by this section, the agent has the burden of proving that the disclosure was made.	1177 1178 1179
(E) (1) No person shall fail to comply with this section.	1180
(2) Whoever violates division (E) (1) of this section is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code.	1181 1182 1183 1184
(F) This section does not apply with respect to any expense fee charged by a surety bail bond agent to cover the costs incurred by the surety bail bond agent in executing the bail bond.	1185 1186 1187 1188
Sec. 4111.17. (A) No employer, including the state and political subdivisions thereof, shall discriminate in the payment of wages on the basis of race, color, religion, sex, age, <u>ancestry, or national origin</u> , ; or <u>ancestry-sexual orientation or gender identity or expression, as those terms are defined in section 4112.01 of the Revised Code,</u> by paying wages to any employee at a rate less than the rate at which the employer pays wages to another employee for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar	1189 1190 1191 1192 1193 1194 1195 1196 1197 1198

conditions. 1199

(B) Nothing in this section prohibits an employer from 1200
paying wages to one employee at a rate different from that at 1201
which the employer pays another employee for the performance of 1202
equal work under similar conditions on jobs requiring equal 1203
skill, effort, and responsibility, when the payment is made 1204
pursuant to any of the following: 1205

(1) A seniority system; 1206

(2) A merit system; 1207

(3) A system which measures earnings by the quantity or 1208
quality of production; 1209

(4) A wage rate differential determined by any factor 1210
other than race, color, religion, sex, age, ancestry, or 1211
national origin, or ancestry; or sexual orientation or gender 1212
identity or expression, as those terms are defined in section 1213
4112.01 of the Revised Code. 1214

(C) No employer shall reduce the wage rate of any employee 1215
in order to comply with this section. 1216

(D) The director of commerce shall carry out, administer, 1217
and enforce this section. Any employee discriminated against in 1218
violation of this section may sue in any court of competent 1219
jurisdiction to recover two times the amount of the difference 1220
between the wages actually received and the wages received by a 1221
person performing equal work for the employer, from the date of 1222
the commencement of the violation, and for costs, including 1223
attorney fees. The director may take an assignment of any such 1224
wage claim in trust for such employee and sue in the employee's 1225
behalf. In any civil action under this section, two or more 1226
employees of the same employer may join as co-plaintiffs in one 1227

action. The director may sue in one action for claims assigned 1228
to the director by two or more employees of the same employer. 1229
No agreement to work for a discriminatory wage constitutes a 1230
defense for any civil or criminal action to enforce this 1231
section. No employer shall discriminate against any employee 1232
because such employee makes a complaint or institutes, or 1233
testifies in, any proceeding under this section. 1234

(E) Any action arising under this section shall be 1235
initiated within one year after the date of violation. 1236

Sec. 4112.01. (A) As used in this chapter: 1237

(1) "Person" includes one or more individuals, 1238
partnerships, associations, organizations, corporations, legal 1239
representatives, trustees, trustees in bankruptcy, receivers, 1240
and other organized groups of persons. "Person" also includes, 1241
but is not limited to, any owner, lessor, assignor, builder, 1242
manager, broker, salesperson, appraiser, agent, employee, 1243
lending institution, and the state and all political 1244
subdivisions, authorities, agencies, boards, and commissions of 1245
the state. 1246

(2) "Employer" includes the state, any political 1247
subdivision of the state, any person employing four or more 1248
persons within the state, and any person acting directly or 1249
indirectly in the interest of an employer. 1250

(3) "Employee" means an individual employed by any 1251
employer but does not include any individual employed in the 1252
domestic service of any person. 1253

(4) "Labor organization" includes any organization that 1254
exists, in whole or in part, for the purpose of collective 1255
bargaining or of dealing with employers concerning grievances, 1256

terms or conditions of employment, or other mutual aid or 1257
protection in relation to employment. 1258

(5) "Employment agency" includes any person regularly 1259
undertaking, with or without compensation, to procure 1260
opportunities to work or to procure, recruit, refer, or place 1261
employees. 1262

(6) "Commission" means the Ohio civil rights commission 1263
created by section 4112.03 of the Revised Code. 1264

(7) "Discriminate" includes segregate or separate. 1265

(8) "Unlawful discriminatory practice" means any act 1266
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1267
Revised Code. 1268

(9) "Place of public accommodation" means any inn, 1269
restaurant, eating house, barbershop, public conveyance by air, 1270
land, or water, theater, store, other place for the sale of 1271
merchandise, or any other place of public accommodation or 1272
amusement of which the accommodations, advantages, facilities, 1273
or privileges are available to the public. 1274

(10) "Housing accommodations" includes any building or 1275
structure, or portion of a building or structure, that is used 1276
or occupied or is intended, arranged, or designed to be used or 1277
occupied as the home residence, dwelling, dwelling unit, or 1278
sleeping place of one or more individuals, groups, or families 1279
whether or not living independently of each other; and any 1280
vacant land offered for sale or lease. "Housing accommodations" 1281
also includes any housing accommodations held or offered for 1282
sale or rent by a real estate broker, salesperson, or agent, by 1283
any other person pursuant to authorization of the owner, by the 1284
owner, or by the owner's legal representative. 1285

(11) "Restrictive covenant" means any specification 1286
limiting the transfer, rental, lease, or other use of any 1287
housing accommodations because of race, color, religion, sex, 1288
~~military status, familial status~~ancestry, national origin, 1289
familial status, disability, or ancestry sexual orientation, 1290
gender identity or expression, or military status, or any 1291
limitation based upon affiliation with or approval by any 1292
person, directly or indirectly, employing race, color, religion, 1293
sex, ~~military status, familial status~~ ancestry, national origin, 1294
familial status, disability, or ancestry sexual orientation, 1295
gender identity or expression, or military status, as a 1296
condition of affiliation or approval. 1297

(12) "Burial lot" means any lot for the burial of deceased 1298
persons within any public burial ground or cemetery, including, 1299
but not limited to, cemeteries owned and operated by municipal 1300
corporations, townships, or companies or associations 1301
incorporated for cemetery purposes. 1302

(13) "Disability" means a physical or mental impairment 1303
that substantially limits one or more major life activities, 1304
including the functions of caring for one's self, performing 1305
manual tasks, walking, seeing, hearing, speaking, breathing, 1306
learning, and working; a record of a physical or mental 1307
impairment; or being regarded as having a physical or mental 1308
impairment. 1309

(14) Except as otherwise provided in section 4112.021 of 1310
the Revised Code, "age" means at least forty years old. 1311

(15) "Familial status" means either of the following: 1312

(a) One or more individuals who are under eighteen years 1313
of age and who are domiciled with a parent or guardian having 1314

legal custody of the individual or domiciled, with the written 1315
permission of the parent or guardian having legal custody, with 1316
a designee of the parent or guardian; 1317

(b) Any person who is pregnant or in the process of 1318
securing legal custody of any individual who is under eighteen 1319
years of age. 1320

(16) (a) Except as provided in division (A) (16) (b) of this 1321
section, "physical or mental impairment" includes any of the 1322
following: 1323

(i) Any physiological disorder or condition, cosmetic 1324
disfigurement, or anatomical loss affecting one or more of the 1325
following body systems: neurological; musculoskeletal; special 1326
sense organs; respiratory, including speech organs; 1327
cardiovascular; reproductive; digestive; genito-urinary; hemic 1328
and lymphatic; skin; and endocrine; 1329

(ii) Any mental or psychological disorder, including, but 1330
not limited to, intellectual disability, organic brain syndrome, 1331
emotional or mental illness, and specific learning disabilities; 1332

(iii) Diseases and conditions, including, but not limited 1333
to, orthopedic, visual, speech, and hearing impairments, 1334
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1335
sclerosis, cancer, heart disease, diabetes, human 1336
immunodeficiency virus infection, intellectual disability, 1337
emotional illness, drug addiction, and alcoholism. 1338

(b) "Physical or mental impairment" does not include any 1339
of the following: 1340

(i) ~~Homosexuality and bisexuality;~~ 1341

~~(ii) Transvestism, transsexualism, pedophilia, Pedophilia,~~ 1342

exhibitionism, voyeurism, ~~gender identity disorders not~~ 1343
~~resulting from physical impairments,~~ or other sexual behavior 1344
disorders with corresponding criminal behavior; 1345

~~(iii)~~ (ii) Compulsive gambling, kleptomania, or pyromania; 1346

~~(iv)~~ (iii) Psychoactive substance use disorders resulting 1347
from the current illegal use of a controlled substance or the 1348
current use of alcoholic beverages. 1349

(17) "Dwelling unit" means a single unit of residence for 1350
a family of one or more persons. 1351

(18) "Common use areas" means rooms, spaces, or elements 1352
inside or outside a building that are made available for the use 1353
of residents of the building or their guests, and includes, but 1354
is not limited to, hallways, lounges, lobbies, laundry rooms, 1355
refuse rooms, mail rooms, recreational areas, and passageways 1356
among and between buildings. 1357

(19) "Public use areas" means interior or exterior rooms 1358
or spaces of a privately or publicly owned building that are 1359
made available to the general public. 1360

(20) "Controlled substance" has the same meaning as in 1361
section 3719.01 of the Revised Code. 1362

(21) "Disabled tenant" means a tenant or prospective 1363
tenant who is a person with a disability. 1364

(22) "Military status" means a person's status in "service 1365
in the uniformed services" as defined in section 5923.05 of the 1366
Revised Code. 1367

(23) "Aggrieved person" includes both of the following: 1368

(a) Any person who claims to have been injured by any 1369

unlawful discriminatory practice described in division (H) of 1370
section 4112.02 of the Revised Code; 1371

(b) Any person who believes that the person will be 1372
injured by, any unlawful discriminatory practice described in 1373
division (H) of section 4112.02 of the Revised Code that is 1374
about to occur. 1375

(24) "Sexual orientation" means actual or perceived, 1376
heterosexuality, homosexuality, or bisexuality. 1377

(25) "Gender identity or expression" means the gender- 1378
related identity, appearance, or mannerisms or other gender- 1379
related characteristics of an individual, without regard to the 1380
individual's designated sex at birth. 1381

(B) For the purposes of divisions (A) to (F) of section 1382
4112.02 of the Revised Code, the terms "because of sex" and "on 1383
the basis of sex" include, but are not limited to, because of or 1384
on the basis of pregnancy, any illness arising out of and 1385
occurring during the course of a pregnancy, childbirth, or 1386
related medical conditions. Women affected by pregnancy, 1387
childbirth, or related medical conditions shall be treated the 1388
same for all employment-related purposes, including receipt of 1389
benefits under fringe benefit programs, as other persons not so 1390
affected but similar in their ability or inability to work, and 1391
nothing in division (B) of section 4111.17 of the Revised Code 1392
shall be interpreted to permit otherwise. This division shall 1393
not be construed to require an employer to pay for health 1394
insurance benefits for abortion, except where the life of the 1395
mother would be endangered if the fetus were carried to term or 1396
except where medical complications have arisen from the 1397
abortion, provided that nothing in this division precludes an 1398
employer from providing abortion benefits or otherwise affects 1399

bargaining agreements in regard to abortion. 1400

Sec. 4112.02. It shall be an unlawful discriminatory 1401
practice: 1402

(A) For any employer, because of the race, color, 1403
religion, sex, age, ancestry, national origin, disability, 1404
sexual orientation, gender identity or expression, or military 1405
status, ~~national origin, disability, age, or ancestry~~ of any 1406
person, to discharge without just cause, to refuse to hire, or 1407
otherwise to discriminate against that person with respect to 1408
hire, tenure, terms, conditions, or privileges of employment, or 1409
any matter directly or indirectly related to employment. 1410

(B) For an employment agency or personnel placement 1411
service, because of race, color, religion, sex, age, ancestry, 1412
national origin, disability, sexual orientation, gender identity 1413
or expression, or military status, ~~national origin, disability,~~ 1414
~~age, or ancestry,~~ to do any of the following: 1415

(1) Refuse or fail to accept, register, classify properly, 1416
or refer for employment, or otherwise discriminate against any 1417
person; 1418

(2) Comply with a request from an employer for referral of 1419
applicants for employment if the request directly or indirectly 1420
indicates that the employer fails to comply with the provisions 1421
of sections 4112.01 to 4112.07 of the Revised Code. 1422

(C) For any labor organization to do any of the following: 1423

(1) Limit or classify its membership on the basis of race, 1424
color, religion, sex, age, ancestry, national origin, 1425
disability, sexual orientation, gender identity or expression, 1426
or military status, ~~national origin, disability, age, or~~ 1427
~~ancestry;~~ 1428

(2) Discriminate against, limit the employment 1429
opportunities of, or otherwise adversely affect the employment 1430
status, wages, hours, or employment conditions of any person as 1431
an employee because of race, color, religion, sex, age, 1432
ancestry, national origin, disability, sexual orientation, 1433
gender identity or expression, or military status,~~national~~ 1434
~~origin, disability, age, or ancestry.~~ 1435

(D) For any employer, labor organization, or joint labor- 1436
management committee controlling apprentice training programs to 1437
discriminate against any person because of race, color, 1438
religion, sex, ancestry, national origin, disability, sexual 1439
orientation, gender identity or expression, or military status, ~~1440
national origin, disability, or ancestry~~ in admission to, or 1441
employment in, any program established to provide apprentice 1442
training. 1443

(E) Except where based on a bona fide occupational 1444
qualification certified in advance by the commission, for any 1445
employer, employment agency, personnel placement service, or 1446
labor organization, prior to employment or admission to 1447
membership, to do any of the following: 1448

(1) Elicit or attempt to elicit any information concerning 1449
the race, color, religion, sex, age, ancestry, national origin, 1450
disability, sexual orientation, gender identity or expression, 1451
or military status,~~national origin, disability, age, or~~ 1452
~~ancestry~~ of an applicant for employment or membership; 1453

(2) Make or keep a record of the race, color, religion, 1454
sex, age, ancestry, national origin, disability, sexual 1455
orientation, gender identity or expression, or military status, ~~1456
national origin, disability, age, or ancestry~~ of any applicant 1457
for employment or membership; 1458

(3) Use any form of application for employment, or 1459
personnel or membership blank, seeking to elicit information 1460
regarding race, color, religion, sex, age, ancestry, national 1461
origin, disability, sexual orientation, gender identity or 1462
expression, or military status,~~national origin, disability,~~ 1463
~~age, or ancestry;~~ but an employer holding a contract containing 1464
a nondiscrimination clause with the government of the United 1465
States, or any department or agency of that government, may 1466
require an employee or applicant for employment to furnish 1467
documentary proof of United States citizenship and may retain 1468
that proof in the employer's personnel records and may use 1469
photographic or fingerprint identification for security 1470
purposes; 1471

(4) Print or publish or cause to be printed or published 1472
any notice or advertisement relating to employment or membership 1473
indicating any preference, limitation, specification, or 1474
discrimination, based upon race, color, religion, sex, age, 1475
ancestry, national origin, disability, sexual orientation, 1476
gender identity or expression, or military status,~~national~~ 1477
~~origin, disability, age, or ancestry;~~ 1478

(5) Announce or follow a policy of denying or limiting, 1479
through a quota system or otherwise, employment or membership 1480
opportunities of any group because of the race, color, religion, 1481
sex, age, ancestry, national origin, disability, sexual 1482
orientation, gender identity or expression, or military status, ~~1483~~
~~national origin, disability, age, or ancestry~~ of that group; 1484

(6) Utilize in the recruitment or hiring of persons any 1485
employment agency, personnel placement service, training school 1486
or center, labor organization, or any other employee-referring 1487
source known to discriminate against persons because of their 1488

race, color, religion, sex, age, ancestry, national origin, 1489
disability, sexual orientation, gender identity or expression, 1490
or military status, ~~national origin, disability, age, or~~ 1491
~~ancestry.~~ 1492

(F) For any person seeking employment to publish or cause 1493
to be published any advertisement that specifies or in any 1494
manner indicates that person's race, color, religion, sex, age, 1495
ancestry, national origin, disability, sexual orientation, 1496
gender identity or expression, or military status, ~~national~~ 1497
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1498
or preference as to the race, color, religion, sex, age, 1499
ancestry, national origin, disability, sexual orientation, 1500
gender identity or expression, or military status, ~~national~~ 1501
~~origin, disability, age, or ancestry~~ of any prospective 1502
employer. 1503

(G) For any proprietor or any employee, keeper, or manager 1504
of a place of public accommodation to deny to any person, except 1505
for reasons applicable alike to all persons regardless of race, 1506
color, religion, sex, age, ancestry, national origin, 1507
disability, sexual orientation, gender identity or expression, 1508
or military status, ~~national origin, disability, age, or~~ 1509
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1510
facilities, or privileges of the place of public accommodation. 1511

(H) Subject to section 4112.024 of the Revised Code, for 1512
any person to do any of the following: 1513

(1) Refuse to sell, transfer, assign, rent, lease, 1514
sublease, or finance housing accommodations, refuse to negotiate 1515
for the sale or rental of housing accommodations, or otherwise 1516
deny or make unavailable housing accommodations because of race, 1517
color, religion, sex, ancestry, national origin, familial 1518

status, disability, sexual orientation, gender identity or 1519
expression, or military status, familial status, ancestry, 1520
disability, or national origin; 1521

(2) Represent to any person that housing accommodations 1522
are not available for inspection, sale, or rental, when in fact 1523
they are available, because of race, color, religion, sex, 1524
ancestry, national origin, familial status, disability, sexual 1525
orientation, gender identity or expression, or military status, 1526
familial status, ancestry, disability, or national origin; 1527

(3) Discriminate against any person in the making or 1528
purchasing of loans or the provision of other financial 1529
assistance for the acquisition, construction, rehabilitation, 1530
repair, or maintenance of housing accommodations, or any person 1531
in the making or purchasing of loans or the provision of other 1532
financial assistance that is secured by residential real estate, 1533
because of race, color, religion, sex, ancestry, national 1534
origin, familial status, disability, sexual orientation, gender 1535
identity or expression, or military status, familial status, 1536
ancestry, disability, or national origin or because of the 1537
racial composition of the neighborhood in which the housing 1538
accommodations are located, provided that the person, whether an 1539
individual, corporation, or association of any type, lends money 1540
as one of the principal aspects or incident to the person's 1541
principal business and not only as a part of the purchase price 1542
of an owner-occupied residence the person is selling nor merely 1543
casually or occasionally to a relative or friend; 1544

(4) Discriminate against any person in the terms or 1545
conditions of selling, transferring, assigning, renting, 1546
leasing, or subleasing any housing accommodations or in 1547
furnishing facilities, services, or privileges in connection 1548

with the ownership, occupancy, or use of any housing 1549
accommodations, including the sale of fire, extended coverage, 1550
or homeowners insurance, because of race, color, religion, sex, 1551
ancestry, national origin, familial status, disability, sexual 1552
orientation, gender identity or expression, or military status, 1553
~~familial status, ancestry, disability, or national origin~~ or 1554
because of the racial composition of the neighborhood in which 1555
the housing accommodations are located; 1556

(5) Discriminate against any person in the terms or 1557
conditions of any loan of money, whether or not secured by 1558
mortgage or otherwise, for the acquisition, construction, 1559
rehabilitation, repair, or maintenance of housing accommodations 1560
because of race, color, religion, sex, ancestry, national 1561
origin, familial status, disability, sexual orientation, gender 1562
identity or expression, or military status, ~~familial status,~~ 1563
~~ancestry, disability, or national origin~~ or because of the 1564
racial composition of the neighborhood in which the housing 1565
accommodations are located; 1566

(6) Refuse to consider without prejudice the combined 1567
income of both husband and wife for the purpose of extending 1568
mortgage credit to a married couple or either member of a 1569
married couple; 1570

(7) Print, publish, or circulate any statement or 1571
advertisement, or make or cause to be made any statement or 1572
advertisement, relating to the sale, transfer, assignment, 1573
rental, lease, sublease, or acquisition of any housing 1574
accommodations, or relating to the loan of money, whether or not 1575
secured by mortgage or otherwise, for the acquisition, 1576
construction, rehabilitation, repair, or maintenance of housing 1577
accommodations, that indicates any preference, limitation, 1578

specification, or discrimination based upon race, color, 1579
religion, sex, ancestry, national origin, familial status, 1580
disability, sexual orientation, gender identity or expression, 1581
or military status, ~~familial status, ancestry, disability, or~~ 1582
~~national origin,~~ or an intention to make any such preference, 1583
limitation, specification, or discrimination; 1584

(8) Except as otherwise provided in division (H) (8) or 1585
(17) of this section, make any inquiry, elicit any information, 1586
make or keep any record, or use any form of application 1587
containing questions or entries concerning race, color, 1588
religion, sex, ancestry, national origin, familial status, 1589
disability, sexual orientation, gender identity or expression, 1590
or military status, ~~familial status, ancestry, disability, or~~ 1591
~~national origin~~ in connection with the sale or lease of any 1592
housing accommodations or the loan of any money, whether or not 1593
secured by mortgage or otherwise, for the acquisition, 1594
construction, rehabilitation, repair, or maintenance of housing 1595
accommodations. Any person may make inquiries, and make and keep 1596
records, concerning race, color, religion, sex, ancestry, 1597
national origin, familial status, disability, sexual 1598
orientation, gender identity or expression, or military status, 1599
~~familial status, ancestry, disability, or national origin~~ for 1600
the purpose of monitoring compliance with this chapter. 1601

(9) Include in any transfer, rental, or lease of housing 1602
accommodations any restrictive covenant, or honor or exercise, 1603
or attempt to honor or exercise, any restrictive covenant; 1604

(10) Induce or solicit, or attempt to induce or solicit, a 1605
housing accommodations listing, sale, or transaction by 1606
representing that a change has occurred or may occur with 1607
respect to the racial, religious, sexual, familial status, 1608

sexual orientation, gender identity or expression, military 1609
status, ~~familial status,~~ or ethnic composition of the block, 1610
neighborhood, or other area in which the housing accommodations 1611
are located, or induce or solicit, or attempt to induce or 1612
solicit, a housing accommodations listing, sale, or transaction 1613
by representing that the presence or anticipated presence of 1614
persons of any race, color, religion, sex, ancestry, national 1615
origin, familial status, disability, sexual orientation, gender 1616
identity or expression, or military status, ~~familial status,~~ 1617
ancestry, disability, or national origin, in the block, 1618
neighborhood, or other area will or may have results including, 1619
but not limited to, the following: 1620

(a) The lowering of property values; 1621

(b) A change in the racial, religious, sexual, familial 1622
status, sexual orientation, gender identity or expression, 1623
military status, ~~familial status,~~ or ethnic composition of the 1624
block, neighborhood, or other area; 1625

(c) An increase in criminal or antisocial behavior in the 1626
block, neighborhood, or other area; 1627

(d) A decline in the quality of the schools serving the 1628
block, neighborhood, or other area. 1629

(11) Deny any person access to or membership or 1630
participation in any multiple-listing service, real estate 1631
brokers' organization, or other service, organization, or 1632
facility relating to the business of selling or renting housing 1633
accommodations, or discriminate against any person in the terms 1634
or conditions of that access, membership, or participation, on 1635
account of race, color, religion, sex, ancestry, national 1636
origin, familial status, disability, sexual orientation, gender 1637

~~identity or expression, or military status, familial status,~~ 1638
~~national origin, disability, or ancestry;~~ 1639

(12) Coerce, intimidate, threaten, or interfere with any 1640
person in the exercise or enjoyment of, or on account of that 1641
person's having exercised or enjoyed or having aided or 1642
encouraged any other person in the exercise or enjoyment of, any 1643
right granted or protected by division (H) of this section; 1644

(13) Discourage or attempt to discourage the purchase by a 1645
prospective purchaser of housing accommodations, by representing 1646
that any block, neighborhood, or other area has undergone or 1647
might undergo a change with respect to its racial, religious, 1648
~~racial, sexual, familial status, sexual orientation, gender~~ 1649
identity or expression, military status, familial status, or 1650
ethnic composition; 1651

(14) Refuse to sell, transfer, assign, rent, lease, 1652
sublease, or finance, or otherwise deny or withhold, a burial 1653
lot from any person because of the race, color, sex, age, 1654
ancestry, national origin, familial status, disability, sexual 1655
orientation, gender identity or expression, or military status, 1656
~~familial status, age, ancestry, disability, or national origin~~ 1657
of any prospective owner or user of the lot; 1658

(15) Discriminate in the sale or rental of, or otherwise 1659
make unavailable or deny, housing accommodations to any buyer or 1660
renter because of a disability of any of the following: 1661

(a) The buyer or renter; 1662

(b) A person residing in or intending to reside in the 1663
housing accommodations after they are sold, rented, or made 1664
available; 1665

(c) Any individual associated with the person described in 1666

division (H) (15) (b) of this section. 1667

(16) Discriminate in the terms, conditions, or privileges 1668
of the sale or rental of housing accommodations to any person or 1669
in the provision of services or facilities to any person in 1670
connection with the housing accommodations because of a 1671
disability of any of the following: 1672

(a) That person; 1673

(b) A person residing in or intending to reside in the 1674
housing accommodations after they are sold, rented, or made 1675
available; 1676

(c) Any individual associated with the person described in 1677
division (H) (16) (b) of this section. 1678

(17) Except as otherwise provided in division (H) (17) of 1679
this section, make an inquiry to determine whether an applicant 1680
for the sale or rental of housing accommodations, a person 1681
residing in or intending to reside in the housing accommodations 1682
after they are sold, rented, or made available, or any 1683
individual associated with that person has a disability, or make 1684
an inquiry to determine the nature or severity of a disability 1685
of the applicant or such a person or individual. The following 1686
inquiries may be made of all applicants for the sale or rental 1687
of housing accommodations, regardless of whether they have 1688
disabilities: 1689

(a) An inquiry into an applicant's ability to meet the 1690
requirements of ownership or tenancy; 1691

(b) An inquiry to determine whether an applicant is 1692
qualified for housing accommodations available only to persons 1693
with disabilities or persons with a particular type of 1694
disability; 1695

(c) An inquiry to determine whether an applicant is 1696
qualified for a priority available to persons with disabilities 1697
or persons with a particular type of disability; 1698

(d) An inquiry to determine whether an applicant currently 1699
uses a controlled substance in violation of section 2925.11 of 1700
the Revised Code or a substantively comparable municipal 1701
ordinance; 1702

(e) An inquiry to determine whether an applicant at any 1703
time has been convicted of or pleaded guilty to any offense, an 1704
element of which is the illegal sale, offer to sell, 1705
cultivation, manufacture, other production, shipment, 1706
transportation, delivery, or other distribution of a controlled 1707
substance. 1708

(18) (a) Refuse to permit, at the expense of a person with 1709
a disability, reasonable modifications of existing housing 1710
accommodations that are occupied or to be occupied by the person 1711
with a disability, if the modifications may be necessary to 1712
afford the person with a disability full enjoyment of the 1713
housing accommodations. This division does not preclude a 1714
landlord of housing accommodations that are rented or to be 1715
rented to a disabled tenant from conditioning permission for a 1716
proposed modification upon the disabled tenant's doing one or 1717
more of the following: 1718

(i) Providing a reasonable description of the proposed 1719
modification and reasonable assurances that the proposed 1720
modification will be made in a workerlike manner and that any 1721
required building permits will be obtained prior to the 1722
commencement of the proposed modification; 1723

(ii) Agreeing to restore at the end of the tenancy the 1724

interior of the housing accommodations to the condition they 1725
were in prior to the proposed modification, but subject to 1726
reasonable wear and tear during the period of occupancy, if it 1727
is reasonable for the landlord to condition permission for the 1728
proposed modification upon the agreement; 1729

(iii) Paying into an interest-bearing escrow account that 1730
is in the landlord's name, over a reasonable period of time, a 1731
reasonable amount of money not to exceed the projected costs at 1732
the end of the tenancy of the restoration of the interior of the 1733
housing accommodations to the condition they were in prior to 1734
the proposed modification, but subject to reasonable wear and 1735
tear during the period of occupancy, if the landlord finds the 1736
account reasonably necessary to ensure the availability of funds 1737
for the restoration work. The interest earned in connection with 1738
an escrow account described in this division shall accrue to the 1739
benefit of the disabled tenant who makes payments into the 1740
account. 1741

(b) A landlord shall not condition permission for a 1742
proposed modification upon a disabled tenant's payment of a 1743
security deposit that exceeds the customarily required security 1744
deposit of all tenants of the particular housing accommodations. 1745

(19) Refuse to make reasonable accommodations in rules, 1746
policies, practices, or services when necessary to afford a 1747
person with a disability equal opportunity to use and enjoy a 1748
dwelling unit, including associated public and common use areas; 1749

(20) Fail to comply with the standards and rules adopted 1750
under division (A) of section 3781.111 of the Revised Code; 1751

(21) Discriminate against any person in the selling, 1752
brokering, or appraising of real property because of race, 1753

color, religion, sex, ancestry, national origin, familial 1754
status, disability, sexual orientation, gender identity or 1755
expression, or military status, familial status, ancestry, 1756
disability, or national origin; 1757

(22) Fail to design and construct covered multifamily 1758
dwellings for first occupancy on or after June 30, 1992, in 1759
accordance with the following conditions: 1760

(a) The dwellings shall have at least one building 1761
entrance on an accessible route, unless it is impractical to do 1762
so because of the terrain or unusual characteristics of the 1763
site. 1764

(b) With respect to dwellings that have a building 1765
entrance on an accessible route, all of the following apply: 1766

(i) The public use areas and common use areas of the 1767
dwellings shall be readily accessible to and usable by persons 1768
with a disability. 1769

(ii) All the doors designed to allow passage into and 1770
within all premises shall be sufficiently wide to allow passage 1771
by persons with a disability who are in wheelchairs. 1772

(iii) All premises within covered multifamily dwelling 1773
units shall contain an accessible route into and through the 1774
dwelling; all light switches, electrical outlets, thermostats, 1775
and other environmental controls within such units shall be in 1776
accessible locations; the bathroom walls within such units shall 1777
contain reinforcements to allow later installation of grab bars; 1778
and the kitchens and bathrooms within such units shall be 1779
designed and constructed in a manner that enables an individual 1780
in a wheelchair to maneuver about such rooms. 1781

For purposes of division (H) (22) of this section, "covered 1782

multifamily dwellings" means buildings consisting of four or 1783
more units if such buildings have one or more elevators and 1784
ground floor units in other buildings consisting of four or more 1785
units. 1786

(I) For any person to discriminate in any manner against 1787
any other person because that person has opposed any unlawful 1788
discriminatory practice defined in this section or because that 1789
person has made a charge, testified, assisted, or participated 1790
in any manner in any investigation, proceeding, or hearing under 1791
sections 4112.01 to 4112.07 of the Revised Code. 1792

(J) For any person to aid, abet, incite, compel, or coerce 1793
the doing of any act declared by this section to be an unlawful 1794
discriminatory practice, to obstruct or prevent any person from 1795
complying with this chapter or any order issued under it, or to 1796
attempt directly or indirectly to commit any act declared by 1797
this section to be an unlawful discriminatory practice. 1798

(K) Nothing in divisions (A) to (E) of this section shall 1799
be construed to require a person with a disability to be 1800
employed or trained under circumstances that would significantly 1801
increase the occupational hazards affecting either the person 1802
with a disability, other employees, the general public, or the 1803
facilities in which the work is to be performed, or to require 1804
the employment or training of a person with a disability in a 1805
job that requires the person with a disability routinely to 1806
undertake any task, the performance of which is substantially 1807
and inherently impaired by the person's disability. 1808

(L) An aggrieved individual may enforce the individual's 1809
rights relative to discrimination on the basis of age as 1810
provided for in this section by instituting a civil action, 1811
within one hundred eighty days after the alleged unlawful 1812

discriminatory practice occurred, in any court with jurisdiction 1813
for any legal or equitable relief that will effectuate the 1814
individual's rights. 1815

A person who files a civil action under this division is 1816
barred, with respect to the practices complained of, from 1817
instituting a civil action under section 4112.14 of the Revised 1818
Code and from filing a charge with the commission under section 1819
4112.05 of the Revised Code. 1820

(M) With regard to age, it shall not be an unlawful 1821
discriminatory practice and it shall not constitute a violation 1822
of division (A) of section 4112.14 of the Revised Code for any 1823
employer, employment agency, joint labor-management committee 1824
controlling apprenticeship training programs, or labor 1825
organization to do any of the following: 1826

(1) Establish bona fide employment qualifications 1827
reasonably related to the particular business or occupation that 1828
may include standards for skill, aptitude, physical capability, 1829
intelligence, education, maturation, and experience; 1830

(2) Observe the terms of a bona fide seniority system or 1831
any bona fide employee benefit plan, including, but not limited 1832
to, a retirement, pension, or insurance plan, that is not a 1833
subterfuge to evade the purposes of this section. However, no 1834
such employee benefit plan shall excuse the failure to hire any 1835
individual, and no such seniority system or employee benefit 1836
plan shall require or permit the involuntary retirement of any 1837
individual, because of the individual's age except as provided 1838
for in the "Age Discrimination in Employment Act Amendment of 1839
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 1840
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1841
3342, 29 U.S.C.A. 623, as amended. 1842

(3) Retire an employee who has attained sixty-five years 1843
of age who, for the two-year period immediately before 1844
retirement, is employed in a bona fide executive or a high 1845
policymaking position, if the employee is entitled to an 1846
immediate nonforfeitable annual retirement benefit from a 1847
pension, profit-sharing, savings, or deferred compensation plan, 1848
or any combination of those plans, of the employer of the 1849
employee, which equals, in the aggregate, at least forty-four 1850
thousand dollars, in accordance with the conditions of the "Age 1851
Discrimination in Employment Act Amendment of 1978," 92 Stat. 1852
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 1853
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1854
631, as amended; 1855

(4) Observe the terms of any bona fide apprenticeship 1856
program if the program is registered with the Ohio 1857
apprenticeship council pursuant to sections 4139.01 to 4139.06 1858
of the Revised Code and is approved by the federal committee on 1859
apprenticeship of the United States department of labor. 1860

(N) Nothing in this chapter prohibiting age discrimination 1861
and nothing in division (A) of section 4112.14 of the Revised 1862
Code shall be construed to prohibit the following: 1863

(1) The designation of uniform age the attainment of which 1864
is necessary for public employees to receive pension or other 1865
retirement benefits pursuant to Chapter 145., 742., 3307., 1866
3309., or 5505. of the Revised Code; 1867

(2) The mandatory retirement of uniformed patrol officers 1868
of the state highway patrol as provided in section 5505.16 of 1869
the Revised Code; 1870

(3) The maximum age requirements for appointment as a 1871

patrol officer in the state highway patrol established by 1872
section 5503.01 of the Revised Code; 1873

(4) The maximum age requirements established for original 1874
appointment to a police department or fire department in 1875
sections 124.41 and 124.42 of the Revised Code; 1876

(5) Any maximum age not in conflict with federal law that 1877
may be established by a municipal charter, municipal ordinance, 1878
or resolution of a board of township trustees for original 1879
appointment as a police officer or firefighter; 1880

(6) Any mandatory retirement provision not in conflict 1881
with federal law of a municipal charter, municipal ordinance, or 1882
resolution of a board of township trustees pertaining to police 1883
officers and firefighters; 1884

(7) Until January 1, 1994, the mandatory retirement of any 1885
employee who has attained seventy years of age and who is 1886
serving under a contract of unlimited tenure, or similar 1887
arrangement providing for unlimited tenure, at an institution of 1888
higher education as defined in the "Education Amendments of 1889
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 1890

(O) (1) (a) Except as provided in division (O) (1) (b) of this 1891
section, for purposes of divisions (A) to (E) of this section, a 1892
disability does not include any physiological disorder or 1893
condition, mental or psychological disorder, or disease or 1894
condition caused by an illegal use of any controlled substance 1895
by an employee, applicant, or other person, if an employer, 1896
employment agency, personnel placement service, labor 1897
organization, or joint labor-management committee acts on the 1898
basis of that illegal use. 1899

(b) Division (O) (1) (a) of this section does not apply to 1900

an employee, applicant, or other person who satisfies any of the 1901
following: 1902

(i) The employee, applicant, or other person has 1903
successfully completed a supervised drug rehabilitation program 1904
and no longer is engaging in the illegal use of any controlled 1905
substance, or the employee, applicant, or other person otherwise 1906
successfully has been rehabilitated and no longer is engaging in 1907
that illegal use. 1908

(ii) The employee, applicant, or other person is 1909
participating in a supervised drug rehabilitation program and no 1910
longer is engaging in the illegal use of any controlled 1911
substance. 1912

(iii) The employee, applicant, or other person is 1913
erroneously regarded as engaging in the illegal use of any 1914
controlled substance, but the employee, applicant, or other 1915
person is not engaging in that illegal use. 1916

(2) Divisions (A) to (E) of this section do not prohibit 1917
an employer, employment agency, personnel placement service, 1918
labor organization, or joint labor-management committee from 1919
doing any of the following: 1920

(a) Adopting or administering reasonable policies or 1921
procedures, including, but not limited to, testing for the 1922
illegal use of any controlled substance, that are designed to 1923
ensure that an individual described in division (0) (1) (b) (i) or 1924
(ii) of this section no longer is engaging in the illegal use of 1925
any controlled substance; 1926

(b) Prohibiting the illegal use of controlled substances 1927
and the use of alcohol at the workplace by all employees; 1928

(c) Requiring that employees not be under the influence of 1929

alcohol or not be engaged in the illegal use of any controlled substance at the workplace; 1930
1931

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 1932
1933
1934

(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism; 1935
1936
1937
1938
1939
1940
1941
1942

(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards. 1943
1944
1945
1946
1947

(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination. 1948
1949
1950

(4) Division (O) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing. 1951
1952
1953
1954
1955
1956

(P) This section does not apply to a religious corporation, association, educational institution, or society 1957
1958

with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.

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

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

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

(2) "Creditor" means any person who regularly extends, renews, or continues credit, any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit, whether or not any interest or finance charge is required.

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

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

(B) It shall be an unlawful discriminatory practice:

(1) For any creditor to do any of the following:	1987
(a) Discriminate against any applicant for credit in the	1988
granting, withholding, extending, or renewing of credit, or in	1989
the fixing of the rates, terms, or conditions of any form of	1990
credit, on the basis of race, color, religion, <u>sex</u> , age, sex	1991
<u>ancestry, national origin, marital status, disability, sexual</u>	1992
<u>orientation, gender identity or expression, or military status,</u>	1993
marital status, national origin, disability, or ancestry, except	1994
that this division shall not apply with respect to age in any	1995
real estate transaction between a financial institution, a	1996
dealer in intangibles, or an insurance company as defined in	1997
section 5725.01 of the Revised Code and its customers;	1998
(b) Use or make any inquiry as to race, color, religion,	1999
<u>sex</u> , age, sex <u>ancestry, national origin, marital status,</u>	2000
<u>disability, sexual orientation, gender identity or expression,</u>	2001
<u>or military status,</u> marital status, national origin, disability,	2002
or ancestry for the purpose of limiting or specifying those	2003
persons to whom credit will be granted, except that an inquiry	2004
of marital status does not constitute discrimination for the	2005
purposes of this section if the inquiry is made for the purpose	2006
of ascertaining the creditor's rights and remedies applicable to	2007
the particular extension of credit, and except that creditors	2008
are excepted from this division with respect to any inquiry,	2009
elicitation of information, record, or form of application	2010
required of a particular creditor by any instrumentality or	2011
agency of the United States, or required of a particular	2012
creditor by any agency or instrumentality to enforce the "Civil	2013
Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c);	2014
(c) Refuse to consider the sources of income of an	2015
applicant for credit, or disregard or ignore the income of an	2016

applicant, in whole or in part, on the basis of race, color, 2017
religion, sex, age, ~~sex, ancestry, national origin, marital~~ 2018
status, disability, sexual orientation, gender identity or 2019
expression, or military status, ~~marital status, disability,~~ 2020
~~national origin, or ancestry;~~ 2021

(d) Refuse to grant credit to an individual in any name 2022
that individual customarily uses, if it has been determined in 2023
the normal course of business that the creditor will grant 2024
credit to the individual; 2025

(e) Impose any special requirements or conditions, 2026
including, but not limited to, a requirement for co-obligors or 2027
reapplication, upon any applicant or class of applicants on the 2028
basis of race, color, religion, sex, age, ~~sex, ancestry, national~~ 2029
origin, marital status, disability, sexual orientation, gender 2030
identity or expression, or military status, ~~marital status,~~ 2031
~~national origin, disability, or ancestry~~ in circumstances where 2032
similar requirements or conditions are not imposed on other 2033
applicants similarly situated, unless the special requirements 2034
or conditions that are imposed with respect to age are the 2035
result of a real estate transaction exempted under division (B) 2036
(1) (a) of this section or are the result of programs that grant 2037
preferences to certain age groups administered by 2038
instrumentalities or agencies of the United States, a state, or 2039
a political subdivision of a state; 2040

(f) Fail or refuse to provide an applicant for credit a 2041
written statement of the specific reasons for rejection of the 2042
application if requested in writing by the applicant within 2043
sixty days of the rejection. The creditor shall provide the 2044
written statement of the specific reason for rejection within 2045
thirty days after receipt of a request of that nature. For 2046

purposes of this section, a statement that the applicant was 2047
rejected solely on the basis of information received from a 2048
credit reporting agency or because the applicant failed to meet 2049
the standards required by the creditor's credit scoring system, 2050
uniformly applied, shall constitute a specific reason for 2051
rejection. 2052

(g) Fail or refuse to print on or firmly attach to each 2053
application for credit, in a type size no smaller than that used 2054
throughout most of the application form, the following notice: 2055
"The Ohio laws against discrimination require that all creditors 2056
make credit equally available to all credit worthy customers, 2057
and that credit reporting agencies maintain separate credit 2058
histories on each individual upon request. The Ohio civil rights 2059
commission administers compliance with this law." This notice is 2060
not required to be included in applications that have a multi- 2061
state distribution if the notice is mailed to the applicant with 2062
the notice of acceptance or rejection of the application. 2063

(h) Fail or refuse on the basis of race, color, religion, 2064
sex, age, ~~sex~~ ancestry, national origin, marital status, 2065
disability, sexual orientation, gender identity or expression, 2066
or military status, ~~marital status, national origin, disability,~~ 2067
~~or ancestry~~ to maintain, upon the request of the individual, a 2068
separate account for each individual to whom credit is extended; 2069

(i) Fail or refuse on the basis of race, color, religion, 2070
sex, age, ~~sex~~ ancestry, national origin, marital status, 2071
disability, sexual orientation, gender identity or expression, 2072
or military status, ~~marital status, national origin, disability,~~ 2073
~~or ancestry~~ to maintain records on any account established after 2074
November 1, 1976, to furnish information on the accounts to 2075
credit reporting agencies in a manner that clearly designates 2076

the contractual liability for repayment as indicated on the 2077
application for the account, and, if more than one individual is 2078
contractually liable for repayment, to maintain records and 2079
furnish information in the name of each individual. This 2080
division does not apply to individuals who are contractually 2081
liable only if the primary party defaults on the account. 2082

(2) For any credit reporting agency to do any of the 2083
following: 2084

(a) Fail or refuse on the basis of race, color, religion, 2085
sex, age, ~~sex~~ ancestry, national origin, marital status, 2086
disability, sexual orientation, gender identity or expression, 2087
or military status, ~~marital status, national origin, disability,~~ 2088
~~or ancestry~~ to maintain, upon the request of the individual, a 2089
separate file on each individual about whom information is 2090
assembled or evaluated; 2091

(b) Fail or refuse on the basis of race, color, religion, 2092
sex, age, ~~sex~~ ancestry, national origin, marital status, 2093
disability, sexual orientation, gender identity or expression, 2094
or military status, ~~marital status, national origin, disability,~~ 2095
~~or ancestry~~ to clearly note, maintain, and report any 2096
information furnished it under division (B) (1) (i) of this 2097
section. 2098

(C) This section does not prohibit a creditor from 2099
requesting the signature of both spouses to create a valid lien, 2100
pass clear title, or waive inchoate rights to property. 2101

(D) The rights granted by this section may be enforced by 2102
aggrieved individuals by filing a civil action in a court of 2103
common pleas within one hundred eighty days after the alleged 2104
unlawful discriminatory practice occurred. Upon application by 2105

the plaintiff and in circumstances that the court considers 2106
just, the court in which a civil action under this section is 2107
brought may appoint an attorney for the plaintiff and may 2108
authorize the commencement of a civil action upon proper showing 2109
without the payment of costs. If the court finds that an 2110
unlawful discriminatory practice prohibited by this section 2111
occurred or is about to occur, the court may grant relief that 2112
it considers appropriate, including a permanent or temporary 2113
injunction, temporary restraining order, or other order, and may 2114
award to the plaintiff compensatory and punitive damages of not 2115
less than one hundred dollars, together with attorney's fees and 2116
court costs. 2117

(E) Nothing contained in this section shall bar a creditor 2118
from reviewing an application for credit on the basis of 2119
established criteria used in the normal course of business for 2120
the determination of the credit worthiness of the individual 2121
applicant for credit, including the credit history of the 2122
applicant. 2123

Sec. 4112.04. (A) The commission shall do all of the 2124
following: 2125

(1) Establish and maintain a principal office in the city 2126
of Columbus and any other offices within the state that it 2127
considers necessary; 2128

(2) Appoint an executive director who shall serve at the 2129
pleasure of the commission and be its principal administrative 2130
officer. The executive director shall be paid a salary fixed 2131
pursuant to Chapter 124. of the Revised Code. 2132

(3) Appoint hearing examiners and other employees and 2133
agents who it considers necessary and prescribe their duties 2134

subject to Chapter 124. of the Revised Code; 2135

(4) Adopt, promulgate, amend, and rescind rules to 2136
effectuate the provisions of this chapter and the policies and 2137
practice of the commission in connection with this chapter; 2138

(5) Formulate policies to effectuate the purposes of this 2139
chapter and make recommendations to agencies and officers of the 2140
state or political subdivisions to effectuate the policies; 2141

(6) Receive, investigate, and pass upon written charges 2142
made under oath of unlawful discriminatory practices; 2143

(7) Make periodic surveys of the existence and effect of 2144
discrimination because of race, color, religion, sex, age, 2145
ancestry, national origin, familial status, disability, sexual 2146
orientation, gender identity or expression, or military status, 2147
~~familial status, national origin, disability, age, or ancestry~~ 2148
on the enjoyment of civil rights by persons within the state; 2149

(8) Report, from time to time, but not less than once a 2150
year, to the general assembly and the governor, describing in 2151
detail the investigations, proceedings, and hearings it has 2152
conducted and their outcome, the decisions it has rendered, and 2153
the other work performed by it, which report shall include a 2154
copy of any surveys prepared pursuant to division (A) (7) of this 2155
section and shall include the recommendations of the commission 2156
as to legislative or other remedial action; 2157

(9) Prepare a comprehensive educational program, in 2158
cooperation with the department of education, for the students 2159
of the primary and secondary public schools of this state and 2160
for all other residents of this state that is designed to 2161
eliminate prejudice on the basis of race, color, religion, sex, 2162
military status, familial status, national origin, disability, 2163

age, ~~or~~ ancestry, sexual orientation, or gender identity or 2164
expression in this state, to further good will among those 2165
groups, and to emphasize the origin of prejudice against those 2166
groups and discrimination, its ~~their~~ harmful effects, and ~~its~~
their incompatibility with American principles of equality and 2167
fair play; 2168
2169

(10) Receive progress reports from agencies, 2170
instrumentalities, institutions, boards, commissions, and other 2171
entities of this state or any of its political subdivisions and 2172
their agencies, instrumentalities, institutions, boards, 2173
commissions, and other entities regarding affirmative action 2174
programs for the employment of persons against whom 2175
discrimination is prohibited by this chapter, or regarding any 2176
affirmative housing accommodations programs developed to 2177
eliminate or reduce an imbalance of race, color, religion, sex, 2178
ancestry, national origin, familial status, disability, sexual 2179
orientation, gender identity or expression, or military status,
~~familial status, national origin, disability, or ancestry.~~ All 2180
agencies, instrumentalities, institutions, boards, commissions, 2181
and other entities of this state or its political subdivisions, 2182
and all political subdivisions, that have undertaken affirmative 2183
action programs pursuant to a conciliation agreement with the 2184
commission, an executive order of the governor, any federal 2185
statute or rule, or an executive order of the president of the 2186
United States shall file progress reports with the commission 2187
annually on or before the first day of November. The commission 2188
shall analyze and evaluate the progress reports and report its 2189
findings annually to the general assembly on or before the 2190
thirtieth day of January of the year immediately following the 2191
receipt of the reports. 2192
2193

(B) The commission may do any of the following: 2194

(1) Meet and function at any place within the state;	2195
(2) Initiate and undertake on its own motion	2196
investigations of problems of employment or housing	2197
accommodations discrimination;	2198
(3) Hold hearings, subpoena witnesses, compel their	2199
attendance, administer oaths, take the testimony of any person	2200
under oath, require the production for examination of any books	2201
and papers relating to any matter under investigation or in	2202
question before the commission, and make rules as to the	2203
issuance of subpoenas by individual commissioners.	2204
(a) In conducting a hearing or investigation, the	2205
commission shall have access at all reasonable times to	2206
premises, records, documents, individuals, and other evidence or	2207
possible sources of evidence and may examine, record, and copy	2208
the premises, records, documents, and other evidence or possible	2209
sources of evidence and take and record the testimony or	2210
statements of the individuals as reasonably necessary for the	2211
furtherance of the hearing or investigation. In investigations,	2212
the commission shall comply with the fourth amendment to the	2213
United States Constitution relating to unreasonable searches and	2214
seizures. The commission or a member of the commission may issue	2215
subpoenas to compel access to or the production of premises,	2216
records, documents, and other evidence or possible sources of	2217
evidence or the appearance of individuals, and may issue	2218
interrogatories to a respondent, to the same extent and subject	2219
to the same limitations as would apply if the subpoenas or	2220
interrogatories were issued or served in aid of a civil action	2221
in a court of common pleas.	2222
(b) Upon written application by a party to a hearing under	2223
division (B) of section 4112.05 of the Revised Code, the	2224

commission shall issue subpoenas in its name to the same extent 2225
and subject to the same limitations as subpoenas issued by the 2226
commission. Subpoenas issued at the request of a party shall 2227
show on their face the name and address of the party and shall 2228
state that they were issued at the party's request. 2229

(c) Witnesses summoned by subpoena of the commission are 2230
entitled to the witness and mileage fees provided for under 2231
section 119.094 of the Revised Code. 2232

(d) Within five days after service of a subpoena upon any 2233
person, the person may petition the commission to revoke or 2234
modify the subpoena. The commission shall grant the petition if 2235
it finds that the subpoena requires an appearance or attendance 2236
at an unreasonable time or place, that it requires production of 2237
evidence that does not relate to any matter before the 2238
commission, that it does not describe with sufficient 2239
particularity the evidence to be produced, that compliance would 2240
be unduly onerous, or for other good reason. 2241

(e) In case of contumacy or refusal to obey a subpoena, 2242
the commission or person at whose request it was issued may 2243
petition for its enforcement in the court of common pleas in the 2244
county in which the person to whom the subpoena was addressed 2245
resides, was served, or transacts business. 2246

(4) Create local or statewide advisory agencies and 2247
conciliation councils to aid in effectuating the purposes of 2248
this chapter. The commission may itself, or it may empower these 2249
agencies and councils to, do either or both of the following: 2250

(a) Study the problems of discrimination in all or 2251
specific fields of human relationships when based on race, 2252
color, religion, sex, age, ancestry, national origin, familial 2253

status, disability, sexual orientation, gender identity or 2254
expression, or military status, familial status, national- 2255
origin, disability, age, or ancestry; 2256

(b) Foster through community effort, or otherwise, good 2257
will among the groups and elements of the population of the 2258
state. 2259

The agencies and councils may make recommendations to the 2260
commission for the development of policies and procedures in 2261
general. They shall be composed of representative citizens who 2262
shall serve without pay, except that reimbursement for actual 2263
and necessary traveling expenses shall be made to citizens who 2264
serve on a statewide agency or council. 2265

(5) Issue any publications and the results of 2266
investigations and research that in its judgment will tend to 2267
promote good will and minimize or eliminate discrimination 2268
because of race, color, religion, sex, age, ancestry, national 2269
origin, familial status, disability, sexual orientation, gender 2270
identity or expression, or military status, familial status, 2271
national origin, disability, age, or ancestry. 2272

Sec. 4112.05. (A) (1) The commission, as provided in this 2273
section, shall prevent any person from engaging in unlawful 2274
discriminatory practices. 2275

(2) The commission may at any time attempt to resolve 2276
allegations of unlawful discriminatory practices by the use of 2277
alternative dispute resolution, provided that, before 2278
instituting the formal hearing authorized by division (B) of 2279
this section, it shall attempt, by informal methods of 2280
conference, conciliation, mediation, and persuasion, to induce 2281
compliance with this chapter. 2282

(B) (1) Any person may file a charge with the commission 2283
alleging that another person has engaged or is engaging in an 2284
unlawful discriminatory practice. In the case of a charge 2285
alleging an unlawful discriminatory practice described in 2286
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2287
section 4112.02 or in section 4112.021 or 4112.022 of the 2288
Revised Code, the charge shall be in writing and under oath and 2289
shall be filed with the commission within six months after the 2290
alleged unlawful discriminatory practice was committed. In the 2291
case of a charge alleging an unlawful discriminatory practice 2292
described in division (H) of section 4112.02 of the Revised 2293
Code, the charge shall be in writing and under oath and shall be 2294
filed with the commission within one year after the alleged 2295
unlawful discriminatory practice was committed. 2296

(a) An oath under this chapter may be made in any form of 2297
affirmation the person deems binding on the person's conscience. 2298
Acceptable forms include, but are not limited to, declarations 2299
made under penalty of perjury. 2300

(b) Any charge timely received, via facsimile, postal 2301
mail, electronic mail, or otherwise, may be signed under oath 2302
after the limitations period for filing set forth under division 2303
(B) (1) of this section and will relate back to the original 2304
filing date. 2305

(2) Upon receiving a charge, the commission may initiate a 2306
preliminary investigation to determine whether it is probable 2307
that an unlawful discriminatory practice has been or is being 2308
engaged in. The commission also may conduct, upon its own 2309
initiative and independent of the filing of any charges, a 2310
preliminary investigation relating to any of the unlawful 2311
discriminatory practices described in division (A), (B), (C), 2312

(D), (E), (F), (I), or (J) of section 4112.02 or in section 2313
4112.021 or 4112.022 of the Revised Code. Prior to a 2314
notification of a complainant under division (B)(4) of this 2315
section or prior to the commencement of informal methods of 2316
conference, conciliation, mediation, and persuasion, or 2317
alternative dispute resolution, under that division, the members 2318
of the commission and the officers and employees of the 2319
commission shall not make public in any manner and shall retain 2320
as confidential all information that was obtained as a result of 2321
or that otherwise pertains to a preliminary investigation other 2322
than one described in division (B)(3) of this section. 2323

(3)(a) Unless it is impracticable to do so and subject to 2324
its authority under division (B)(3)(d) of this section, the 2325
commission shall complete a preliminary investigation of a 2326
charge filed pursuant to division (B)(1) of this section that 2327
alleges an unlawful discriminatory practice described in 2328
division (H) of section 4112.02 of the Revised Code, and shall 2329
take one of the following actions, within one hundred days after 2330
the filing of the charge: 2331

(i) Notify the complainant and the respondent that it is 2332
not probable that an unlawful discriminatory practice described 2333
in division (H) of section 4112.02 of the Revised Code has been 2334
or is being engaged in and that the commission will not issue a 2335
complaint in the matter; 2336

(ii) Initiate a complaint and schedule it for informal 2337
methods of conference, conciliation, mediation, and persuasion, 2338
or alternative dispute resolution; 2339

(iii) Initiate a complaint and refer it to the attorney 2340
general with a recommendation to seek a temporary or permanent 2341
injunction or a temporary restraining order. If this action is 2342

taken, the attorney general shall apply, as expeditiously as 2343
possible after receipt of the complaint, to the court of common 2344
pleas of the county in which the unlawful discriminatory 2345
practice allegedly occurred for the appropriate injunction or 2346
order, and the court shall hear and determine the application as 2347
expeditiously as possible. 2348

(b) If it is not practicable to comply with the 2349
requirements of division (B) (3) (a) of this section within the 2350
one-hundred-day period described in that division, the 2351
commission shall notify the complainant and the respondent in 2352
writing of the reasons for the noncompliance. 2353

(c) Prior to the issuance of a complaint under division 2354
(B) (3) (a) (ii) or (iii) of this section or prior to a 2355
notification of the complainant and the respondent under 2356
division (B) (3) (a) (i) of this section, the members of the 2357
commission and the officers and employees of the commission 2358
shall not make public in any manner and shall retain as 2359
confidential all information that was obtained as a result of or 2360
that otherwise pertains to a preliminary investigation of a 2361
charge filed pursuant to division (B) (1) of this section that 2362
alleges an unlawful discriminatory practice described in 2363
division (H) of section 4112.02 of the Revised Code. 2364

(d) Notwithstanding the types of action described in 2365
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 2366
issuance of a complaint or the referral of a complaint to the 2367
attorney general and prior to endeavoring to eliminate an 2368
unlawful discriminatory practice described in division (H) of 2369
section 4112.02 of the Revised Code by informal methods of 2370
conference, conciliation, mediation, and persuasion, or by 2371
alternative dispute resolution, the commission may seek a 2372

temporary or permanent injunction or a temporary restraining 2373
order in the court of common pleas of the county in which the 2374
unlawful discriminatory practice allegedly occurred. 2375

(4) If the commission determines after a preliminary 2376
investigation other than one described in division (B)(3) of 2377
this section that it is not probable that an unlawful 2378
discriminatory practice has been or is being engaged in, it 2379
shall notify any complainant under division (B)(1) of this 2380
section that it has so determined and that it will not issue a 2381
complaint in the matter. If the commission determines after a 2382
preliminary investigation other than the one described in 2383
division (B)(3) of this section that it is probable that an 2384
unlawful discriminatory practice has been or is being engaged 2385
in, it shall endeavor to eliminate the practice by informal 2386
methods of conference, conciliation, mediation, and persuasion, 2387
or by alternative dispute resolution. 2388

(5) Nothing said or done during informal methods of 2389
conference, conciliation, mediation, and persuasion, or during 2390
alternative dispute resolution, under this section shall be 2391
disclosed by any member of the commission or its staff or be 2392
used as evidence in any subsequent hearing or other proceeding. 2393
If, after a preliminary investigation and the use of informal 2394
methods of conference, conciliation, mediation, and persuasion, 2395
or alternative dispute resolution, under this section, the 2396
commission is satisfied that any unlawful discriminatory 2397
practice will be eliminated, it may treat the charge involved as 2398
being conciliated and enter that disposition on the records of 2399
the commission. If the commission fails to effect the 2400
elimination of an unlawful discriminatory practice by informal 2401
methods of conference, conciliation, mediation, and persuasion, 2402
or by alternative dispute resolution under this section and to 2403

obtain voluntary compliance with this chapter, the commission 2404
shall issue and cause to be served upon any person, including 2405
the respondent against whom a complainant has filed a charge 2406
pursuant to division (B) (1) of this section, a complaint stating 2407
the charges involved and containing a notice of an opportunity 2408
for a hearing before the commission, a member of the commission, 2409
or a hearing examiner at a place that is stated in the notice 2410
and that is located within the county in which the alleged 2411
unlawful discriminatory practice has occurred or is occurring or 2412
in which the respondent resides or transacts business. The 2413
hearing shall be held not less than thirty days after the 2414
service of the complaint upon the complainant, the aggrieved 2415
persons other than the complainant on whose behalf the complaint 2416
is issued, and the respondent, unless the complainant, an 2417
aggrieved person, or the respondent elects to proceed under 2418
division (A) (2) of section 4112.051 of the Revised Code when 2419
that division is applicable. If a complaint pertains to an 2420
alleged unlawful discriminatory practice described in division 2421
(H) of section 4112.02 of the Revised Code, the complaint shall 2422
notify the complainant, an aggrieved person, and the respondent 2423
of the right of the complainant, an aggrieved person, or the 2424
respondent to elect to proceed with the administrative hearing 2425
process under this section or to proceed under division (A) (2) 2426
of section 4112.051 of the Revised Code. 2427

(6) The attorney general shall represent the commission at 2428
any hearing held pursuant to division (B) (5) of this section and 2429
shall present the evidence in support of the complaint. 2430

(7) Any complaint issued pursuant to division (B) (5) of 2431
this section after the filing of a charge under division (B) (1) 2432
of this section shall be so issued within one year after the 2433
complainant filed the charge with respect to an alleged unlawful 2434

discriminatory practice. 2435

(C) (1) Any complaint issued pursuant to division (B) of 2436
this section may be amended by the commission, a member of the 2437
commission, or the hearing examiner conducting a hearing under 2438
division (B) of this section. 2439

(a) Except as provided in division (C) (1) (b) of this 2440
section, a complaint issued pursuant to division (B) of this 2441
section may be amended at any time prior to or during the 2442
hearing. 2443

(b) If a complaint issued pursuant to division (B) of this 2444
section alleges an unlawful discriminatory practice described in 2445
division (H) of section 4112.02 of the Revised Code, the 2446
complaint may be amended at any time up to seven days prior to 2447
the hearing and not thereafter. 2448

(2) The respondent has the right to file an answer or an 2449
amended answer to the original and amended complaints and to 2450
appear at the hearing in person, by attorney, or otherwise to 2451
examine and cross-examine witnesses. 2452

(D) The complainant shall be a party to a hearing under 2453
division (B) of this section, and any person who is an 2454
indispensable party to a complete determination or settlement of 2455
a question involved in the hearing shall be joined. Any 2456
aggrieved person who has or claims an interest in the subject of 2457
the hearing and in obtaining or preventing relief against the 2458
unlawful discriminatory practices complained of shall be 2459
permitted to appear only for the presentation of oral or written 2460
arguments, to present evidence, perform direct and cross- 2461
examination, and be represented by counsel. The commission shall 2462
adopt rules, in accordance with Chapter 119. of the Revised Code 2463

governing the authority granted under this division. 2464

(E) In any hearing under division (B) of this section, the 2465
commission, a member of the commission, or the hearing examiner 2466
shall not be bound by the Rules of Evidence but, in ascertaining 2467
the practices followed by the respondent, shall take into 2468
account all reliable, probative, and substantial statistical or 2469
other evidence produced at the hearing that may tend to prove 2470
the existence of a predetermined pattern of employment or 2471
membership, provided that nothing contained in this section 2472
shall be construed to authorize or require any person to observe 2473
the proportion that persons of any race, color, religion, sex, 2474
age, ancestry, national origin, familial status, disability, 2475
sexual orientation, gender identity or expression, or military 2476
status, familial status, national origin, disability, age, or 2477
ancestry bear to the total population or in accordance with any 2478
criterion other than the individual qualifications of the 2479
applicant. 2480

(F) The testimony taken at a hearing under division (B) of 2481
this section shall be under oath and shall be reduced to writing 2482
and filed with the commission. Thereafter, in its discretion, 2483
the commission, upon the service of a notice upon the 2484
complainant and the respondent that indicates an opportunity to 2485
be present, may take further testimony or hear argument. 2486

(G) (1) (a) If, upon all reliable, probative, and 2487
substantial evidence presented at a hearing under division (B) 2488
of this section, the commission determines that the respondent 2489
has engaged in, or is engaging in, any unlawful discriminatory 2490
practice, whether against the complainant or others, the 2491
commission shall state its findings of fact and conclusions of 2492
law and shall issue and, subject to the provisions of Chapter 2493

119. of the Revised Code, cause to be served on the respondent 2494
an order requiring the respondent to do all of the following: 2495

(i) Cease and desist from the unlawful discriminatory 2496
practice; 2497

(ii) Take any further affirmative or other action that 2498
will effectuate the purposes of this chapter, including, but not 2499
limited to, hiring, reinstatement, or upgrading of employees 2500
with or without back pay, or admission or restoration to union 2501
membership; 2502

(iii) Report to the commission the manner of compliance. 2503

If the commission directs payment of back pay, it shall 2504
make allowance for interim earnings. 2505

(b) If the commission finds a violation of division (H) of 2506
section 4112.02 of the Revised Code, in addition to the action 2507
described in division (G) (1) (a) of this section, the commission 2508
additionally may require the respondent to undergo remediation 2509
in the form of a class, seminar, or any other type of 2510
remediation approved by the commission, may require the 2511
respondent to pay actual damages and reasonable attorney's fees, 2512
and may, to vindicate the public interest, assess a civil 2513
penalty against the respondent as follows: 2514

(i) If division (G) (1) (b) (ii) or (iii) of this section 2515
does not apply, a civil penalty in an amount not to exceed ten 2516
thousand dollars; 2517

(ii) If division (G) (1) (b) (iii) of this section does not 2518
apply and if the respondent has been determined by a final order 2519
of the commission or by a final judgment of a court to have 2520
committed one violation of division (H) of section 4112.02 of 2521
the Revised Code during the five-year period immediately 2522

preceding the date on which a complaint was issued pursuant to 2523
division (B) of this section, a civil penalty in an amount not 2524
to exceed twenty-five thousand dollars; 2525

(iii) If the respondent has been determined by a final 2526
order of the commission or by a final judgment of a court to 2527
have committed two or more violations of division (H) of section 2528
4112.02 of the Revised Code during the seven-year period 2529
immediately preceding the date on which a complaint was issued 2530
pursuant to division (B) of this section, a civil penalty 2531
damages in an amount not to exceed fifty thousand dollars. 2532

(2) Upon the submission of reports of compliance, the 2533
commission may issue a declaratory order stating that the 2534
respondent has ceased to engage in particular unlawful 2535
discriminatory practices. 2536

(H) If the commission finds that no probable cause exists 2537
for crediting charges of unlawful discriminatory practices or 2538
if, upon all the evidence presented at a hearing under division 2539
(B) of this section on a charge, the commission finds that a 2540
respondent has not engaged in any unlawful discriminatory 2541
practice against the complainant or others, it shall state its 2542
findings of fact and shall issue and cause to be served on the 2543
complainant an order dismissing the complaint as to the 2544
respondent. A copy of the order shall be delivered in all cases 2545
to the attorney general and any other public officers whom the 2546
commission considers proper. 2547

If, upon all the evidence presented at a hearing under 2548
division (B) of this section on a charge, the commission finds 2549
that a respondent has not engaged in any unlawful discriminatory 2550
practice against the complainant or others, it may award to the 2551
respondent reasonable attorney's fees to the extent provided in 2552

5 U.S.C. 504 and accompanying regulations. 2553

(I) Until the time period for appeal set forth in division 2554
(H) of section 4112.06 of the Revised Code expires, the 2555
commission, subject to the provisions of Chapter 119. of the 2556
Revised Code, at any time, upon reasonable notice, and in the 2557
manner it considers proper, may modify or set aside, in whole or 2558
in part, any finding or order made by it under this section. 2559

Sec. 4112.08. This chapter shall be construed liberally 2560
for the accomplishment of its purposes, and any law inconsistent 2561
with any provision of this chapter shall not apply. Nothing 2562
contained in this chapter shall be considered to repeal any of 2563
the provisions of any law of this state relating to 2564
discrimination because of race, color, religion, sex, age, 2565
ancestry, national origin, familial status, disability, sexual 2566
orientation, gender identity or expression, or military status, 2567
~~familial status, disability, national origin, age, or ancestry,~~ 2568
except that any person filing a charge under division (B) (1) of 2569
section 4112.05 of the Revised Code, with respect to the 2570
unlawful discriminatory practices complained of, is barred from 2571
instituting a civil action under section 4112.14 or division (L) 2572
of section 4112.02 of the Revised Code. This chapter does not 2573
limit actions, procedures, and remedies afforded under federal 2574
law. 2575

Sec. 4117.19. (A) Every employee organization that is 2576
certified or recognized as a representative of public employees 2577
under this chapter shall file with the state employment 2578
relations board a registration report that is signed by its 2579
president or other appropriate officer. The report shall be in a 2580
form prescribed by the board and accompanied by two copies of 2581
the employee organization's constitution and bylaws. The board 2582

shall accept a filing by a statewide, national, or international 2583
employee organization of its constitution and bylaws in lieu of 2584
a filing of the documents by each subordinate organization. The 2585
exclusive representative or other employee organization 2586
originally filing its constitution and bylaws shall report, 2587
promptly, to the board all changes or amendments to its 2588
constitution and bylaws. 2589

(B) Every employee organization shall file with the board 2590
an annual report. The report shall be in a form prescribed by 2591
the board and shall contain the following information: 2592

(1) The names and addresses of the organization, any 2593
parent organization or organizations with which it is 2594
affiliated, and all organizationwide officers; 2595

(2) The name and address of its local agent for service of 2596
process; 2597

(3) A general description of the public employees the 2598
organization represents or seeks to represent; 2599

(4) The amounts of the initiation fee and monthly dues 2600
members must pay; 2601

(5) A pledge, in a form prescribed by the board, that the 2602
organization will comply with the laws of the state and that it 2603
will accept members as provided by law without regard to ~~age,~~ 2604
~~race, color, sex, creed,~~ religion, creed, sex, age, ancestry, or 2605
national origin, ~~;~~ disability, sexual orientation, gender 2606
identity or expression, or military status as those terms are 2607
defined in section 4112.01 of the Revised Code, ~~military status~~ 2608
~~as defined in that section,~~ ; or physical disability as provided 2609
by law~~;~~ 2610

(6) A financial report. 2611

- (C) The constitution or bylaws of every employee organization shall do all of the following:
- (1) Require that the organization keep accurate accounts of all income and expenses, prepare an annual financial report, keep open for inspection by any member of the organization its accounts, and make loans to officers and agents only on terms and conditions available to all members;
 - (2) Prohibit business or financial interests of its officers and agents, their spouses, minor children, parents, or otherwise, in conflict with the fiduciary obligation of such persons to the organization;
 - (3) When specifically requested by the board, require every official who is designated as a fiscal officer of an employee organization and who is responsible for funds or other property of the organization or trust in which an organization is interested, or a subsidiary organization be bonded with the amount, scope, and form of the bond determined by the board;
 - (4) Require periodic elections of officers by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in the elections, the right of individual members to participate in the affairs of the organization, and fair and equitable procedures in disciplinary actions.
- (D) The board shall prescribe rules necessary to govern the establishment and reporting of trusteeships over employee organizations. The establishment of trusteeships is permissible only if the constitution or bylaws of the organization set forth reasonable procedures.
- (E) The board may withhold certification of an employee

organization that willfully refuses to register or file an 2641
annual report or that willfully refuses to comply with other 2642
provisions of this section. The board may revoke a certification 2643
of an employee organization for willfully failing to comply with 2644
this section. The board may enforce the prohibitions contained 2645
in this section by petitioning the court of common pleas of the 2646
county in which the violation occurs for an injunction. Persons 2647
complaining of a violation of this section shall file the 2648
complaint with the board. 2649

(F) Upon the written request to the board of any member of 2650
a certified employee organization and where the board determines 2651
the necessity for an audit, the board may require the employee 2652
organization to provide a certified audit of its financial 2653
records. 2654

(G) Any employee organization subject to the "Labor- 2655
Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2656
29 U.S.C.A., 401, as amended, may file copies with the board of 2657
all reports it is required to file under that act in lieu of 2658
compliance with all parts of this section other than division 2659
(A) of this section. The board shall accept a filing by a 2660
statewide, national, or international employee organization of 2661
its reports in lieu of a filing of such reports by each 2662
subordinate organization. 2663

Sec. 4725.67. The state vision professionals board and any 2664
committees established by the board shall not discriminate 2665
against an applicant or holder of a certificate, license, 2666
registration, or endorsement issued under this chapter because 2667
of the person's race, color, religion, sex, national origin, or 2668
age; or disability, sexual orientation, or gender identity or 2669
expression, as those terms are defined in section 4112.01 of the 2670

Revised Code, ~~or age~~. A person who files with the board or 2671
committee a statement alleging discrimination based on any of 2672
those reasons may request a hearing with the board or committee, 2673
as appropriate. 2674

Sec. 4735.16. (A) Every real estate broker licensed under 2675
this chapter shall erect or maintain a sign on the business 2676
premises plainly stating that the licensee is a real estate 2677
broker. If the real estate broker maintains one or more branch 2678
offices, the real estate broker shall erect or maintain a sign 2679
at each branch office plainly stating that the licensee is a 2680
real estate broker. 2681

(B) (1) Any licensed real estate broker or salesperson who 2682
advertises to buy, sell, exchange, or lease real estate, or to 2683
engage in any act regulated by this chapter, with respect to 2684
property the licensee does not own, shall be identified in the 2685
advertisement by name and indicate the name of the brokerage 2686
with which the licensee is affiliated. 2687

(2) Any licensed real estate broker or ~~sales person~~ 2688
salesperson who advertises to sell, exchange, or lease real 2689
estate, or to engage in any act regulated by this chapter, with 2690
respect to property that the licensee owns, shall be identified 2691
in the advertisement by name and indicate that the property is 2692
agent owned, and if the property is listed with a real estate 2693
brokerage, the advertisement shall also indicate the name of the 2694
brokerage with which the property is listed. 2695

(3) The name of the brokerage shall be displayed in equal 2696
prominence with the name of the salesperson in the 2697
advertisement. For purposes of this section, "brokerage" means 2698
the name the real estate company or sole broker is doing 2699
business as, or if the real estate company or sole broker does 2700

not use such a name, the name of the real estate company or sole broker as licensed. 2701
2702

(4) A real estate broker who is representing a seller under an exclusive right to sell or lease listing agreement shall not advertise such property to the public as "for sale by owner" or otherwise mislead the public to believe that the seller is not represented by a real estate broker. 2703
2704
2705
2706
2707

(5) If any real estate broker or real estate salesperson advertises in a manner other than as provided in this section or the rules adopted under this section, that advertisement is prima-facie evidence of a violation under division (A) (21) of section 4735.18 of the Revised Code. 2708
2709
2710
2711
2712

When the superintendent determines that prima-facie evidence of a violation of division (A) (21) of section 4735.18 of the Revised Code or any of the rules adopted thereunder exists, the superintendent may do either of the following: 2713
2714
2715
2716

(a) Initiate disciplinary action under section 4735.051 of the Revised Code for a violation of division (A) (21) of section 4735.18 of the Revised Code, in accordance with Chapter 119. of the Revised Code; 2717
2718
2719
2720

(b) Personally, or by certified mail, serve a citation upon the licensee. 2721
2722

(C) (1) Every citation served under this section shall give notice to the licensee of the alleged violation or violations charged and inform the licensee of the opportunity to request a hearing in accordance with Chapter 119. of the Revised Code. The citation also shall contain a statement of a fine of two hundred dollars per violation, not to exceed two thousand five hundred dollars per citation. All fines collected pursuant to this 2723
2724
2725
2726
2727
2728
2729

section shall be credited to the real estate recovery fund, 2730
created in the state treasury under section 4735.12 of the 2731
Revised Code. 2732

(2) If any licensee is cited three times within twelve 2733
consecutive months, the superintendent shall initiate 2734
disciplinary action pursuant to section 4735.051 of the Revised 2735
Code for any subsequent violation that occurs within the same 2736
twelve-month period. 2737

(3) If a licensee fails to request a hearing within thirty 2738
days of the date of service of the citation, or the licensee and 2739
the superintendent fail to reach an alternative agreement, the 2740
citation shall become final. 2741

(4) Unless otherwise indicated, the licensee named in a 2742
final citation must meet all requirements contained in the final 2743
citation within thirty days of the effective date of that 2744
citation. 2745

(5) The superintendent shall suspend automatically a 2746
licensee's license if the licensee fails to comply with division 2747
(C) (4) of this section. 2748

(D) A real estate broker or salesperson obtaining the 2749
signature of a party to a listing or other agreement involved in 2750
a real estate transaction shall furnish a copy of the listing or 2751
other agreement to the party immediately after obtaining the 2752
party's signature. Every broker's office shall prominently 2753
display in the same immediate area as licenses are displayed a 2754
statement that it is illegal to discriminate against any person 2755
because of race, color, religion, sex, ancestry, or national 2756
origin; or familial status ~~as defined in section 4112.01 of the~~ 2757
~~Revised Code, national origin, disability, sexual orientation,~~ 2758

~~gender identity or expression, or military status as defined in~~ 2759
~~that section, disability as defined in that section, or~~ 2760
~~ancestry, as those terms are defined in section 4112.01 of the~~ 2761
Revised Code, in the sale or rental of housing or residential 2762
lots, in advertising the sale or rental of housing, in the 2763
financing of housing, or in the provision of real estate 2764
brokerage services and that blockbusting also is illegal. The 2765
statement shall bear the United States department of housing and 2766
urban development equal housing logo, shall contain the 2767
information that the broker and the broker's salespersons are 2768
licensed by the division of real estate and professional 2769
licensing and that the division can assist with any consumer 2770
complaints or inquiries, and shall explain the provisions of 2771
section 4735.12 of the Revised Code. The statement shall provide 2772
the division's address and telephone number. The Ohio real 2773
estate commission shall provide by rule for the wording and size 2774
of the statement. The pamphlet required under section 4735.03 of 2775
the Revised Code shall contain the same statement that is 2776
required on the statement displayed as provided in this section 2777
and shall be made available by real estate brokers and 2778
salespersons to their clients. The commission shall provide the 2779
wording and size of the pamphlet. 2780

Sec. 4735.55. (A) Each written agency agreement shall 2781
contain all of the following: 2782

(1) An expiration date; 2783

(2) A statement that it is illegal, pursuant to the Ohio 2784
fair housing law, division (H) of section 4112.02 of the Revised 2785
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 2786
amended, to refuse to sell, transfer, assign, rent, lease, 2787
sublease, or finance housing accommodations, refuse to negotiate 2788

for the sale or rental of housing accommodations, or otherwise 2789
deny or make unavailable housing accommodations because of race, 2790
color, religion, sex, ancestry, or national origin; or familial 2791
~~status as defined in section 4112.01 of the Revised Code,~~ 2792
ancestry, disability, sexual orientation, gender identity or 2793
expression, or military status as defined in that section, 2794
~~disability as defined in that section, or national origin, as~~ 2795
those terms are defined in section 4112.01 of the Revised Code, 2796
or to so discriminate in advertising the sale or rental of 2797
housing, in the financing of housing, or in the provision of 2798
real estate brokerage services; 2799

(3) A statement defining the practice known as 2800
"blockbusting" and stating that it is illegal; 2801

(4) A copy of the United States department of housing and 2802
urban development equal housing opportunity logotype, as set 2803
forth in 24 C.F.R. 109.30, as amended. 2804

(B) Each written agency agreement shall contain a place 2805
for the licensee and the client to sign and date the agreement. 2806

(C) A licensee shall furnish a copy of any written agency 2807
agreement to a client in a timely manner after the licensee and 2808
the client have signed and dated it. 2809

Sec. 4744.54. The state speech and hearing professionals 2810
board or any committees established by the board shall not 2811
discriminate against an applicant or license holder because of 2812
the person's race, color, religion, sex, national origin, or 2813
age; or disability, sexual orientation, or gender identity or 2814
expression, as those terms are defined in section 4112.01 of the 2815
Revised Code, ~~or age~~. A person who files with the board or 2816
committee a statement alleging discrimination based on any of 2817

those reasons may request a hearing with the board or committee, 2818
as appropriate. 2819

Sec. 4757.07. The counselor, social worker, and marriage 2820
and family therapist board and its professional standards 2821
committees shall not discriminate against any licensee, 2822
registrant, or applicant for a license or certificate of 2823
registration under this chapter because of the person's race, 2824
color, religion, sex, age, or national origin; or disability, 2825
sexual orientation, or gender identity or expression, as those 2826
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 2827
~~age~~. The board or committee, as appropriate, shall afford a 2828
hearing to any person who files with the board or committee a 2829
statement alleging discrimination based on any of those reasons. 2830

Sec. 4758.16. The chemical dependency professionals board 2831
shall not discriminate against any licensee, certificate holder, 2832
endorsement holder, or applicant for a license, certificate, or 2833
endorsement under this chapter because of the individual's race, 2834
color, religion, ~~gender sex,~~ age, or national origin; or 2835
disability, sexual orientation, or gender identity or 2836
expression, as those terms are defined in section 4112.01 of the 2837
Revised Code, ~~or age~~. The board shall afford a hearing to any 2838
individual who files with the board a statement alleging 2839
discrimination based on any of those reasons. 2840

Sec. 4765.18. The state board of emergency medical, fire, 2841
and transportation services may suspend or revoke a certificate 2842
of accreditation or a certificate of approval issued under 2843
section 4765.17 of the Revised Code for any of the following 2844
reasons: 2845

(A) Violation of this chapter or any rule adopted under 2846
it; 2847

(B) Furnishing of false, misleading, or incomplete information to the board;	2848 2849
(C) The signing of an application or the holding of a certificate of accreditation by a person who has pleaded guilty to or has been convicted of a felony, or has pleaded guilty to or been convicted of a crime involving moral turpitude;	2850 2851 2852 2853
(D) The signing of an application or the holding of a certificate of accreditation by a person who is addicted to the use of any controlled substance or has been adjudicated incompetent for that purpose by a court, as provided in section 5122.301 of the Revised Code;	2854 2855 2856 2857 2858
(E) Violation of any commitment made in an application for a certificate of accreditation or certificate of approval;	2859 2860
(F) Presentation to prospective students of misleading, false, or fraudulent information relating to the emergency medical services training program or emergency medical services continuing education program, employment opportunities, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the operator of a program;	2861 2862 2863 2864 2865 2866 2867
(G) Failure to maintain in a safe and sanitary condition premises and equipment used in conducting courses of study;	2868 2869
(H) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study or to retain a sufficient number of certified instructors;	2870 2871 2872
(I) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin; <u>or sexual orientation or gender identity or expression, as those terms are defined in section 4112.01 of the Revised Code.</u>	2873 2874 2875 2876

Sec. 5104.09. No administrator, employee, licensee, or 2877
child-care staff member shall discriminate in the enrollment of 2878
children in a child day-care center, type A home, licensed type 2879
B home, or approved child day camp upon the basis of race, 2880
color, religion, sex, ~~disability,~~ or national origin; or 2881
disability, sexual orientation, or gender identity or 2882
expression, as those terms are defined in section 4112.01 of the 2883
Revised Code. 2884

Sec. 5107.26. (A) As used in this section, "transitional 2885
child care" means publicly funded child care provided under 2886
division (A) (3) of section 5104.34 of the Revised Code. 2887

(B) Except as provided in division (C) of this section: 2888

(1) Each member of an assistance group participating in 2889
Ohio works first is ineligible to participate in the program for 2890
six payment months if a county department of job and family 2891
services determines that a member of the assistance group 2892
terminated the member's employment. 2893

(2) Each person who, on the day prior to the day a 2894
recipient begins to receive transitional child care, was a 2895
member of the recipient's assistance group is ineligible to 2896
participate in Ohio works first for six payment months if a 2897
county department determines that the recipient terminated the 2898
recipient's employment. 2899

(C) No assistance group member shall lose or be denied 2900
eligibility to participate in Ohio works first pursuant to 2901
division (B) of this section if the termination of employment 2902
was because an assistance group member or recipient of 2903
transitional child care secured comparable or better employment 2904
or the county department of job and family services certifies 2905

that the member or recipient terminated the employment with just 2906
cause. 2907

Just cause includes the following: 2908

(1) Discrimination by an employer based on ~~age, race, sex,~~ 2909
~~color, handicap,~~ religious beliefs, ~~or sex, age,~~ national 2910
origin; or disability, sexual orientation, or gender identity or 2911
expression, as those terms are defined in section 4112.01 of the 2912
Revised Code; 2913

(2) Work demands or conditions that render continued 2914
employment unreasonable, such as working without being paid on 2915
schedule; 2916

(3) Employment that has become unsuitable due to any of 2917
the following: 2918

(a) The wage is less than the federal minimum wage; 2919

(b) The work is at a site subject to a strike or lockout, 2920
unless the strike has been enjoined under section 208 of the 2921
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 2922
U.S.C.A. 178, as amended, an injunction has been issued under 2923
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 2924
U.S.C.A. 160, as amended, or an injunction has been issued under 2925
section 4117.16 of the Revised Code; 2926

(c) The documented degree of risk to the member or 2927
recipient's health and safety is unreasonable; 2928

(d) The member or recipient is physically or mentally 2929
unfit to perform the employment, as documented by medical 2930
evidence or by reliable information from other sources. 2931

(4) Documented illness of the member or recipient or of 2932
another assistance group member of the member or recipient 2933

requiring the presence of the member or recipient;	2934
(5) A documented household emergency;	2935
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	2936 2937
Sec. 5123.351. The director of developmental disabilities, with respect to the eligibility for state reimbursement of expenses incurred by facilities and programs established and operated under Chapter 5126. of the Revised Code for persons with developmental disabilities, shall do all of the following:	2938 2939 2940 2941 2942
(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;	2943 2944 2945
(B) Define minimum standards for qualifications of personnel, professional services, and in-service training and educational leave programs;	2946 2947 2948
(C) Review and evaluate community programs and make recommendations for needed improvements to county boards of developmental disabilities and to program directors;	2949 2950 2951
(D) Withhold state reimbursement, in whole or in part, from any county or combination of counties for failure to comply with Chapter 5126. or section 5123.35 or 5123.351 of the Revised Code or rules of the department of developmental disabilities;	2952 2953 2954 2955
(E) Withhold state funds from an agency, corporation, or association denying or rendering service on the basis of race, color, sex , religion, <u>sex</u> , ancestry, <u>or national origin</u> ; <u>or</u> disability, <u>sexual orientation, or gender identity or</u> <u>expression, as those terms are defined in section 4112.01 of the</u> Revised Code, or inability to pay;	2956 2957 2958 2959 2960 2961

(F) Provide consultative staff service to communities to 2962
assist in ascertaining needs and in planning and establishing 2963
programs. 2964

Sec. 5126.07. No county board of developmental 2965
disabilities or any agency, corporation, or association under 2966
contract with a county board of developmental disabilities shall 2967
discriminate in the provision of services under its authority or 2968
contract on the basis of race, color, ~~sex~~, creed, sex, national 2969
origin, or disability, national origin, sexual orientation or 2970
gender identity or expression, as those terms are defined in 2971
section 4112.01 of the Revised Code; or the inability to pay. 2972

Each county board of developmental disabilities shall 2973
provide a plan of affirmative action describing its goals and 2974
methods for the provision of equal employment opportunities for 2975
all persons under its authority and shall ensure 2976
nondiscrimination in employment under its authority or contract 2977
on the basis of race, color, ~~sex~~, creed, sex, national origin, 2978
or disability, or national origin; or sexual orientation or 2979
gender identity or expression, as those terms are defined in 2980
section 4112.01 of the Revised Code. 2981

Sec. 5165.08. (A) As used in this section: 2982

"Bed need" means the number of long-term care beds a 2983
county needs as determined by the director of health pursuant to 2984
division (B) (3) of section 3702.593 of the Revised Code. 2985

"Bed need excess" means that a county's bed need is such 2986
that one or more long-term care beds may be relocated from the 2987
county according to the director's determination of the county's 2988
bed need. 2989

(B) Every provider agreement with a nursing facility 2990

provider shall do both of the following: 2991

(1) Permit the provider to exclude one or more parts of 2992
the nursing facility from the provider agreement, even though 2993
those parts meet federal and state standards for medicaid 2994
certification, if all of the following apply: 2995

(a) The nursing facility initially obtained both its 2996
nursing home license under Chapter 3721. of the Revised Code and 2997
medicaid certification on or after January 1, 2008. 2998

(b) The nursing facility is located in a county that has a 2999
bed need excess at the time the provider excludes the parts from 3000
the provider agreement. 3001

(c) Federal law permits the provider to exclude the parts 3002
from the provider agreement. 3003

(d) The provider gives the department of medicaid written 3004
notice of the exclusion not less than forty-five days before the 3005
first day of the calendar quarter in which the exclusion is to 3006
occur. 3007

(2) Prohibit the provider from doing either of the 3008
following: 3009

(a) Discriminating against a resident on the basis of 3010
race, color, sex, creed, or national origin; or sexual 3011
orientation or gender identity or expression, as those terms are 3012
defined in section 4112.01 of the Revised Code; 3013

(b) Subject to division (D) of this section, failing or 3014
refusing to do either of the following: 3015

(i) Except as otherwise prohibited under section 5165.82 3016
of the Revised Code, admit as a resident of the nursing facility 3017
an individual because the individual is, or may (as a resident 3018

of the nursing facility) become, a medicaid recipient unless at 3019
least twenty-five per cent of the nursing facility's medicaid- 3020
certified beds are occupied by medicaid recipients at the time 3021
the person would otherwise be admitted; 3022

(ii) Retain as a resident of the nursing facility an 3023
individual because the individual is, or may (as a resident of 3024
the nursing facility) become, a medicaid recipient. 3025

(C) For the purpose of division (B) (2) (b) (ii) of this 3026
section, a medicaid recipient who is a resident of a nursing 3027
facility shall be considered a resident of the nursing facility 3028
during any hospital stays totaling less than twenty-five days 3029
during any twelve-month period. 3030

(D) Nothing in this section shall bar a provider from 3031
doing any of the following: 3032

(1) If the provider is a religious organization operating 3033
a religious or denominational nursing facility from giving 3034
preference to persons of the same religion or denomination; 3035

(2) Giving preference to persons with whom the provider 3036
has contracted to provide continuing care; 3037

(3) If the nursing facility is a county home organized 3038
under Chapter 5155. of the Revised Code, admitting residents 3039
exclusively from the county in which the county home is located; 3040

(4) Retaining residents who have resided in the provider's 3041
nursing facility for not less than one year as private pay 3042
patients and who subsequently become medicaid recipients, but 3043
refusing to accept as a resident any person who is, or may (as a 3044
resident of the nursing facility) become a medicaid recipient, 3045
if all of the following apply: 3046

(a) The provider does not refuse to retain any resident 3047
who has resided in the provider's nursing facility for not less 3048
than one year as a private pay resident because the resident 3049
becomes a medicaid recipient, except as necessary to comply with 3050
division (D) (4) (b) of this section; 3051

(b) The number of medicaid recipients retained under 3052
division (D) (4) of this section does not at any time exceed ten 3053
per cent of all the residents in the nursing facility; 3054

(c) On July 1, 1980, all the residents in the nursing 3055
facility were private pay residents. 3056

(E) No provider shall violate the provider agreement 3057
obligations imposed by this section. 3058

(F) A nursing facility provider who excludes one or more 3059
parts of the nursing facility from a provider agreement pursuant 3060
to division (B) (1) of this section does not violate division (C) 3061
of section 3702.53 of the Revised Code. 3062

Sec. 5312.04. (A) A board of directors of an owners 3063
association shall elect officers from the members of the board, 3064
to include a president, secretary, treasurer, and other officers 3065
as the board designates. 3066

(B) A board may act in all instances on behalf of an 3067
association unless otherwise provided in this chapter, the 3068
declaration, or bylaws. The board may appoint persons to fill 3069
vacancies in its membership for the unexpired portion of any 3070
term. 3071

(C) Except during a period of declarant control, the board 3072
shall call a meeting of the owners association at least once 3073
each year. Special meetings may be called by the president, a 3074
majority of the board, owners representing fifty per cent of the 3075

voting power in the owners association, or any lower share of 3076
the voting power as the declaration or bylaws specify. 3077

(D) The board may hold a meeting by any method of 3078
communication, including electronic or telephonic communication, 3079
provided that each member of the board can hear or read in real 3080
time and participate and respond to every other member of the 3081
board. 3082

(E) In lieu of conducting a meeting, the board may take an 3083
action with the unanimous written consent of the members of the 3084
board. Any written consent shall be filed with the minutes of 3085
the meetings of the board. 3086

(F) No owner other than a director may attend or 3087
participate in any discussion or deliberation of a meeting of 3088
the board of directors unless the board expressly authorizes 3089
that owner to attend or participate. 3090

(G) The board of directors of an owners association shall 3091
comply with all applicable state and federal laws concerning 3092
prohibitions against discrimination on the basis of race, color, 3093
religion, ~~sex, military status, ancestry, or national origin, or~~ 3094
sex, age, disability, age, or ancestry sexual orientation, 3095
gender identity or expression, or military status, as those 3096
terms are defined in section 4112.01 of the Revised Code, 3097
including, but not limited to, Chapter 4112. of the Revised 3098
Code. No private right of action additional to those conferred 3099
by the applicable state and federal anti-discrimination laws is 3100
conferred on any aggrieved individual by the preceding sentence. 3101

Sec. 5515.08. (A) The department of transportation may 3102
contract to sell commercial advertising space within or on the 3103
outside surfaces of any building located within a roadside rest 3104

area under its jurisdiction in exchange for cash payment. Money 3105
the department receives under this section shall be deposited in 3106
the state treasury to the credit of the highway operating fund. 3107

(B) Advertising placed under this section shall comply 3108
with all of the following: 3109

(1) It shall not be libelous or obscene and shall not 3110
promote any illegal product or service. 3111

(2) It shall not promote illegal discrimination on the 3112
basis of the race, religion, age, ancestry, national origin, or 3113
handicap, age, or ancestry or sexual orientation or gender 3114
identity or expression, as those terms are defined in section 3115
4112.01 of the Revised Code, of any person. 3116

(3) It shall not support or oppose any candidate for 3117
political office or any political cause, issue, or organization. 3118

(4) It shall comply with any controlling federal or state 3119
regulations or restrictions. 3120

(5) To the extent physically and technically practical, it 3121
shall state that the advertisement is a paid commercial 3122
advertisement and that the state does not endorse the product or 3123
service promoted by the advertisement or make any representation 3124
about the accuracy of the advertisement or the quality or 3125
performance of the product or service promoted by the 3126
advertisement. 3127

(6) It shall conform to all applicable rules adopted by 3128
the director of transportation under division (E) of this 3129
section. 3130

(C) Contracts entered into under this section shall be 3131
awarded only to the qualified bidder who submits the highest 3132

responsive bid or according to uniformly applied rate classes. 3133

(D) No person, except an advertiser alleging a breach of 3134
contract or the improper awarding of a contract, has a cause of 3135
action against the state with respect to any contract or 3136
advertising authorized by this section. Under no circumstances 3137
is the state liable for consequential or noneconomic damages 3138
with respect to any contract or advertising authorized under 3139
this section. 3140

(E) The director, in accordance with Chapter 119. of the 3141
Revised Code, shall adopt rules to implement this section. The 3142
rules shall be consistent with the policy of protecting the 3143
safety of the traveling public and consistent with the national 3144
policy governing the use and control of such roadside rest 3145
areas. The rules shall regulate the awarding of contracts and 3146
may regulate the content, display, and other aspects of the 3147
commercial advertising authorized by this section. 3148

Sec. 5709.832. The legislative authority of a county, 3149
township, or municipal corporation that grants an exemption from 3150
taxation under Chapter 725. or 1728. or section 3735.67, 3151
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 3152
or 5709.78 of the Revised Code shall develop policies to ensure 3153
that the recipient of the exemption practices nondiscriminatory 3154
hiring in its operations. As used in this section, 3155
"nondiscriminatory hiring" means that no individual may be 3156
denied employment solely on the basis of race, color, religion, 3157
sex, ancestry, or national origin; or disability, ~~color,~~ 3158
national origin, or ancestry sexual orientation, or gender 3159
identity or expression, as those terms are defined in section 3160
4112.021 of the Revised Code. 3161

Section 2. That existing sections 9.03, 124.93, 340.12, 3162

511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3163
3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 3164
4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 3165
4725.67, 4735.16, 4735.55, 4744.54, 4757.07, 4758.16, 4765.18, 3166
5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5312.04, 5515.08, 3167
and 5709.832 of the Revised Code are hereby repealed. 3168

Section 3. Section 4112.04 of the Revised Code is 3169
presented in this act as a composite of the section as amended 3170
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3171
Sub. H.B. 1 of the 128th General Assembly. Section 5104.09 of 3172
the Revised Code is presented in this act as a composite of the 3173
section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 3174
316 of the 129th General Assembly. The General Assembly, 3175
applying the principle stated in division (B) of section 1.52 of 3176
the Revised Code that amendments are to be harmonized if 3177
reasonably capable of simultaneous operation, finds that the 3178
composites are the resulting versions of the sections in effect 3179
prior to the effective date of the sections as presented in this 3180
act. 3181

Section 4. (A) The General Assembly finds both of the 3182
following: 3183

(1) Lesbian, gay, bisexual, and transgender individuals 3184
are too often the victims of discrimination. They may be fired 3185
from jobs, denied access to housing and educational 3186
institutions, refused credit, and excluded from public 3187
accommodations because of their sexual orientation or gender 3188
identity or expression. 3189

(2) It is essential that the State of Ohio protect the 3190
civil rights of all its residents. 3191

(B) The Ohio Fairness Act is enacted to protect civil 3192
rights by prohibiting discrimination against lesbian, gay, 3193
bisexual, and transgender individuals. 3194

This act upholds existing religious exemptions currently 3195
in Ohio law. 3196