

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 100**

**Senators Skindell, Tavares**

**Cosponsors: Senators Williams, Brown, Schiavoni**

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**A BILL**

To amend sections 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.024, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 5709.832 of the Revised Code to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission must attempt to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to eliminate certain religious exemptions from the Ohio Civil Rights Law.

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

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

3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 20  
3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.024, 4112.04, 21  
4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 22  
4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, 23  
and 5709.832 of the Revised Code be amended to read as follows: 24

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

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

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

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

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

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

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

(B) Except as otherwise provided in division (C) of this 44  
section, the governing body of a political subdivision may use 45  
public funds to publish and distribute newsletters, or to use 46  
any other means, to communicate information about the plans, 47

policies, and operations of the political subdivision to members 48  
of the public within the political subdivision and to other 49  
persons who may be affected by the political subdivision. 50

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

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

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

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

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

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

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

(2) Compensate any employee of the political subdivision 71  
for time spent on any activity to influence the outcome of an 72  
election for any of the purposes described in division (C) (1) (e) 73  
of this section. Division (C) (2) of this section does not 74  
prohibit the use of public funds to compensate an employee of a 75

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

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

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

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

(F) Nothing in this section prohibits or restricts any 100  
political subdivision from sponsoring, participating in, or 101  
doing any of the following: 102

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

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

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

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

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

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

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

(C) Each health insuring corporation that, on or after 131

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

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

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

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

(2) That no contractor, subcontractor, or person acting on 160  
behalf of any contractor or subcontractor, in any manner, shall 161

discriminate against, intimidate, or retaliate against any 162  
employee hired for the performance of work under the contract on 163  
account of race, color, religion, sex, age, ancestry, or 164  
national origin; or disability, sexual orientation, gender 165  
identity or expression, or military status as those terms are 166  
defined in section 4112.01 of the Revised Code, ~~national origin,~~ 167  
~~or ancestry.~~ 168

(B) All contractors from whom the state or any of its 169  
political subdivisions make purchases shall have a written 170  
affirmative action program for the employment and effective 171  
utilization of economically disadvantaged persons, as referred 172  
to in division (E) (1) of section 122.71 of the Revised Code. 173  
Annually, each such contractor shall file a description of the 174  
affirmative action program and a progress report on its 175  
implementation with the equal employment opportunity office of 176  
the department of administrative services. 177

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

(A) That, in the hiring of employees for the performance 183  
of work under the contract or any subcontract, no contractor, 184  
subcontractor, or any person acting on a contractor's or 185  
subcontractor's behalf, by reason of race, color, creed, or sex, 186  
or disability, sexual orientation, gender identity or 187  
expression, or military status as those terms are defined in 188  
section 4112.01 of the Revised Code, ~~or color,~~ shall 189  
discriminate against any citizen of the state in the employment 190  
of labor or workers who is qualified and available to perform 191

the work to which the employment relates; 192

(B) That no contractor, subcontractor, or any person on a 193  
contractor's or subcontractor's behalf, in any manner, shall 194  
discriminate against or intimidate any employee hired for the 195  
performance of work under the contract on account of race, 196  
color, creed, or sex; or disability, sexual orientation, gender 197  
identity or expression, or military status as those terms are 198  
defined in section 4112.01 of the Revised Code, ~~or color.~~ 199

The department of administrative services shall ensure 200  
that no capital moneys appropriated by the general assembly for 201  
any purpose shall be expended unless the project for which those 202  
moneys are appropriated provides for an affirmative action 203  
program for the employment and effective utilization of 204  
disadvantaged persons whose disadvantage may arise from 205  
cultural, racial, or ethnic background, or other similar cause, 206  
including, but not limited to, race, religion, sex, ancestry, or 207  
national origin; or disability or military status as those terms 208  
are defined in section 4112.01 of the Revised Code, ~~national-~~ 209  
~~origin, or ancestry.~~ 210

In awarding contracts for capital improvement projects, 211  
the department shall ensure that equal consideration be given to 212  
contractors, subcontractors, or joint venturers who qualify as a 213  
minority business enterprise. As used in this section, "minority 214  
business enterprise" means a business enterprise that is owned 215  
or controlled by one or more socially or economically 216  
disadvantaged persons who are residents of this state. "Socially 217  
or economically disadvantaged persons" means persons, regardless 218  
of marital status, who are members of groups whose disadvantage 219  
may arise from discrimination on the basis of race, religion, 220  
sex, ancestry, or national origin; or disability, sexual 221



orientation, gender identity or expression, or military status 222  
as those terms are defined in section 4112.01 of the Revised 223  
Code, ~~national origin, ancestry,~~ or other similar cause. 224

**Sec. 153.591.** Any provision of a hiring hall contract or 225  
agreement which obligates a contractor to hire, if available, 226  
only employees referred to the contractor by a labor 227  
organization shall be void as against public policy and 228  
unenforceable with respect to employment under any public works 229  
contract unless at both of the following apply: 230

(A) At the date of execution of the hiring hall contract 231  
or agreement, or within thirty days thereafter, the labor 232  
organization has in effect procedures for referring qualified 233  
employees for hire without regard to race, color, religion, sex, 234  
ancestry, or national origin; or sexual orientation, gender 235  
identity or expression, or military status as defined in section 236  
4112.01 of the Revised Code, ~~or ancestry and unless the.~~ 237

(B) The labor organization includes in its apprentice and 238  
journeyperson's membership, or otherwise has available for job 239  
referral without discrimination, qualified employees, both 240  
whites and non-whites (including ~~African Americans~~ African 241  
Americans). 242

**Sec. 340.12.** As used in this section, "disability," ~~has~~ 243  
"gender identity or expression," and "sexual orientation" have 244  
the same ~~meaning~~ meanings as in section 4112.01 of the Revised 245  
Code. 246

No board of alcohol, drug addiction, and mental health 247  
services or any community addiction or mental health services 248  
provider under contract with such a board shall discriminate in 249  
the provision of services under its authority, in employment, or 250

under a contract on the basis of race, color, religion, creed, 251  
sex, age, national origin, ~~or~~ disability, sexual orientation, or 252  
gender identity or expression. 253

Each board and each community addiction or mental health 254  
services provider shall have a written affirmative action 255  
program. The affirmative action program shall include goals for 256  
the employment and effective utilization of, including contracts 257  
with, members of economically disadvantaged groups as defined in 258  
division (E) (1) of section 122.71 of the Revised Code in 259  
percentages reflecting as nearly as possible the composition of 260  
the alcohol, drug addiction, and mental health service district 261  
served by the board. Each board and provider shall file a 262  
description of the affirmative action program and a progress 263  
report on its implementation with the department of mental 264  
health and addiction services. 265

**Sec. 511.03.** After an affirmative vote in an election held 266  
under sections 511.01 and 511.02 of the Revised Code, the board 267  
of township trustees may make all contracts necessary for the 268  
purchase of a site, and the erection, improvement, or 269  
enlargement of such building. The board shall have control of 270  
any town hall belonging to the township, and it may rent or 271  
lease all or part of any hall, lodge, or recreational facility 272  
belonging to the township, to any person or organization under 273  
terms the board considers proper, for which all rent shall be 274  
paid in advance or fully secured. In establishing the terms of 275  
any rental agreement or lease pursuant to this section, the 276  
board of township trustees may give preference to persons who 277  
are residents of or organizations that are headquartered in the 278  
township or that are charitable or fraternal in nature. All 279  
persons or organizations shall be treated on a like or similar 280  
basis, and no differentiation shall be made on the basis of 281

race, color, religion, ~~national origin, sex, national origin, or~~ 282  
political affiliation; or sexual orientation or gender identity 283  
or expression as those terms are defined in section 4112.01 of 284  
the Revised Code. The rents received for such facilities may be 285  
used for their repair or improvement, and any balance shall be 286  
used for general township purposes. 287

**Sec. 717.01.** Each municipal corporation may do any of the 288  
following: 289

(A) Acquire by purchase or condemnation real estate with 290  
or without buildings on it, and easements or interests in real 291  
estate; 292

(B) Extend, enlarge, reconstruct, repair, equip, furnish, 293  
or improve a building or improvement that it is authorized to 294  
acquire or construct; 295

(C) Erect a crematory or provide other means for disposing 296  
of garbage or refuse, and erect public comfort stations; 297

(D) Purchase turnpike roads and make them free; 298

(E) Construct wharves and landings on navigable waters; 299

(F) Construct infirmaries, workhouses, prisons, police 300  
stations, houses of refuge and correction, market houses, public 301  
halls, public offices, municipal garages, repair shops, storage 302  
houses, and warehouses; 303

(G) Construct or acquire waterworks for supplying water to 304  
the municipal corporation and its inhabitants and extend the 305  
waterworks system outside of the municipal corporation limits; 306

(H) Construct or purchase gas works or works for the 307  
generation and transmission of electricity, for the supplying of 308  
gas or electricity to the municipal corporation and its 309

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

police or fire department. 336

(T) Construct any municipal ice plant for the purpose of 337  
manufacturing ice for the citizens of a municipal corporation; 338

(U) Construct subways under any street or boulevard or 339  
elsewhere; 340

(V) Acquire by purchase, gift, devise, bequest, lease, 341  
condemnation proceedings, or otherwise, real or personal 342  
property, and thereon and thereof to establish, construct, 343  
enlarge, improve, equip, maintain, and operate airports, landing 344  
fields, or other air navigation facilities, either within or 345  
outside the limits of a municipal corporation, and acquire by 346  
purchase, gift, devise, lease, or condemnation proceedings 347  
rights-of-way for connections with highways, waterways, and 348  
electric, steam, and interurban railroads, and improve and equip 349  
such facilities with structures necessary or appropriate for 350  
such purposes. No municipal corporation may take or disturb 351  
property or facilities belonging to any public utility or to a 352  
common carrier engaged in interstate commerce, which property or 353  
facilities are required for the proper and convenient operation 354  
of the utility or carrier, unless provision is made for the 355  
restoration, relocation, or duplication of the property or 356  
facilities elsewhere at the sole cost of the municipal 357  
corporation. 358

(W) Provide by agreement with any regional airport 359  
authority, created under section 308.03 of the Revised Code, for 360  
the making of necessary surveys, appraisals, and examinations 361  
preliminary to the acquisition or construction of any airport or 362  
airport facility and pay the portion of the expense of the 363  
surveys, appraisals, and examinations as set forth in the 364  
agreement; 365

(X) Provide by agreement with any regional airport 366  
authority, created under section 308.03 of the Revised Code, for 367  
the acquisition, construction, maintenance, or operation of any 368  
airport or airport facility owned or to be owned and operated by 369  
the regional airport authority or owned or to be owned and 370  
operated by the municipal corporation and pay the portion of the 371  
expense of it as set forth in the agreement; 372

(Y) Acquire by gift, purchase, lease, or condemnation, 373  
land, forest, and water rights necessary for conservation of 374  
forest reserves, water parks, or reservoirs, either within or 375  
without the limits of the municipal corporation, and improve and 376  
equip the forest and water parks with structures, equipment, and 377  
reforestation necessary or appropriate for any purpose for the 378  
utilization of any of the forest and water benefits that may 379  
properly accrue therefrom to the municipal corporation; 380

(Z) Acquire real property by purchase, gift, or devise and 381  
construct and maintain on it public swimming pools, either 382  
within or outside the limits of the municipal corporation; 383

(AA) Construct or rehabilitate, equip, maintain, operate, 384  
and lease facilities for housing of elderly persons and for 385  
persons of low and moderate income, and appurtenant facilities. 386  
No municipal corporation shall deny housing accommodations to or 387  
withhold housing accommodations from elderly persons or persons 388  
of low and moderate income because of race, color, religion, 389  
sex, ancestry, or national origin; or familial status as defined 390  
in section 4112.01 of the Revised Code, military status as 391  
defined in that section, disability as defined in that section, 392  
ancestry, or national origin, sexual orientation, gender 393  
identity or expression, or military status as those terms are 394  
defined in section 4112.01 of the Revised Code. Any elderly 395

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

(BB) Acquire, rehabilitate, and develop rail property or 406  
rail service, and enter into agreements with the Ohio rail 407  
development commission, boards of county commissioners, boards 408  
of township trustees, legislative authorities of other municipal 409  
corporations, with other governmental agencies or organizations, 410  
and with private agencies or organizations in order to achieve 411  
those purposes; 412

(CC) Appropriate and contribute money to a soil and water 413  
conservation district for use under Chapter 940. of the Revised 414  
Code; 415

(DD) Authorize the board of county commissioners, pursuant 416  
to a contract authorizing the action, to contract on the 417  
municipal corporation's behalf for the administration and 418  
enforcement within its jurisdiction of the state building code 419  
by another county or another municipal corporation located 420  
within or outside the county. The contract for administration 421  
and enforcement shall provide for obtaining certification 422  
pursuant to division (E) of section 3781.10 of the Revised Code 423  
for the exercise of administration and enforcement authority 424  
within the municipal corporation seeking those services and 425

shall specify which political subdivision is responsible for 426  
securing that certification. 427

(EE) Expend money for providing and maintaining services 428  
and facilities for senior citizens. 429

"Airport," "landing field," and "air navigation facility," 430  
as defined in section 4561.01 of the Revised Code, apply to 431  
division (V) of this section. 432

As used in divisions (W) and (X) of this section, 433  
"airport" and "airport facility" have the same meanings as in 434  
section 308.01 of the Revised Code. 435

As used in division (BB) of this section, "rail property" 436  
and "rail service" have the same meanings as in section 4981.01 437  
of the Revised Code. 438

**Sec. 1501.012.** (A) The director of natural resources may 439  
lease lands in state parks, as defined in section 1501.07 of the 440  
Revised Code, and contract for the construction and operation of 441  
public service facilities, as mentioned in that section, and for 442  
major renovation or remodeling of existing public service 443  
facilities by the lessees on those lands. If the director 444  
determines that doing so would be consistent with long-range 445  
planning of the department of natural resources and in the best 446  
interests of the department and the division of parks and 447  
watercraft in the department, the director shall negotiate and 448  
execute a lease and contract for those purposes in accordance 449  
with this chapter except as otherwise provided in this section. 450

(B) The director shall draft a statement of intent 451  
describing any public service facility that the department 452  
wishes to have constructed in accordance with this section and 453  
establishing a procedure for the submission of proposals for 454



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

The director shall publish the statement of intent in at 469  
least three daily newspapers of general circulation in the state 470  
at least once each week for four consecutive weeks. The director 471  
then shall accept proposals in response to the statement of 472  
intent for at least thirty days following the final publication 473  
of the statement. At the end of the period during which 474  
proposals may be submitted under this division, the director 475  
shall select the proposal that the director determines best 476  
complies with the statement of intent and may negotiate a lease 477  
and contract with the person that submitted that proposal. 478

(C) Any lease and contract negotiated under this section 479  
shall include in its terms and conditions all of the following: 480

(1) The legal description of the leasehold; 481

(2) The duration of the lease and contract, which shall 482  
not exceed forty years, and a requirement that the lease and 483  
contract be nonrenewable; 484

(3) A requirement that the lessee maintain in full force 485  
and effect during the term of the lease and contract 486  
comprehensive liability insurance for injury, death, or loss to 487  
persons or property and fire casualty insurance for the public 488  
service facility and all its structures in an amount established 489  
by the director and naming the department as an additional 490  
insured; 491

(4) A requirement that the lessee maintain in full force 492  
and effect suitable performance bonds or other adequate security 493  
pertaining to the construction and operation of the public 494  
service facility; 495

(5) Detailed plans and specifications controlling the 496  
construction of the public service facility that shall include 497  
all of the following: 498

(a) The size and capacity of the facility; 499

(b) The type and quality of construction; 500

(c) Other criteria that the department considers necessary 501  
and advisable. 502

(6) The manner of rental payment; 503

(7) A stipulation that the director shall have control and 504  
supervision over all of the following: 505

(a) The operating season of the public service facility; 506

(b) The facility's hours of operation; 507

(c) The maximum rates to be charged guests using the 508  
facility; 509

(d) The facility's sanitary conditions; 510

(e) The quality of food and service furnished the guests 511

of the facility; 512

(f) The lessee's general and structural maintenance 513  
responsibilities at the facility. 514

(8) The disposition of the leasehold and improvements at 515  
the expiration of the lease and contract; 516

(9) A requirement that the public service facility be 517  
available to all members of the public without regard to sex, 518  
race, color, creed, ancestry, or national origin~~7~~; or 519  
disability, sexual orientation, or gender identity or expression 520  
as those terms are defined in section 4112.01 of the Revised 521  
Code; 522

(10) Other terms and conditions that the director 523  
considers necessary and advisable to carry out the purposes of 524  
this section. 525

(D) The attorney general shall approve the form of the 526  
lease and contract prior to its execution by the director. 527

(E) The authority granted in this section to the director 528  
is in addition and supplemental to any other authority granted 529  
the director under state law. 530

**Sec. 1751.18.** (A) (1) No health insuring corporation shall 531  
cancel or fail to renew the coverage of a subscriber or enrollee 532  
because of any health status-related factor in relation to the 533  
subscriber or enrollee, the subscriber's or enrollee's 534  
requirements for health care services, or for any other reason 535  
designated under rules adopted by the superintendent of 536  
insurance. 537

(2) Unless otherwise required by state or federal law, no 538  
health insuring corporation, or health care facility or provider 539

through which the health insuring corporation has made 540  
arrangements to provide health care services, shall discriminate 541  
against any individual with regard to enrollment, disenrollment, 542  
or the quality of health care services rendered, on the basis of 543  
~~the~~ any of the following: 544

(a) The individual's race, color, sex, religion, or age, 545  
~~religion, military status; or sexual orientation, gender~~ 546  
identity or expression, or military status as those terms are 547  
defined in section 4112.01 of the Revised Code, ~~or status;~~ 548

(b) The individual's status as a recipient of medicare or 549  
medicaid, ~~or any;~~ 550

(c) Any health status-related factor in relation to the 551  
individual. ~~However~~ 552

However, a health insuring corporation shall not be 553  
required to accept a recipient of medicare or medical 554  
assistance, if an agreement has not been reached on appropriate 555  
payment mechanisms between the health insuring corporation and 556  
the governmental agency administering these programs. Further, 557  
except for open enrollment coverage under sections 3923.58 and 558  
3923.581 of the Revised Code and except as provided in section 559  
1751.65 of the Revised Code, a health insuring corporation may 560  
reject an applicant for nongroup enrollment on the basis of any 561  
health status-related factor in relation to the applicant. 562

(B) A health insuring corporation may cancel or decide not 563  
to renew the coverage of an enrollee if the enrollee has 564  
performed an act or practice that constitutes fraud or 565  
intentional misrepresentation of material fact under the terms 566  
of the coverage and if the cancellation or nonrenewal is not 567  
based, either directly or indirectly, on any health status- 568

related factor in relation to the enrollee. 569

(C) An enrollee may appeal any action or decision of a 570  
health insuring corporation taken pursuant to section 2742(b) to 571  
(e) of the "Health Insurance Portability and Accountability Act 572  
of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 573  
300gg-42, as amended. To appeal, the enrollee may submit a 574  
written complaint to the health insuring corporation pursuant to 575  
section 1751.19 of the Revised Code. The enrollee may, within 576  
thirty days after receiving a written response from the health 577  
insuring corporation, appeal the health insuring corporation's 578  
action or decision to the superintendent. 579

(D) As used in this section, "health status-related 580  
factor" means any of the following: 581

(1) Health status; 582

(2) Medical condition, including both physical and mental 583  
illnesses; 584

(3) Claims experience; 585

(4) Receipt of health care; 586

(5) Medical history; 587

(6) Genetic information; 588

(7) Evidence of insurability, including conditions arising 589  
out of acts of domestic violence; 590

(8) Disability. 591

**Sec. 2927.03.** (A) No person, whether or not acting under 592  
color of law, shall by force or threat of force willfully 593  
injure, intimidate, or interfere with, or attempt to injure, 594  
intimidate, or interfere with, any of the following: 595

(1) Any person because of race, color, religion, sex, 596  
ancestry, or national origin; or familial status ~~as defined in~~ 597  
~~section 4112.01 of the Revised Code, national origin, military~~ 598  
~~status as defined in that section, disability as defined in that~~ 599  
~~section, sexual orientation, gender identity or expression, or~~ 600  
~~ancestry~~ military status as those terms are defined in section 601  
4112.01 of the Revised Code, and because that person is or has 602  
been selling, purchasing, renting, financing, occupying, 603  
contracting, or negotiating for the sale, purchase, rental, 604  
financing, or occupation of any housing accommodations, or 605  
applying for or participating in any service, organization, or 606  
facility relating to the business of selling or renting housing 607  
accommodations; 608

(2) Any person because that person is or has been doing, 609  
or in order to intimidate that person or any other person or any 610  
class of persons from doing, either of the following: 611

(a) Participating, without discrimination on account of 612  
race, color, religion, sex, ancestry, or national origin, or 613  
~~familial status as defined in section 4112.01 of the Revised~~ 614  
~~Code, national origin, military status as defined in that~~ 615  
~~section, disability as defined in that section, sexual~~ 616  
orientation, gender identity or expression, or ancestry, 617  
military status as those terms are defined in section 4112.01 of 618  
the Revised Code, in any of the activities, services, 619  
organizations, or facilities described in division (A) (1) of 620  
this section; 621

(b) Affording another person or class of persons 622  
opportunity or protection so to participate. 623

(3) Any person because that person is or has been, or in 624  
order to discourage that person or any other person from, 625

lawfully aiding or encouraging other persons to participate, 626  
without discrimination on account of race, color, religion, sex, 627  
~~ancestry, or national origin, or~~ familial status ~~as defined in~~ 628  
~~section 4112.01 of the Revised Code, national origin, military~~ 629  
~~status as defined in that section, disability as defined in that~~ 630  
~~section, sexual orientation, gender identity or expression, or~~ 631  
~~ancestry, military status as those terms are defined in section~~ 632  
4112.01 of the Revised Code, in any of the activities, services, 633  
organizations, or facilities described in division (A)(1) of 634  
this section, or participating lawfully in speech or peaceful 635  
assembly opposing any denial of the opportunity to so 636  
participate. 637

(B) Whoever violates division (A) of this section is 638  
guilty of a misdemeanor of the first degree. 639

**Sec. 3113.36.** (A) To qualify for funds under section 640  
3113.35 of the Revised Code, a shelter for victims of domestic 641  
violence shall meet all of the following requirements: 642

(1) Be incorporated in this state as a nonprofit 643  
corporation; 644

(2) Have trustees who represent the racial, ethnic, and 645  
socioeconomic diversity of the community to be served, including 646  
at least one person who is or has been a victim of domestic 647  
violence; 648

(3) Receive at least twenty-five per cent of its funds 649  
from sources other than funds distributed pursuant to section 650  
3113.35 of the Revised Code. These other sources may be public 651  
or private, and may include funds distributed pursuant to 652  
section 3113.37 of the Revised Code, and contributions of goods 653  
or services, including materials, commodities, transportation, 654

office space, or other types of facilities or personal services. 655

(4) Provide residential service or facilities for children 656  
when accompanied by a parent, guardian, or custodian who is a 657  
victim of domestic violence and who is receiving temporary 658  
residential service at the shelter; 659

(5) Require persons employed by or volunteering services 660  
to the shelter to maintain the confidentiality of any 661  
information that would identify individuals served by the 662  
shelter. 663

(B) A shelter for victims of domestic violence does not 664  
qualify for funds if it discriminates in its admissions or 665  
provision of services on the basis of race, ~~religion~~, color, 666  
religion, age, ancestry, national origin, or marital status, 667  
~~national origin, or ancestry;~~ or sexual orientation or gender 668  
identity or expression as those terms are defined in section 669  
4112.01 of the Revised Code. A shelter does not qualify for 670  
funds in the second half of any year if its application projects 671  
the provision of residential service and such service has not 672  
been provided in the first half of that year; such a shelter 673  
does not qualify for funds in the following year. 674

**Sec. 3301.53.** (A) The state board of education, in 675  
consultation with the director of job and family services, shall 676  
formulate and prescribe by rule adopted under Chapter 119. of 677  
the Revised Code minimum standards to be applied to preschool 678  
programs operated by school district boards of education, county 679  
boards of developmental disabilities, community schools, or 680  
eligible nonpublic schools. The rules shall include the 681  
following: 682

(1) Standards ensuring that the preschool program is 683



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

(2) Standards ensuring that supervision, discipline, and 689  
programs will be administered according to established 690  
objectives and procedures; 691

(3) Standards ensuring that preschool staff members and 692  
nonteaching employees are recruited, employed, assigned, 693  
evaluated, and provided inservice education without 694  
discrimination on the basis of race, color, sex, age, ~~color, or~~ 695  
national origin, ~~race, or sex~~; or sexual orientation or gender 696  
identity or expression as those terms are defined in section 697  
4112.01 of the Revised Code; and that preschool staff members 698  
and nonteaching employees are assigned responsibilities in 699  
accordance with written position descriptions commensurate with 700  
their training and experience; 701

(4) A requirement that boards of education intending to 702  
establish a preschool program demonstrate a need for a preschool 703  
program prior to establishing the program; 704

(5) Requirements that children participating in preschool 705  
programs have been immunized to the extent considered 706  
appropriate by the state board to prevent the spread of 707  
communicable disease; 708

(6) Requirements that the parents of preschool children 709  
complete the emergency medical authorization form specified in 710  
section 3313.712 of the Revised Code. 711

(B) The state board of education in consultation with the 712

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

(C) The state board of education, in consultation with the 720  
director of job and family services, shall adopt rules for 721  
school child programs that are consistent with and meet or 722  
exceed the requirements of the rules adopted for school-age 723  
child care centers under Chapter 5104. of the Revised Code. 724

**Sec. 3304.15.** (A) There is hereby created the 725  
opportunities for Ohioans with disabilities agency. The agency 726  
is the designated state unit authorized under the 727  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 728  
amended, to provide vocational rehabilitation to eligible 729  
persons with disabilities. 730

(B) The governor shall appoint an executive director of 731  
the opportunities for Ohioans with disabilities agency to serve 732  
at the pleasure of the governor and shall fix the executive 733  
director's compensation. The executive director shall devote the 734  
executive director's entire time to the duties of the executive 735  
director's office, shall hold no other office or position of 736  
trust and profit, and shall engage in no other business during 737  
the executive director's term of office. The governor may grant 738  
the executive director the authority to appoint, remove, and 739  
discipline without regard to ~~sex, race, creed, color,~~ creed, 740  
sex, age, or national origin, or sexual orientation or gender 741  
identity or expression as those terms are defined in section 742

4112.01 of the Revised Code, such other professional, 743  
administrative, and clerical staff members as are necessary to 744  
carry out the functions and duties of the agency. 745

The executive director of the opportunities for Ohioans 746  
with disabilities agency is the executive and administrative 747  
officer of the agency. Whenever the Revised Code imposes a duty 748  
on or requires an action of the agency, the executive director 749  
shall perform the duty or action on behalf of the agency. The 750  
executive director may establish procedures for all of the 751  
following: 752

(1) The governance of the agency; 753

(2) The conduct of agency employees and officers; 754

(3) The performance of agency business; 755

(4) The custody, use, and preservation of agency records, 756  
papers, books, documents, and property. 757

(C) The executive director shall have exclusive authority 758  
to administer the daily operation and provision of vocational 759  
rehabilitation services under this chapter. In exercising that 760  
authority, the executive director may do all of the following: 761

(1) Adopt rules in accordance with Chapter 119. of the 762  
Revised Code; 763

(2) Prepare and submit an annual report to the governor; 764

(3) Certify any disbursement of funds available to the 765  
agency for vocational rehabilitation activities; 766

(4) Take appropriate action to guarantee rights of 767  
services to people with disabilities; 768

(5) Consult with and advise other state agencies and 769

coordinate programs for persons with disabilities; 770

(6) Comply with the requirements for match as part of 771  
budget submission; 772

(7) Establish research and demonstration projects; 773

(8) Accept, hold, invest, reinvest, or otherwise use gifts 774  
to further vocational rehabilitation; 775

(9) For the purposes of the business enterprise program 776  
administered under sections 3304.28 to 3304.35 of the Revised 777  
Code: 778

(a) Establish and manage small business entities owned or 779  
operated by visually impaired persons; 780

(b) Purchase insurance; 781

(c) Accept computers. 782

(10) Enter into contracts and other agreements for the 783  
provision of services. 784

(D) The executive director shall establish a fee schedule 785  
for vocational rehabilitation services in accordance with 34 786  
C.F.R. 361.50. 787

**Sec. 3304.50.** The Ohio independent living council 788  
established and appointed by the governor under the authority of 789  
section 107.18 of the Revised Code and pursuant to the 790  
"Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29 791  
U.S.C.A. 796d, shall appoint an executive director to serve at 792  
the pleasure of the council and shall fix ~~his~~ the executive 793  
director's compensation. The executive director shall not be 794  
considered a public employee for purposes of Chapter 4117. of 795  
the Revised Code. The council may delegate to the executive 796

director the authority to appoint, remove, and discipline, 797  
without regard to ~~sex~~, race, ~~creed~~, color, creed, sex, age, or 798  
national origin, or sexual orientation or gender identity or 799  
expression as those terms are defined in section 4112.01 of the 800  
Revised Code, such other professional, administrative, and 801  
clerical staff members as are necessary to carry out the 802  
functions and duties of the council. 803

**Sec. 3314.06.** The governing authority of each community 804  
school established under this chapter shall adopt admission 805  
procedures that specify the following: 806

(A) That, except as otherwise provided in this section, 807  
admission to the school shall be open to any individual age five 808  
to twenty-two entitled to attend school pursuant to section 809  
3313.64 or 3313.65 of the Revised Code in a school district in 810  
the state. 811

Additionally, except as otherwise provided in this 812  
section, admission to the school may be open on a tuition basis 813  
to any individual age five to twenty-two who is not a resident 814  
of this state. The school shall not receive state funds under 815  
section 3314.08 of the Revised Code for any student who is not a 816  
resident of this state. 817

An individual younger than five years of age may be 818  
admitted to the school in accordance with division (A) (2) of 819  
section 3321.01 of the Revised Code. The school shall receive 820  
funds for an individual admitted under that division in the 821  
manner provided under section 3314.08 of the Revised Code. 822

If the school operates a program that uses the Montessori 823  
method endorsed by the American Montessori society, the 824  
Montessori accreditation council for teacher education, or the 825

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

If the school operates a preschool program that is 834  
licensed by the department of education under sections 3301.52 835  
to 3301.59 of the Revised Code, admission to the school may be 836  
open to individuals who are younger than five years of age, but 837  
the school shall not receive funds under this chapter for those 838  
individuals. 839

(B) (1) That admission to the school may be limited to 840  
students who have attained a specific grade level or are within 841  
a specific age group; to students that meet a definition of "at- 842  
risk," as defined in the contract; to residents of a specific 843  
geographic area within the district, as defined in the contract; 844  
or to separate groups of autistic students and nondisabled 845  
students, as authorized in section 3314.061 of the Revised Code 846  
and as defined in the contract. 847

(2) For purposes of division (B) (1) of this section, "at- 848  
risk" students may include those students identified as gifted 849  
students under section 3324.03 of the Revised Code. 850

(C) Whether enrollment is limited to students who reside 851  
in the district in which the school is located or is open to 852  
residents of other districts, as provided in the policy adopted 853  
pursuant to the contract. 854

(D) (1) That there will be no discrimination in the 855  
admission of students to the school on the basis of race, ~~creed,~~ 856  
color, creed, sex, or disability, ~~or sex~~ or sexual orientation 857  
or gender identity or expression as those terms are defined in 858  
section 4112.01 of the Revised Code, except that: 859

(a) The governing authority may do either of the following 860  
for the purpose described in division (G) of this section: 861

(i) Establish a single-gender school for either ~~sex~~gender; 862

(ii) Establish single-gender schools for each sex under 863  
the same contract, provided substantially equal facilities and 864  
learning opportunities are offered for both boys and girls. Such 865  
facilities and opportunities may be offered for each sex at 866  
separate locations. 867

(b) The governing authority may establish a school that 868  
simultaneously serves a group of students identified as autistic 869  
and a group of students who are not disabled, as authorized in 870  
section 3314.061 of the Revised Code. However, unless the total 871  
capacity established for the school has been filled, no student 872  
with any disability shall be denied admission on the basis of 873  
that disability. 874

(2) That upon admission of any student with a disability, 875  
the community school will comply with all federal and state laws 876  
regarding the education of students with disabilities. 877

(E) That the school may not limit admission to students on 878  
the basis of intellectual ability, measures of achievement or 879  
aptitude, or athletic ability, except that a school may limit 880  
its enrollment to students as described in division (B) of this 881  
section. 882

(F) That the community school will admit the number of 883

students that does not exceed the capacity of the school's 884  
programs, classes, grade levels, or facilities. 885

(G) That the purpose of single-gender schools that are 886  
established shall be to take advantage of the academic benefits 887  
some students realize from single-gender instruction and 888  
facilities and to offer students and parents residing in the 889  
district the option of a single-gender education. 890

(H) That, except as otherwise provided under division (B) 891  
of this section or section 3314.061 of the Revised Code, if the 892  
number of applicants exceeds the capacity restrictions of 893  
division (F) of this section, students shall be admitted by lot 894  
from all those submitting applications, except preference shall 895  
be given to students attending the school the previous year and 896  
to students who reside in the district in which the school is 897  
located. Preference may be given to siblings of students 898  
attending the school the previous year. Preference also may be 899  
given to students who are the children of full-time staff 900  
members employed by the school, provided the total number of 901  
students receiving this preference is less than five per cent of 902  
the school's total enrollment. 903

Notwithstanding divisions (A) to (H) of this section, in 904  
the event the racial composition of the enrollment of the 905  
community school is violative of a federal desegregation order, 906  
the community school shall take any and all corrective measures 907  
to comply with the desegregation order. 908

**Sec. 3332.09.** The state board of career colleges and 909  
schools may limit, suspend, revoke, or refuse to issue or renew 910  
a certificate of registration or program authorization or may 911  
impose a penalty pursuant to section 3332.091 of the Revised 912  
Code for any one or combination of the following causes: 913



(A) Violation of any provision of sections 3332.01 to 914  
3332.09 of the Revised Code, the board's minimum standards, or 915  
any rule made by the board; 916

(B) Furnishing of false, misleading, deceptive, altered, 917  
or incomplete information or documents to the board; 918

(C) The signing of an application or the holding of a 919  
certificate of registration by a person who has pleaded guilty 920  
or has been found guilty of a felony or has pleaded guilty or 921  
been found guilty of a crime involving moral turpitude; 922

(D) The signing of an application or the holding of a 923  
certificate of registration by a person who is addicted to the 924  
use of any controlled substance, or who is found to be mentally 925  
incompetent; 926

(E) Violation of any commitment made in an application for 927  
a certificate of registration or program authorization; 928

(F) Presenting to prospective students, either at the time 929  
of solicitation or enrollment, or through advertising, mail 930  
circulars, or phone solicitation, misleading, deceptive, false, 931  
or fraudulent information relating to any program, employment 932  
opportunity, or opportunities for enrollment in accredited 933  
institutions of higher education after entering or completing 934  
programs offered by the holder of a certificate of registration; 935

(G) Failure to provide or maintain premises or equipment 936  
for offering programs in a safe and sanitary condition; 937

(H) Refusal by an agent to display the agent's permit upon 938  
demand of a prospective student or other interested person; 939

(I) Failure to maintain financial resources adequate for 940  
the satisfactory conduct of programs as presented in the plan of 941

operation or to retain a sufficient number and qualified staff 942  
of instruction, except that nothing in this chapter requires an 943  
instructor to be licensed by the state board of education or to 944  
hold any type of post-high school degree; 945

(J) Offering training or programs other than those 946  
presented in the application, except that schools may offer 947  
special courses adapted to the needs of individual students when 948  
the special courses are in the subject field specified in the 949  
application; 950

(K) Discrimination in the acceptance of students upon the 951  
basis of race, color, religion, sex, or national origin; or 952  
sexual orientation or gender identity or expression as those 953  
terms are defined in section 4112.01 of the Revised Code; 954

(L) Accepting the services of an agent not holding a valid 955  
permit issued under section 3332.10 or 3332.11 of the Revised 956  
Code; 957

(M) The use of monetary or other valuable consideration by 958  
the school's agents or representatives to induce prospective 959  
students to enroll in the school, or the practice of awarding 960  
monetary or other valuable considerations without board approval 961  
to students in exchange for procuring the enrollment of others; 962

(N) Failure to provide at the request of the board, any 963  
information, records, or files pertaining to the operation of 964  
the school or recruitment and enrollment of students. 965

If the board modifies or adopts additional minimum 966  
standards or rules pursuant to section 3332.031 of the Revised 967  
Code, all schools and agents shall have sixty days from the 968  
effective date of the modifications or additional standards or 969  
rules to comply with such modifications or additions. 970

**Sec. 3721.13.** (A) The rights of residents of a home shall 971  
include, but are not limited to, the following: 972

(1) The right to a safe and clean living environment 973  
pursuant to the medicare and medicaid programs and applicable 974  
state laws and rules adopted by the director of health; 975

(2) The right to be free from physical, verbal, mental, 976  
and emotional abuse and to be treated at all times with 977  
courtesy, respect, and full recognition of dignity and 978  
individuality; 979

(3) Upon admission and thereafter, the right to adequate 980  
and appropriate medical treatment and nursing care and to other 981  
ancillary services that comprise necessary and appropriate care 982  
consistent with the program for which the resident contracted. 983  
This care shall be provided without regard to considerations 984  
such as race, color, religion, age, national origin, ~~age, ;~~ 985  
sexual orientation or gender identity or expression as those 986  
terms are defined in section 4112.01 of the Revised Code; or 987  
source of payment for care. 988

(4) The right to have all reasonable requests and 989  
inquiries responded to promptly; 990

(5) The right to have clothes and bed sheets changed as 991  
the need arises, to ensure the resident's comfort or sanitation; 992

(6) The right to obtain from the home, upon request, the 993  
name and any specialty of any physician or other person 994  
responsible for the resident's care or for the coordination of 995  
care; 996

(7) The right, upon request, to be assigned, within the 997  
capacity of the home to make the assignment, to the staff 998  
physician of the resident's choice, and the right, in accordance 999

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

(8) The right to participate in decisions that affect the 1006  
resident's life, including the right to communicate with the 1007  
physician and employees of the home in planning the resident's 1008  
treatment or care and to obtain from the attending physician 1009  
complete and current information concerning medical condition, 1010  
prognosis, and treatment plan, in terms the resident can 1011  
reasonably be expected to understand; the right of access to all 1012  
information in the resident's medical record; and the right to 1013  
give or withhold informed consent for treatment after the 1014  
consequences of that choice have been carefully explained. When 1015  
the attending physician finds that it is not medically advisable 1016  
to give the information to the resident, the information shall 1017  
be made available to the resident's sponsor on the resident's 1018  
behalf, if the sponsor has a legal interest or is authorized by 1019  
the resident to receive the information. The home is not liable 1020  
for a violation of this division if the violation is found to be 1021  
the result of an act or omission on the part of a physician 1022  
selected by the resident who is not otherwise affiliated with 1023  
the home. 1024

(9) The right to withhold payment for physician visitation 1025  
if the physician did not visit the resident; 1026

(10) The right to confidential treatment of personal and 1027  
medical records, and the right to approve or refuse the release 1028  
of these records to any individual outside the home, except in 1029

case of transfer to another home, hospital, or health care 1030  
system, as required by law or rule, or as required by a third- 1031  
party payment contract; 1032

(11) The right to privacy during medical examination or 1033  
treatment and in the care of personal or bodily needs; 1034

(12) The right to refuse, without jeopardizing access to 1035  
appropriate medical care, to serve as a medical research 1036  
subject; 1037

(13) The right to be free from physical or chemical 1038  
restraints or prolonged isolation except to the minimum extent 1039  
necessary to protect the resident from injury to self, others, 1040  
or to property and except as authorized in writing by the 1041  
attending physician for a specified and limited period of time 1042  
and documented in the resident's medical record. Prior to 1043  
authorizing the use of a physical or chemical restraint on any 1044  
resident, the attending physician shall make a personal 1045  
examination of the resident and an individualized determination 1046  
of the need to use the restraint on that resident. 1047

Physical or chemical restraints or isolation may be used 1048  
in an emergency situation without authorization of the attending 1049  
physician only to protect the resident from injury to self or 1050  
others. Use of the physical or chemical restraints or isolation 1051  
shall not be continued for more than twelve hours after the 1052  
onset of the emergency without personal examination and 1053  
authorization by the attending physician. The attending 1054  
physician or a staff physician may authorize continued use of 1055  
physical or chemical restraints for a period not to exceed 1056  
thirty days, and at the end of this period and any subsequent 1057  
period may extend the authorization for an additional period of 1058  
not more than thirty days. The use of physical or chemical 1059

restraints shall not be continued without a personal examination 1060  
of the resident and the written authorization of the attending 1061  
physician stating the reasons for continuing the restraint. 1062

If physical or chemical restraints are used under this 1063  
division, the home shall ensure that the restrained resident 1064  
receives a proper diet. In no event shall physical or chemical 1065  
restraints or isolation be used for punishment, incentive, or 1066  
convenience. 1067

(14) The right to the pharmacist of the resident's choice 1068  
and the right to receive pharmaceutical supplies and services at 1069  
reasonable prices not exceeding applicable and normally accepted 1070  
prices for comparably packaged pharmaceutical supplies and 1071  
services within the community; 1072

(15) The right to exercise all civil rights, unless the 1073  
resident has been adjudicated incompetent pursuant to Chapter 1074  
2111. of the Revised Code and has not been restored to legal 1075  
capacity, as well as the right to the cooperation of the home's 1076  
administrator in making arrangements for the exercise of the 1077  
right to vote; 1078

(16) The right of access to opportunities that enable the 1079  
resident, at the resident's own expense or at the expense of a 1080  
third-party payer, to achieve the resident's fullest potential, 1081  
including educational, vocational, social, recreational, and 1082  
habilitation programs; 1083

(17) The right to consume a reasonable amount of alcoholic 1084  
beverages at the resident's own expense, unless not medically 1085  
advisable as documented in the resident's medical record by the 1086  
attending physician or unless contradictory to written admission 1087  
policies; 1088

(18) The right to use tobacco at the resident's own 1089  
expense under the home's safety rules and under applicable laws 1090  
and rules of the state, unless not medically advisable as 1091  
documented in the resident's medical record by the attending 1092  
physician or unless contradictory to written admission policies; 1093

(19) The right to retire and rise in accordance with the 1094  
resident's reasonable requests, if the resident does not disturb 1095  
others or the posted meal schedules and upon the home's request 1096  
remains in a supervised area, unless not medically advisable as 1097  
documented by the attending physician; 1098

(20) The right to observe religious obligations and 1099  
participate in religious activities; the right to maintain 1100  
individual and cultural identity; and the right to meet with and 1101  
participate in activities of social and community groups at the 1102  
resident's or the group's initiative; 1103

(21) The right upon reasonable request to private and 1104  
unrestricted communications with the resident's family, social 1105  
worker, and any other person, unless not medically advisable as 1106  
documented in the resident's medical record by the attending 1107  
physician, except that communications with public officials or 1108  
with the resident's attorney or physician shall not be 1109  
restricted. Private and unrestricted communications shall 1110  
include, but are not limited to, the right to: 1111

(a) Receive, send, and mail sealed, unopened 1112  
correspondence; 1113

(b) Reasonable access to a telephone for private 1114  
communications; 1115

(c) Private visits at any reasonable hour. 1116

(22) The right to assured privacy for visits by the 1117

spouse, or if both are residents of the same home, the right to 1118  
share a room within the capacity of the home, unless not 1119  
medically advisable as documented in the resident's medical 1120  
record by the attending physician; 1121

(23) The right upon reasonable request to have room doors 1122  
closed and to have them not opened without knocking, except in 1123  
the case of an emergency or unless not medically advisable as 1124  
documented in the resident's medical record by the attending 1125  
physician; 1126

(24) The right to retain and use personal clothing and a 1127  
reasonable amount of possessions, in a reasonably secure manner, 1128  
unless to do so would infringe on the rights of other residents 1129  
or would not be medically advisable as documented in the 1130  
resident's medical record by the attending physician; 1131

(25) The right to be fully informed, prior to or at the 1132  
time of admission and during the resident's stay, in writing, of 1133  
the basic rate charged by the home, of services available in the 1134  
home, and of any additional charges related to such services, 1135  
including charges for services not covered under the medicare or 1136  
medicaid program. The basic rate shall not be changed unless 1137  
thirty days' notice is given to the resident or, if the resident 1138  
is unable to understand this information, to the resident's 1139  
sponsor. 1140

(26) The right of the resident and person paying for the 1141  
care to examine and receive a bill at least monthly for the 1142  
resident's care from the home that itemizes charges not included 1143  
in the basic rates; 1144

(27) (a) The right to be free from financial exploitation; 1145

(b) The right to manage the resident's own personal 1146



financial affairs, or, if the resident has delegated this 1147  
responsibility in writing to the home, to receive upon written 1148  
request at least a quarterly accounting statement of financial 1149  
transactions made on the resident's behalf. The statement shall 1150  
include: 1151

(i) A complete record of all funds, personal property, or 1152  
possessions of a resident from any source whatsoever, that have 1153  
been deposited for safekeeping with the home for use by the 1154  
resident or the resident's sponsor; 1155

(ii) A listing of all deposits and withdrawals transacted, 1156  
which shall be substantiated by receipts which shall be 1157  
available for inspection and copying by the resident or sponsor. 1158

(28) The right of the resident to be allowed unrestricted 1159  
access to the resident's property on deposit at reasonable 1160  
hours, unless requests for access to property on deposit are so 1161  
persistent, continuous, and unreasonable that they constitute a 1162  
nuisance; 1163

(29) The right to receive reasonable notice before the 1164  
resident's room or roommate is changed, including an explanation 1165  
of the reason for either change. 1166

(30) The right not to be transferred or discharged from 1167  
the home unless the transfer is necessary because of one of the 1168  
following: 1169

(a) The welfare and needs of the resident cannot be met in 1170  
the home. 1171

(b) The resident's health has improved sufficiently so 1172  
that the resident no longer needs the services provided by the 1173  
home. 1174

(c) The safety of individuals in the home is endangered. 1175

(d) The health of individuals in the home would otherwise 1176  
be endangered. 1177

(e) The resident has failed, after reasonable and 1178  
appropriate notice, to pay or to have the medicare or medicaid 1179  
program pay on the resident's behalf, for the care provided by 1180  
the home. A resident shall not be considered to have failed to 1181  
have the resident's care paid for if the resident has applied 1182  
for medicaid, unless both of the following are the case: 1183

(i) The resident's application, or a substantially similar 1184  
previous application, has been denied. 1185

(ii) If the resident appealed the denial, the denial was 1186  
upheld. 1187

(f) The home's license has been revoked, the home is being 1188  
closed pursuant to section 3721.08, sections 5165.60 to 5165.89, 1189  
or section 5155.31 of the Revised Code, or the home otherwise 1190  
ceases to operate. 1191

(g) The resident is a recipient of medicaid, and the 1192  
home's participation in the medicaid program is involuntarily 1193  
terminated or denied. 1194

(h) The resident is a beneficiary under the medicare 1195  
program, and the home's participation in the medicare program is 1196  
involuntarily terminated or denied. 1197

(31) The right to voice grievances and recommend changes 1198  
in policies and services to the home's staff, to employees of 1199  
the department of health, or to other persons not associated 1200  
with the operation of the home, of the resident's choice, free 1201  
from restraint, interference, coercion, discrimination, or 1202

reprisal. This right includes access to a residents' rights 1203  
advocate, and the right to be a member of, to be active in, and 1204  
to associate with persons who are active in organizations of 1205  
relatives and friends of nursing home residents and other 1206  
organizations engaged in assisting residents. 1207

(32) The right to have any significant change in the 1208  
resident's health status reported to the resident's sponsor. As 1209  
soon as such a change is known to the home's staff, the home 1210  
shall make a reasonable effort to notify the sponsor within 1211  
twelve hours. 1212

(B) A sponsor may act on a resident's behalf to assure 1213  
that the home does not deny the residents' rights under sections 1214  
3721.10 to 3721.17 of the Revised Code. 1215

(C) Any attempted waiver of the rights listed in division 1216  
(A) of this section is void. 1217

**Sec. 3905.55.** (A) Except as provided in division (B) of 1218  
this section, an agent may charge a consumer a fee if all of the 1219  
following conditions are met: 1220

(1) The fee is disclosed to the consumer in a manner that 1221  
separately identifies the fee and the premium. 1222

(2) The fee is not calculated as a percentage of the 1223  
premium. 1224

(3) The fee is not refunded, forgiven, waived, offset, or 1225  
reduced by any commission earned or received for any policy or 1226  
coverage sold. 1227

(4) The amount of the fee, and the consumer's obligation 1228  
to pay the fee, are not conditioned upon the occurrence of a 1229  
future event or condition, such as the purchase, cancellation, 1230

lapse, declination, or nonrenewal of insurance. 1231

(5) The agent discloses to the consumer that the fee is 1232  
being charged by the agent and not by the insurance company, 1233  
that neither state law nor the insurance company requires the 1234  
agent to charge the fee, and that the fee is not refundable. 1235

(6) The consumer consents to the fee. 1236

(7) The agent, in charging the fee, does not discriminate 1237  
on the basis of race, sex, religion, age, national origin, 1238  
religion, disability, marital status, health status, age, marital 1239  
status, or geographic location; or disability, sexual 1240  
orientation, gender identity or expression, or military status 1241  
as those terms are defined in section 4112.01 of the Revised 1242  
Code, ~~or geographic location,~~ and does not unfairly discriminate 1243  
between persons of essentially the same class and of essentially 1244  
the same hazard or expectation of life. 1245

(B) A fee may not be charged for taking or submitting an 1246  
initial application for coverage with any one insurer or 1247  
different programs with the same insurer, or processing a change 1248  
to an existing policy, a cancellation, a claim, or a renewal, in 1249  
connection with any of the following personal lines policies: 1250

(1) Private passenger automobile; 1251

(2) Homeowners, including coverage for tenants or 1252  
condominium owners, owner-occupied fire or dwelling property 1253  
coverage, personal umbrella liability, or any other personal 1254  
lines-related coverage whether sold as a separate policy or as 1255  
an endorsement to another personal lines policy; 1256

(3) Individual life insurance; 1257

(4) Individual sickness or accident insurance; 1258

(5) Disability income policies;	1259
(6) Credit insurance products.	1260
(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.	1261 1262 1263 1264 1265
(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.	1266 1267 1268
(E) (1) No person shall fail to comply with this section.	1269
(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.	1270 1271 1272 1273
(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.	1274 1275 1276 1277
<b>Sec. 4111.17.</b> (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, or <del>ancestry</del> sexual</u> <u>orientation or gender identity or expression as those terms are</u> <u>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	1278 1279 1280 1281 1282 1283 1284 1285 1286 1287

conditions. 1288

(B) Nothing in this section prohibits an employer from 1289  
paying wages to one employee at a rate different from that at 1290  
which the employer pays another employee for the performance of 1291  
equal work under similar conditions on jobs requiring equal 1292  
skill, effort, and responsibility, when the payment is made 1293  
pursuant to any of the following: 1294

(1) A seniority system; 1295

(2) A merit system; 1296

(3) A system which measures earnings by the quantity or 1297  
quality of production; 1298

(4) A wage rate differential determined by any factor 1299  
other than race, color, religion, sex, age, ancestry, or 1300  
national origin, or ancestry; or sexual orientation or gender 1301  
identity or expression as those terms are defined in section 1302  
4112.01 of the Revised Code. 1303

(C) No employer shall reduce the wage rate of any employee 1304  
in order to comply with this section. 1305

(D) The director of commerce shall carry out, administer, 1306  
and enforce this section. Any employee discriminated against in 1307  
violation of this section may sue in any court of competent 1308  
jurisdiction to recover two times the amount of the difference 1309  
between the wages actually received and the wages received by a 1310  
person performing equal work for the employer, from the date of 1311  
the commencement of the violation, and for costs, including 1312  
attorney fees. The director may take an assignment of any such 1313  
wage claim in trust for such employee and sue in the employee's 1314  
behalf. In any civil action under this section, two or more 1315  
employees of the same employer may join as co-plaintiffs in one 1316

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

(E) Any action arising under this section shall be 1324  
initiated within one year after the date of violation. 1325

**Sec. 4112.01.** (A) As used in this chapter: 1326

(1) "Person" includes one or more individuals, 1327  
partnerships, associations, organizations, corporations, legal 1328  
representatives, trustees, trustees in bankruptcy, receivers, 1329  
and other organized groups of persons. "Person" also includes, 1330  
but is not limited to, any owner, lessor, assignor, builder, 1331  
manager, broker, salesperson, appraiser, agent, employee, 1332  
lending institution, and the state and all political 1333  
subdivisions, authorities, agencies, boards, and commissions of 1334  
the state. 1335

(2) "Employer" includes the state, any political 1336  
subdivision of the state, any person employing four or more 1337  
persons within the state, and any person acting directly or 1338  
indirectly in the interest of an employer. 1339

(3) "Employee" means an individual employed by any 1340  
employer but does not include any individual employed in the 1341  
domestic service of any person. 1342

(4) "Labor organization" includes any organization that 1343  
exists, in whole or in part, for the purpose of collective 1344  
bargaining or of dealing with employers concerning grievances, 1345

terms or conditions of employment, or other mutual aid or 1346  
protection in relation to employment. 1347

(5) "Employment agency" includes any person regularly 1348  
undertaking, with or without compensation, to procure 1349  
opportunities to work or to procure, recruit, refer, or place 1350  
employees. 1351

(6) "Commission" means the Ohio civil rights commission 1352  
created by section 4112.03 of the Revised Code. 1353

(7) "Discriminate" includes segregate or separate. 1354

(8) "Unlawful discriminatory practice" means any act 1355  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1356  
Revised Code. 1357

(9) "Place of public accommodation" means any inn, 1358  
restaurant, eating house, barbershop, public conveyance by air, 1359  
land, or water, theater, store, other place for the sale of 1360  
merchandise, or any other place of public accommodation or 1361  
amusement of which the accommodations, advantages, facilities, 1362  
or privileges are available to the public. 1363

(10) "Housing accommodations" includes any building or 1364  
structure, or portion of a building or structure, that is used 1365  
or occupied or is intended, arranged, or designed to be used or 1366  
occupied as the home residence, dwelling, dwelling unit, or 1367  
sleeping place of one or more individuals, groups, or families 1368  
whether or not living independently of each other; and any 1369  
vacant land offered for sale or lease. "Housing accommodations" 1370  
also includes any housing accommodations held or offered for 1371  
sale or rent by a real estate broker, salesperson, or agent, by 1372  
any other person pursuant to authorization of the owner, by the 1373  
owner, or by the owner's legal representative. 1374



(11) "Restrictive covenant" means any specification 1375  
limiting the transfer, rental, lease, or other use of any 1376  
housing accommodations because of race, color, religion, sex, 1377  
~~military status, familial status, national origin, disability,~~ 1378  
~~or ancestry,~~ national origin, familial status, disability, 1379  
sexual orientation, gender identity or expression, or military 1380  
status, or any limitation based upon affiliation with or 1381  
approval by any person, directly or indirectly, employing race, 1382  
color, religion, sex, ~~military status, familial status, national-~~ 1383  
~~origin, disability, or ancestry,~~ national origin, familial 1384  
status, disability, sexual orientation, gender identity or 1385  
expression, or military status as a condition of affiliation or 1386  
approval. 1387

(12) "Burial lot" means any lot for the burial of deceased 1388  
persons within any public burial ground or cemetery, including, 1389  
but not limited to, cemeteries owned and operated by municipal 1390  
corporations, townships, or companies or associations 1391  
incorporated for cemetery purposes. 1392

(13) "Disability" means a physical or mental impairment 1393  
that substantially limits one or more major life activities, 1394  
including the functions of caring for one's self, performing 1395  
manual tasks, walking, seeing, hearing, speaking, breathing, 1396  
learning, and working; a record of a physical or mental 1397  
impairment; or being regarded as having a physical or mental 1398  
impairment. 1399

(14) Except as otherwise provided in section 4112.021 of 1400  
the Revised Code, "age" means at least forty years old. 1401

(15) "Familial status" means either of the following: 1402

(a) One or more individuals who are under eighteen years 1403

of age and who are domiciled with a parent or guardian having 1404  
legal custody of the individual or domiciled, with the written 1405  
permission of the parent or guardian having legal custody, with 1406  
a designee of the parent or guardian; 1407

(b) Any person who is pregnant or in the process of 1408  
securing legal custody of any individual who is under eighteen 1409  
years of age. 1410

(16) (a) Except as provided in division (A) (16) (b) of this 1411  
section, "physical or mental impairment" includes any of the 1412  
following: 1413

(i) Any physiological disorder or condition, cosmetic 1414  
disfigurement, or anatomical loss affecting one or more of the 1415  
following body systems: neurological; musculoskeletal; special 1416  
sense organs; respiratory, including speech organs; 1417  
cardiovascular; reproductive; digestive; genito-urinary; hemic 1418  
and lymphatic; skin; and endocrine; 1419

(ii) Any mental or psychological disorder, including, but 1420  
not limited to, intellectual disability, organic brain syndrome, 1421  
emotional or mental illness, and specific learning disabilities; 1422

(iii) Diseases and conditions, including, but not limited 1423  
to, orthopedic, visual, speech, and hearing impairments, 1424  
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 1425  
sclerosis, cancer, heart disease, diabetes, human 1426  
immunodeficiency virus infection, intellectual disability, 1427  
emotional illness, drug addiction, and alcoholism. 1428

(b) "Physical or mental impairment" does not include any 1429  
of the following: 1430

(i) ~~Homosexuality and bisexuality;~~ 1431

~~(ii) Transvestism, transsexualism, pedophilia Pedophilia,~~ 1432  
exhibitionism, voyeurism, ~~gender identity disorders not~~ 1433  
~~resulting from physical impairments,~~ or other sexual behavior 1434  
disorders with corresponding criminal behavior; 1435

~~(iii)~~ (ii) Compulsive gambling, kleptomania, or pyromania; 1436

~~(iv)~~ (iii) Psychoactive substance use disorders resulting 1437  
from the current illegal use of a controlled substance or the 1438  
current use of alcoholic beverages. 1439

(17) "Dwelling unit" means a single unit of residence for 1440  
a family of one or more persons. 1441

(18) "Common use areas" means rooms, spaces, or elements 1442  
inside or outside a building that are made available for the use 1443  
of residents of the building or their guests, and includes, but 1444  
is not limited to, hallways, lounges, lobbies, laundry rooms, 1445  
refuse rooms, mail rooms, recreational areas, and passageways 1446  
among and between buildings. 1447

(19) "Public use areas" means interior or exterior rooms 1448  
or spaces of a privately or publicly owned building that are 1449  
made available to the general public. 1450

(20) "Controlled substance" has the same meaning as in 1451  
section 3719.01 of the Revised Code. 1452

(21) "Disabled tenant" means a tenant or prospective 1453  
tenant who is a person with a disability. 1454

(22) "Military status" means a person's status in "service 1455  
in the uniformed services" as defined in section 5923.05 of the 1456  
Revised Code. 1457

(23) "Aggrieved person" includes both of the following: 1458

(a) Any person who claims to have been injured by any 1459  
unlawful discriminatory practice described in division (H) of 1460  
section 4112.02 of the Revised Code; 1461

(b) Any person who believes that the person will be 1462  
injured by, any unlawful discriminatory practice described in 1463  
division (H) of section 4112.02 of the Revised Code that is 1464  
about to occur. 1465

(24) "Sexual orientation" means actual or perceived, 1466  
heterosexuality, homosexuality, or bisexuality. 1467

(25) "Gender identity or expression" means the gender- 1468  
related identity, appearance, or mannerisms or other gender- 1469  
related characteristics of an individual, with or without regard 1470  
to the individual's designated gender at birth. 1471

(B) For the purposes of divisions (A) to (F) of section 1472  
4112.02 of the Revised Code, the terms "because of sex" and "on 1473  
the basis of sex" include, but are not limited to, because of or 1474  
on the basis of pregnancy, any illness arising out of and 1475  
occurring during the course of a pregnancy, childbirth, or 1476  
related medical conditions. Women affected by pregnancy, 1477  
childbirth, or related medical conditions shall be treated the 1478  
same for all employment-related purposes, including receipt of 1479  
benefits under fringe benefit programs, as other persons not so 1480  
affected but similar in their ability or inability to work, and 1481  
nothing in division (B) of section 4111.17 of the Revised Code 1482  
shall be interpreted to permit otherwise. This division shall 1483  
not be construed to require an employer to pay for health 1484  
insurance benefits for abortion, except where the life of the 1485  
mother would be endangered if the fetus were carried to term or 1486  
except where medical complications have arisen from the 1487  
abortion, provided that nothing in this division precludes an 1488

employer from providing abortion benefits or otherwise affects 1489  
bargaining agreements in regard to abortion. 1490

**Sec. 4112.02.** It shall be an unlawful discriminatory 1491  
practice: 1492

(A) For any employer, because of the race, color, 1493  
religion, sex, age, ancestry, national origin, disability, 1494  
sexual orientation, gender identity or expression, or military 1495  
status, national origin, disability, age, or ancestry of any 1496  
person, to discharge without just cause, to refuse to hire, or 1497  
otherwise to discriminate against that person with respect to 1498  
hire, tenure, terms, conditions, or privileges of employment, or 1499  
any matter directly or indirectly related to employment. 1500

(B) For an employment agency or personnel placement 1501  
service, because of race, color, religion, sex, age, ancestry, 1502  
national origin, disability, sexual orientation, gender identity 1503  
or expression, or military status, national origin, disability, 1504  
age, or ancestry, to do any of the following: 1505

(1) Refuse or fail to accept, register, classify properly, 1506  
or refer for employment, or otherwise discriminate against any 1507  
person; 1508

(2) Comply with a request from an employer for referral of 1509  
applicants for employment if the request directly or indirectly 1510  
indicates that the employer fails to comply with the provisions 1511  
of sections 4112.01 to 4112.07 of the Revised Code. 1512

(C) For any labor organization to do any of the following: 1513

(1) Limit or classify its membership on the basis of race, 1514  
color, religion, sex, age, ancestry, national origin, 1515  
disability, sexual orientation, gender identity or expression, 1516  
or military status, national origin, disability, age, or 1517

ancestry; 1518

(2) Discriminate against, limit the employment 1519  
opportunities of, or otherwise adversely affect the employment 1520  
status, wages, hours, or employment conditions of any person as 1521  
an employee because of race, color, religion, sex, age, 1522  
ancestry, national origin, disability, sexual orientation, 1523  
gender identity or expression, or military status,~~national~~ 1524  
~~origin, disability, age, or ancestry.~~ 1525

(D) For any employer, labor organization, or joint labor- 1526  
management committee controlling apprentice training programs to 1527  
discriminate against any person because of race, color, 1528  
religion, sex, ancestry, national origin, disability, sexual 1529  
orientation, gender identity or expression, or military status, 1530  
~~national origin, disability, or ancestry~~ in admission to, or 1531  
employment in, any program established to provide apprentice 1532  
training. 1533

(E) Except where based on a bona fide occupational 1534  
qualification certified in advance by the commission, for any 1535  
employer, employment agency, personnel placement service, or 1536  
labor organization, prior to employment or admission to 1537  
membership, to do any of the following: 1538

(1) Elicit or attempt to elicit any information concerning 1539  
the race, color, religion, sex, age, ancestry, national origin, 1540  
disability, sexual orientation, gender identity or expression, 1541  
or military status,~~national origin, disability, age, or~~ 1542  
~~ancestry~~ of an applicant for employment or membership; 1543

(2) Make or keep a record of the race, color, religion, 1544  
sex, age, ancestry, national origin, disability, sexual 1545  
orientation, gender identity or expression, or military status, 1546

~~national origin, disability, age, or ancestry~~ of any applicant 1547  
for employment or membership; 1548

(3) Use any form of application for employment, or 1549  
personnel or membership blank, seeking to elicit information 1550  
regarding race, color, religion, sex, age, ancestry, national 1551  
origin, disability, sexual orientation, gender identity or 1552  
expression, or military status,~~national origin, disability,~~ 1553  
~~age, or ancestry;~~ but an employer holding a contract containing 1554  
a nondiscrimination clause with the government of the United 1555  
States, or any department or agency of that government, may 1556  
require an employee or applicant for employment to furnish 1557  
documentary proof of United States citizenship and may retain 1558  
that proof in the employer's personnel records and may use 1559  
photographic or fingerprint identification for security 1560  
purposes; 1561

(4) Print or publish or cause to be printed or published 1562  
any notice or advertisement relating to employment or membership 1563  
indicating any preference, limitation, specification, or 1564  
discrimination, based upon race, color, religion, sex, age, 1565  
ancestry, national origin, disability, sexual orientation, 1566  
gender identity or expression, or military status,~~national~~ 1567  
~~origin, disability, age, or ancestry;~~ 1568

(5) Announce or follow a policy of denying or limiting, 1569  
through a quota system or otherwise, employment or membership 1570  
opportunities of any group because of the race, color, religion, 1571  
sex, age, ancestry, national origin, disability, sexual 1572  
orientation, gender identity or expression, or military status,~~—~~ 1573  
~~national origin, disability, age, or ancestry~~ of that group; 1574

(6) Utilize in the recruitment or hiring of persons any 1575  
employment agency, personnel placement service, training school 1576

or center, labor organization, or any other employee-referring 1577  
source known to discriminate against persons because of their 1578  
race, color, religion, sex, age, ancestry, national origin, 1579  
disability, sexual orientation, gender identity or expression, 1580  
or military status,~~national origin, disability, age, or~~ 1581  
~~ancestry.~~ 1582

(F) For any person seeking employment to publish or cause 1583  
to be published any advertisement that specifies or in any 1584  
manner indicates that person's race, color, religion, sex, age, 1585  
ancestry, national origin, disability, sexual orientation, 1586  
gender identity or expression, or military status,~~national~~ 1587  
~~origin, disability, age, or ancestry,~~ or expresses a limitation 1588  
or preference as to the race, color, religion, sex, age, 1589  
ancestry, national origin, disability, sexual orientation, 1590  
gender identity or expression, or military status,~~national~~ 1591  
~~origin, disability, age, or ancestry~~ of any prospective 1592  
employer. 1593

(G) For any proprietor or any employee, keeper, or manager 1594  
of a place of public accommodation to deny to any person, except 1595  
for reasons applicable alike to all persons regardless of race, 1596  
color, religion, sex, age, ancestry, national origin, 1597  
disability, sexual orientation, gender identity or expression, 1598  
or military status,~~national origin, disability, age, or~~ 1599  
~~ancestry,~~ the full enjoyment of the accommodations, advantages, 1600  
facilities, or privileges of the place of public accommodation. 1601

(H) Subject to section 4112.024 of the Revised Code, for 1602  
any person to do any of the following: 1603

(1) Refuse to sell, transfer, assign, rent, lease, 1604  
sublease, or finance housing accommodations, refuse to negotiate 1605  
for the sale or rental of housing accommodations, or otherwise 1606



deny or make unavailable housing accommodations because of race, 1607  
color, religion, sex, ancestry, national origin, familial 1608  
status, disability, sexual orientation, gender identity or 1609  
expression, or military status,~~familial status, ancestry,~~ 1610  
~~disability, or national origin;~~ 1611

(2) Represent to any person that housing accommodations 1612  
are not available for inspection, sale, or rental, when in fact 1613  
they are available, because of race, color, religion, sex, 1614  
ancestry, national origin, familial status, disability, sexual 1615  
orientation, gender identity or expression, or military status, 1616  
~~familial status, ancestry, disability, or national origin;~~ 1617

(3) Discriminate against any person in the making or 1618  
purchasing of loans or the provision of other financial 1619  
assistance for the acquisition, construction, rehabilitation, 1620  
repair, or maintenance of housing accommodations, or any person 1621  
in the making or purchasing of loans or the provision of other 1622  
financial assistance that is secured by residential real estate, 1623  
because of race, color, religion, sex, ancestry, national 1624  
origin, familial status, disability, sexual orientation, gender 1625  
identity or expression, or military status,~~familial status,~~ 1626  
~~ancestry, disability, or national origin~~ or because of the 1627  
racial composition of the neighborhood in which the housing 1628  
accommodations are located, provided that the person, whether an 1629  
individual, corporation, or association of any type, lends money 1630  
as one of the principal aspects or incident to the person's 1631  
principal business and not only as a part of the purchase price 1632  
of an owner-occupied residence the person is selling nor merely 1633  
casually or occasionally to a relative or friend; 1634

(4) Discriminate against any person in the terms or 1635  
conditions of selling, transferring, assigning, renting, 1636

leasing, or subleasing any housing accommodations or in 1637  
furnishing facilities, services, or privileges in connection 1638  
with the ownership, occupancy, or use of any housing 1639  
accommodations, including the sale of fire, extended coverage, 1640  
or homeowners insurance, because of race, color, religion, sex, 1641  
ancestry, national origin, familial status, disability, sexual 1642  
orientation, gender identity or expression, or military status, 1643  
~~familial status, ancestry, disability, or national origin~~ or 1644  
because of the racial composition of the neighborhood in which 1645  
the housing accommodations are located; 1646

(5) Discriminate against any person in the terms or 1647  
conditions of any loan of money, whether or not secured by 1648  
mortgage or otherwise, for the acquisition, construction, 1649  
rehabilitation, repair, or maintenance of housing accommodations 1650  
because of race, color, religion, sex, ancestry, national 1651  
origin, familial status, disability, sexual orientation, gender 1652  
identity or expression, or military status, ~~familial status,~~ 1653  
~~ancestry, disability, or national origin~~ or because of the 1654  
racial composition of the neighborhood in which the housing 1655  
accommodations are located; 1656

(6) Refuse to consider without prejudice the combined 1657  
income of both husband and wife for the purpose of extending 1658  
mortgage credit to a married couple or either member of a 1659  
married couple; 1660

(7) Print, publish, or circulate any statement or 1661  
advertisement, or make or cause to be made any statement or 1662  
advertisement, relating to the sale, transfer, assignment, 1663  
rental, lease, sublease, or acquisition of any housing 1664  
accommodations, or relating to the loan of money, whether or not 1665  
secured by mortgage or otherwise, for the acquisition, 1666

construction, rehabilitation, repair, or maintenance of housing 1667  
accommodations, that indicates any preference, limitation, 1668  
specification, or discrimination based upon race, color, 1669  
religion, sex, ancestry, national origin, familial status, 1670  
disability, sexual orientation, gender identity or expression, 1671  
or military status, ~~familial status, ancestry, disability, or~~ 1672  
~~national origin,~~ or an intention to make any such preference, 1673  
limitation, specification, or discrimination; 1674

(8) Except as otherwise provided in division (H) (8) or 1675  
(17) of this section, make any inquiry, elicit any information, 1676  
make or keep any record, or use any form of application 1677  
containing questions or entries concerning race, color, 1678  
religion, sex, ancestry, national origin, familial status, 1679  
disability, sexual orientation, gender identity or expression, 1680  
or military status, ~~familial status, ancestry, disability, or~~ 1681  
~~national origin~~ in connection with the sale or lease of any 1682  
housing accommodations or the loan of any money, whether or not 1683  
secured by mortgage or otherwise, for the acquisition, 1684  
construction, rehabilitation, repair, or maintenance of housing 1685  
accommodations. Any person may make inquiries, and make and keep 1686  
records, concerning race, color, religion, sex, ancestry, 1687  
national origin, familial status, disability, sexual 1688  
orientation, gender identity or expression, or military status, 1689  
~~familial status, ancestry, disability, or national origin~~ for 1690  
the purpose of monitoring compliance with this chapter. 1691

(9) Include in any transfer, rental, or lease of housing 1692  
accommodations any restrictive covenant, or honor or exercise, 1693  
or attempt to honor or exercise, any restrictive covenant; 1694

(10) Induce or solicit, or attempt to induce or solicit, a 1695  
housing accommodations listing, sale, or transaction by 1696

representing that a change has occurred or may occur with 1697  
respect to the racial, religious, sexual, familial status, 1698  
sexual orientation, gender identity or expression, military 1699  
status, ~~familial status,~~ or ethnic composition of the block, 1700  
neighborhood, or other area in which the housing accommodations 1701  
are located, or induce or solicit, or attempt to induce or 1702  
solicit, a housing accommodations listing, sale, or transaction 1703  
by representing that the presence or anticipated presence of 1704  
persons of any race, color, religion, sex, ancestry, national 1705  
origin, familial status, disability, sexual orientation, gender 1706  
identity or expression, or military status, ~~familial status,~~ 1707  
~~ancestry, disability, or national origin,~~ in the block, 1708  
neighborhood, or other area will or may have results including, 1709  
but not limited to, the following: 1710

(a) The lowering of property values; 1711

(b) A change in the racial, religious, sexual, familial 1712  
status, sexual orientation, gender identity or expression, 1713  
military status, ~~familial status,~~ or ethnic composition of the 1714  
block, neighborhood, or other area; 1715

(c) An increase in criminal or antisocial behavior in the 1716  
block, neighborhood, or other area; 1717

(d) A decline in the quality of the schools serving the 1718  
block, neighborhood, or other area. 1719

(11) Deny any person access to or membership or 1720  
participation in any multiple-listing service, real estate 1721  
brokers' organization, or other service, organization, or 1722  
facility relating to the business of selling or renting housing 1723  
accommodations, or discriminate against any person in the terms 1724  
or conditions of that access, membership, or participation, on 1725

account of race, color, religion, sex, ancestry, national 1726  
origin, familial status, disability, sexual orientation, gender 1727  
identity or expression, or military status,~~familial status,~~ 1728  
~~national origin, disability, or ancestry;~~ 1729

(12) Coerce, intimidate, threaten, or interfere with any 1730  
person in the exercise or enjoyment of, or on account of that 1731  
person's having exercised or enjoyed or having aided or 1732  
encouraged any other person in the exercise or enjoyment of, any 1733  
right granted or protected by division (H) of this section; 1734

(13) Discourage or attempt to discourage the purchase by a 1735  
prospective purchaser of housing accommodations, by representing 1736  
that any block, neighborhood, or other area has undergone or 1737  
might undergo a change with respect to its racial, religious, 1738  
~~racial, sexual, familial status, sexual orientation, gender~~ 1739  
identity or expression, military status,~~familial status,~~ or 1740  
ethnic composition; 1741

(14) Refuse to sell, transfer, assign, rent, lease, 1742  
sublease, or finance, or otherwise deny or withhold, a burial 1743  
lot from any person because of the race, color, sex, age, 1744  
ancestry, national origin, familial status, disability, sexual 1745  
orientation, gender identity or expression, or military status, 1746  
~~familial status, age, ancestry, disability, or national origin~~ 1747  
of any prospective owner or user of the lot; 1748

(15) Discriminate in the sale or rental of, or otherwise 1749  
make unavailable or deny, housing accommodations to any buyer or 1750  
renter because of a disability of any of the following: 1751

(a) The buyer or renter; 1752

(b) A person residing in or intending to reside in the 1753  
housing accommodations after they are sold, rented, or made 1754

available; 1755

(c) Any individual associated with the person described in 1756  
division (H) (15) (b) of this section. 1757

(16) Discriminate in the terms, conditions, or privileges 1758  
of the sale or rental of housing accommodations to any person or 1759  
in the provision of services or facilities to any person in 1760  
connection with the housing accommodations because of a 1761  
disability of any of the following: 1762

(a) That person; 1763

(b) A person residing in or intending to reside in the 1764  
housing accommodations after they are sold, rented, or made 1765  
available; 1766

(c) Any individual associated with the person described in 1767  
division (H) (16) (b) of this section. 1768

(17) Except as otherwise provided in division (H) (17) of 1769  
this section, make an inquiry to determine whether an applicant 1770  
for the sale or rental of housing accommodations, a person 1771  
residing in or intending to reside in the housing accommodations 1772  
after they are sold, rented, or made available, or any 1773  
individual associated with that person has a disability, or make 1774  
an inquiry to determine the nature or severity of a disability 1775  
of the applicant or such a person or individual. The following 1776  
inquiries may be made of all applicants for the sale or rental 1777  
of housing accommodations, regardless of whether they have 1778  
disabilities: 1779

(a) An inquiry into an applicant's ability to meet the 1780  
requirements of ownership or tenancy; 1781

(b) An inquiry to determine whether an applicant is 1782

qualified for housing accommodations available only to persons 1783  
with disabilities or persons with a particular type of 1784  
disability; 1785

(c) An inquiry to determine whether an applicant is 1786  
qualified for a priority available to persons with disabilities 1787  
or persons with a particular type of disability; 1788

(d) An inquiry to determine whether an applicant currently 1789  
uses a controlled substance in violation of section 2925.11 of 1790  
the Revised Code or a substantively comparable municipal 1791  
ordinance; 1792

(e) An inquiry to determine whether an applicant at any 1793  
time has been convicted of or pleaded guilty to any offense, an 1794  
element of which is the illegal sale, offer to sell, 1795  
cultivation, manufacture, other production, shipment, 1796  
transportation, delivery, or other distribution of a controlled 1797  
substance. 1798

(18) (a) Refuse to permit, at the expense of a person with 1799  
a disability, reasonable modifications of existing housing 1800  
accommodations that are occupied or to be occupied by the person 1801  
with a disability, if the modifications may be necessary to 1802  
afford the person with a disability full enjoyment of the 1803  
housing accommodations. This division does not preclude a 1804  
landlord of housing accommodations that are rented or to be 1805  
rented to a disabled tenant from conditioning permission for a 1806  
proposed modification upon the disabled tenant's doing one or 1807  
more of the following: 1808

(i) Providing a reasonable description of the proposed 1809  
modification and reasonable assurances that the proposed 1810  
modification will be made in a workerlike manner and that any 1811

required building permits will be obtained prior to the 1812  
commencement of the proposed modification; 1813

(ii) Agreeing to restore at the end of the tenancy the 1814  
interior of the housing accommodations to the condition they 1815  
were in prior to the proposed modification, but subject to 1816  
reasonable wear and tear during the period of occupancy, if it 1817  
is reasonable for the landlord to condition permission for the 1818  
proposed modification upon the agreement; 1819

(iii) Paying into an interest-bearing escrow account that 1820  
is in the landlord's name, over a reasonable period of time, a 1821  
reasonable amount of money not to exceed the projected costs at 1822  
the end of the tenancy of the restoration of the interior of the 1823  
housing accommodations to the condition they were in prior to 1824  
the proposed modification, but subject to reasonable wear and 1825  
tear during the period of occupancy, if the landlord finds the 1826  
account reasonably necessary to ensure the availability of funds 1827  
for the restoration work. The interest earned in connection with 1828  
an escrow account described in this division shall accrue to the 1829  
benefit of the disabled tenant who makes payments into the 1830  
account. 1831

(b) A landlord shall not condition permission for a 1832  
proposed modification upon a disabled tenant's payment of a 1833  
security deposit that exceeds the customarily required security 1834  
deposit of all tenants of the particular housing accommodations. 1835

(19) Refuse to make reasonable accommodations in rules, 1836  
policies, practices, or services when necessary to afford a 1837  
person with a disability equal opportunity to use and enjoy a 1838  
dwelling unit, including associated public and common use areas; 1839

(20) Fail to comply with the standards and rules adopted 1840



under division (A) of section 3781.111 of the Revised Code; 1841

(21) Discriminate against any person in the selling, 1842  
brokering, or appraising of real property because of race, 1843  
color, religion, sex, ancestry, national origin, familial 1844  
status, disability, sexual orientation, gender identity or 1845  
expression, or military status, familial status, ancestry, 1846  
disability, or national origin; 1847

(22) Fail to design and construct covered multifamily 1848  
dwellings for first occupancy on or after June 30, 1992, in 1849  
accordance with the following conditions: 1850

(a) The dwellings shall have at least one building 1851  
entrance on an accessible route, unless it is impractical to do 1852  
so because of the terrain or unusual characteristics of the 1853  
site. 1854

(b) With respect to dwellings that have a building 1855  
entrance on an accessible route, all of the following apply: 1856

(i) The public use areas and common use areas of the 1857  
dwellings shall be readily accessible to and usable by persons 1858  
with a disability. 1859

(ii) All the doors designed to allow passage into and 1860  
within all premises shall be sufficiently wide to allow passage 1861  
by persons with a disability who are in wheelchairs. 1862

(iii) All premises within covered multifamily dwelling 1863  
units shall contain an accessible route into and through the 1864  
dwelling; all light switches, electrical outlets, thermostats, 1865  
and other environmental controls within such units shall be in 1866  
accessible locations; the bathroom walls within such units shall 1867  
contain reinforcements to allow later installation of grab bars; 1868  
and the kitchens and bathrooms within such units shall be 1869

designed and constructed in a manner that enables an individual 1870  
in a wheelchair to maneuver about such rooms. 1871

For purposes of division (H) (22) of this section, "covered 1872  
multifamily dwellings" means buildings consisting of four or 1873  
more units if such buildings have one or more elevators and 1874  
ground floor units in other buildings consisting of four or more 1875  
units. 1876

(I) For any person to discriminate in any manner against 1877  
any other person because that person has opposed any unlawful 1878  
discriminatory practice defined in this section or because that 1879  
person has made a charge, testified, assisted, or participated 1880  
in any manner in any investigation, proceeding, or hearing under 1881  
sections 4112.01 to 4112.07 of the Revised Code. 1882

(J) For any person to aid, abet, incite, compel, or coerce 1883  
the doing of any act declared by this section to be an unlawful 1884  
discriminatory practice, to obstruct or prevent any person from 1885  
complying with this chapter or any order issued under it, or to 1886  
attempt directly or indirectly to commit any act declared by 1887  
this section to be an unlawful discriminatory practice. 1888

(K) Nothing in divisions (A) to (E) of this section shall 1889  
be construed to require a person with a disability to be 1890  
employed or trained under circumstances that would significantly 1891  
increase the occupational hazards affecting either the person 1892  
with a disability, other employees, the general public, or the 1893  
facilities in which the work is to be performed, or to require 1894  
the employment or training of a person with a disability in a 1895  
job that requires the person with a disability routinely to 1896  
undertake any task, the performance of which is substantially 1897  
and inherently impaired by the person's disability. 1898

(L) An aggrieved individual may enforce the individual's 1899  
rights relative to discrimination on the basis of age as 1900  
provided for in this section by instituting a civil action, 1901  
within one hundred eighty days after the alleged unlawful 1902  
discriminatory practice occurred, in any court with jurisdiction 1903  
for any legal or equitable relief that will effectuate the 1904  
individual's rights. 1905

A person who files a civil action under this division is 1906  
barred, with respect to the practices complained of, from 1907  
instituting a civil action under section 4112.14 of the Revised 1908  
Code and from filing a charge with the commission under section 1909  
4112.05 of the Revised Code. 1910

(M) With regard to age, it shall not be an unlawful 1911  
discriminatory practice and it shall not constitute a violation 1912  
of division (A) of section 4112.14 of the Revised Code for any 1913  
employer, employment agency, joint labor-management committee 1914  
controlling apprenticeship training programs, or labor 1915  
organization to do any of the following: 1916

(1) Establish bona fide employment qualifications 1917  
reasonably related to the particular business or occupation that 1918  
may include standards for skill, aptitude, physical capability, 1919  
intelligence, education, maturation, and experience; 1920

(2) Observe the terms of a bona fide seniority system or 1921  
any bona fide employee benefit plan, including, but not limited 1922  
to, a retirement, pension, or insurance plan, that is not a 1923  
subterfuge to evade the purposes of this section. However, no 1924  
such employee benefit plan shall excuse the failure to hire any 1925  
individual, and no such seniority system or employee benefit 1926  
plan shall require or permit the involuntary retirement of any 1927  
individual, because of the individual's age except as provided 1928

for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

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

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

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

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

(2) The mandatory retirement of uniformed patrol officers 1958  
of the state highway patrol as provided in section 5505.16 of 1959  
the Revised Code; 1960

(3) The maximum age requirements for appointment as a 1961  
patrol officer in the state highway patrol established by 1962  
section 5503.01 of the Revised Code; 1963

(4) The maximum age requirements established for original 1964  
appointment to a police department or fire department in 1965  
sections 124.41 and 124.42 of the Revised Code; 1966

(5) Any maximum age not in conflict with federal law that 1967  
may be established by a municipal charter, municipal ordinance, 1968  
or resolution of a board of township trustees for original 1969  
appointment as a police officer or firefighter; 1970

(6) Any mandatory retirement provision not in conflict 1971  
with federal law of a municipal charter, municipal ordinance, or 1972  
resolution of a board of township trustees pertaining to police 1973  
officers and firefighters; 1974

(7) Until January 1, 1994, the mandatory retirement of any 1975  
employee who has attained seventy years of age and who is 1976  
serving under a contract of unlimited tenure, or similar 1977  
arrangement providing for unlimited tenure, at an institution of 1978  
higher education as defined in the "Education Amendments of 1979  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 1980

(O) (1) (a) Except as provided in division (O) (1) (b) of this 1981  
section, for purposes of divisions (A) to (E) of this section, a 1982  
disability does not include any physiological disorder or 1983  
condition, mental or psychological disorder, or disease or 1984  
condition caused by an illegal use of any controlled substance 1985  
by an employee, applicant, or other person, if an employer, 1986

employment agency, personnel placement service, labor 1987  
organization, or joint labor-management committee acts on the 1988  
basis of that illegal use. 1989

(b) Division (O) (1) (a) of this section does not apply to 1990  
an employee, applicant, or other person who satisfies any of the 1991  
following: 1992

(i) The employee, applicant, or other person has 1993  
successfully completed a supervised drug rehabilitation program 1994  
and no longer is engaging in the illegal use of any controlled 1995  
substance, or the employee, applicant, or other person otherwise 1996  
successfully has been rehabilitated and no longer is engaging in 1997  
that illegal use. 1998

(ii) The employee, applicant, or other person is 1999  
participating in a supervised drug rehabilitation program and no 2000  
longer is engaging in the illegal use of any controlled 2001  
substance. 2002

(iii) The employee, applicant, or other person is 2003  
erroneously regarded as engaging in the illegal use of any 2004  
controlled substance, but the employee, applicant, or other 2005  
person is not engaging in that illegal use. 2006

(2) Divisions (A) to (E) of this section do not prohibit 2007  
an employer, employment agency, personnel placement service, 2008  
labor organization, or joint labor-management committee from 2009  
doing any of the following: 2010

(a) Adopting or administering reasonable policies or 2011  
procedures, including, but not limited to, testing for the 2012  
illegal use of any controlled substance, that are designed to 2013  
ensure that an individual described in division (O) (1) (b) (i) or 2014  
(ii) of this section no longer is engaging in the illegal use of 2015

any controlled substance; 2016

(b) Prohibiting the illegal use of controlled substances 2017  
and the use of alcohol at the workplace by all employees; 2018

(c) Requiring that employees not be under the influence of 2019  
alcohol or not be engaged in the illegal use of any controlled 2020  
substance at the workplace; 2021

(d) Requiring that employees behave in conformance with 2022  
the requirements established under "The Drug-Free Workplace Act 2023  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 2024

(e) Holding an employee who engages in the illegal use of 2025  
any controlled substance or who is an alcoholic to the same 2026  
qualification standards for employment or job performance, and 2027  
the same behavior, to which the employer, employment agency, 2028  
personnel placement service, labor organization, or joint labor- 2029  
management committee holds other employees, even if any 2030  
unsatisfactory performance or behavior is related to an 2031  
employee's illegal use of a controlled substance or alcoholism; 2032

(f) Exercising other authority recognized in the 2033  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 2034  
U.S.C.A. 12101, as amended, including, but not limited to, 2035  
requiring employees to comply with any applicable federal 2036  
standards. 2037

(3) For purposes of this chapter, a test to determine the 2038  
illegal use of any controlled substance does not include a 2039  
medical examination. 2040

(4) Division (0) of this section does not encourage, 2041  
prohibit, or authorize, and shall not be construed as 2042  
encouraging, prohibiting, or authorizing, the conduct of testing 2043  
for the illegal use of any controlled substance by employees, 2044

applicants, or other persons, or the making of employment 2045  
decisions based on the results of that type of testing. 2046

~~(P) This section does not apply to a religious 2047  
corporation, association, educational institution, or society 2048  
with respect to the employment of an individual of a particular 2049  
religion to perform work connected with the carrying on by that 2050  
religious corporation, association, educational institution, or 2051  
society of its activities. 2052~~

The unlawful discriminatory practices defined in this 2053  
section do not make it unlawful for a person or an appointing 2054  
authority administering an examination under section 124.23 of 2055  
the Revised Code to obtain information about an applicant's 2056  
military status for the purpose of determining if the applicant 2057  
is eligible for the additional credit that is available under 2058  
that section. 2059

(Q) It shall be an unlawful discriminatory practice for 2060  
any employer, employment agency, or labor organization to limit, 2061  
segregate, or classify its employees or applicants for 2062  
employment in any way that would deprive or tend to deprive any 2063  
individual of employment or otherwise adversely affect the 2064  
status of the individual as an employee because of the 2065  
individual's actual or perceived sexual orientation or gender 2066  
identity or expression. 2067

**Sec. 4112.021.** (A) As used in this section: 2068

(1) "Credit" means the right granted by a creditor to a 2069  
person to defer payment of a debt, to incur debt and defer its 2070  
payment, or to purchase property or services and defer payment 2071  
for the property or services. 2072

(2) "Creditor" means any person who regularly extends, 2073



renews, or continues credit, any person who regularly arranges 2074  
for the extension, renewal, or continuation of credit, or any 2075  
assignee of an original creditor who participates in the 2076  
decision to extend, renew, or continue credit, whether or not 2077  
any interest or finance charge is required. 2078

(3) "Credit reporting agency" means any person who, for 2079  
monetary fees or dues or on a cooperative nonprofit basis, 2080  
regularly assembles or evaluates credit information for the 2081  
purpose of furnishing credit reports to creditors. 2082

(4) "Age" means any age of eighteen years or older. 2083

(B) It shall be an unlawful discriminatory practice: 2084

(1) For any creditor to do any of the following: 2085

(a) Discriminate against any applicant for credit in the 2086  
granting, withholding, extending, or renewing of credit, or in 2087  
the fixing of the rates, terms, or conditions of any form of 2088  
credit, on the basis of race, color, religion, age, sex, 2089  
ancestry, national origin, marital status, disability, sexual 2090  
orientation, gender identity or expression, or military status, 2091  
~~marital status, national origin, disability, or ancestry,~~ except 2092  
that this division shall not apply with respect to age in any 2093  
real estate transaction between a financial institution, a 2094  
dealer in intangibles, or an insurance company as defined in 2095  
section 5725.01 of the Revised Code and its customers; 2096

(b) Use or make any inquiry as to race, color, religion, 2097  
age, sex, ancestry, national origin, marital status, disability, 2098  
sexual orientation, gender identity or expression, or military 2099  
~~status, marital status, national origin, disability, or ancestry~~ 2100  
for the purpose of limiting or specifying those persons to whom 2101  
credit will be granted, except that an inquiry of marital status 2102

does not constitute discrimination for the purposes of this 2103  
section if the inquiry is made for the purpose of ascertaining 2104  
the creditor's rights and remedies applicable to the particular 2105  
extension of credit, and except that creditors are excepted from 2106  
this division with respect to any inquiry, elicitation of 2107  
information, record, or form of application required of a 2108  
particular creditor by any instrumentality or agency of the 2109  
United States, or required of a particular creditor by any 2110  
agency or instrumentality to enforce the "Civil Rights Act of 2111  
1968," 82 Stat. 84, 85, 42 U.S.C.A. 3608(c); 2112

(c) Refuse to consider the sources of income of an 2113  
applicant for credit, or disregard or ignore the income of an 2114  
applicant, in whole or in part, on the basis of race, color, 2115  
religion, age, sex, ancestry, national origin, marital status, 2116  
disability, sexual orientation, gender identity or expression, 2117  
or military status, ~~marital status, disability, national origin,~~ 2118  
~~or ancestry;~~ 2119

(d) Refuse to grant credit to an individual in any name 2120  
that individual customarily uses, if it has been determined in 2121  
the normal course of business that the creditor will grant 2122  
credit to the individual; 2123

(e) Impose any special requirements or conditions, 2124  
including, but not limited to, a requirement for co-obligors or 2125  
reapplication, upon any applicant or class of applicants on the 2126  
basis of race, color, religion, age, sex, ancestry, national 2127  
origin, marital status, disability, sexual orientation, gender 2128  
identity or expression, or military status, ~~marital status,~~ 2129  
~~national origin, disability, or ancestry~~ in circumstances where 2130  
similar requirements or conditions are not imposed on other 2131  
applicants similarly situated, unless the special requirements 2132

or conditions that are imposed with respect to age are the 2133  
result of a real estate transaction exempted under division (B) 2134  
(1) (a) of this section or are the result of programs that grant 2135  
preferences to certain age groups administered by 2136  
instrumentalities or agencies of the United States, a state, or 2137  
a political subdivision of a state; 2138

(f) Fail or refuse to provide an applicant for credit a 2139  
written statement of the specific reasons for rejection of the 2140  
application if requested in writing by the applicant within 2141  
sixty days of the rejection. The creditor shall provide the 2142  
written statement of the specific reason for rejection within 2143  
thirty days after receipt of a request of that nature. For 2144  
purposes of this section, a statement that the applicant was 2145  
rejected solely on the basis of information received from a 2146  
credit reporting agency or because the applicant failed to meet 2147  
the standards required by the creditor's credit scoring system, 2148  
uniformly applied, shall constitute a specific reason for 2149  
rejection. 2150

(g) Fail or refuse to print on or firmly attach to each 2151  
application for credit, in a type size no smaller than that used 2152  
throughout most of the application form, the following notice: 2153  
"The Ohio laws against discrimination require that all creditors 2154  
make credit equally available to all credit worthy customers, 2155  
and that credit reporting agencies maintain separate credit 2156  
histories on each individual upon request. The Ohio civil rights 2157  
commission administers compliance with this law." This notice is 2158  
not required to be included in applications that have a multi- 2159  
state distribution if the notice is mailed to the applicant with 2160  
the notice of acceptance or rejection of the application. 2161

(h) Fail or refuse on the basis of race, color, religion, 2162

age, sex, ancestry, national origin, marital status, disability, 2163  
sexual orientation, gender identity or expression, or military 2164  
~~status, marital status, national origin, disability, or ancestry~~ 2165  
to maintain, upon the request of the individual, a separate 2166  
account for each individual to whom credit is extended; 2167

(i) Fail or refuse on the basis of race, color, religion, 2168  
age, sex, ancestry, national origin, marital status, disability, 2169  
sexual orientation, gender identity or expression, or military 2170  
~~status, marital status, national origin, disability, or ancestry~~ 2171  
to maintain records on any account established after November 1, 2172  
1976, to furnish information on the accounts to credit reporting 2173  
agencies in a manner that clearly designates the contractual 2174  
liability for repayment as indicated on the application for the 2175  
account, and, if more than one individual is contractually 2176  
liable for repayment, to maintain records and furnish 2177  
information in the name of each individual. This division does 2178  
not apply to individuals who are contractually liable only if 2179  
the primary party defaults on the account. 2180

(2) For any credit reporting agency to do any of the 2181  
following: 2182

(a) Fail or refuse on the basis of race, color, religion, 2183  
age, sex, ancestry, national origin, marital status, disability, 2184  
sexual orientation, gender identity or expression, or military 2185  
~~status, marital status, national origin, disability, or ancestry~~ 2186  
to maintain, upon the request of the individual, a separate file 2187  
on each individual about whom information is assembled or 2188  
evaluated; 2189

(b) Fail or refuse on the basis of race, color, religion, 2190  
age, sex, ancestry, national origin, marital status, disability, 2191  
sexual orientation, gender identity or expression, or military 2192

~~status, marital status, national origin, disability, or ancestry~~ 2193  
to clearly note, maintain, and report any information furnished 2194  
it under division (B)(1)(i) of this section. 2195

(C) This section does not prohibit a creditor from 2196  
requesting the signature of both spouses to create a valid lien, 2197  
pass clear title, or waive inchoate rights to property. 2198

(D) The rights granted by this section may be enforced by 2199  
aggrieved individuals by filing a civil action in a court of 2200  
common pleas within one hundred eighty days after the alleged 2201  
unlawful discriminatory practice occurred. Upon application by 2202  
the plaintiff and in circumstances that the court considers 2203  
just, the court in which a civil action under this section is 2204  
brought may appoint an attorney for the plaintiff and may 2205  
authorize the commencement of a civil action upon proper showing 2206  
without the payment of costs. If the court finds that an 2207  
unlawful discriminatory practice prohibited by this section 2208  
occurred or is about to occur, the court may grant relief that 2209  
it considers appropriate, including a permanent or temporary 2210  
injunction, temporary restraining order, or other order, and may 2211  
award to the plaintiff compensatory and punitive damages of not 2212  
less than one hundred dollars, together with attorney's fees and 2213  
court costs. 2214

(E) Nothing contained in this section shall bar a creditor 2215  
from reviewing an application for credit on the basis of 2216  
established criteria used in the normal course of business for 2217  
the determination of the credit worthiness of the individual 2218  
applicant for credit, including the credit history of the 2219  
applicant. 2220

**Sec. 4112.024.** (A) ~~Nothing in division (H) of section~~ 2221  
~~4112.02 of the Revised Code shall bar any religious or~~ 2222

~~denominational institution or organization, or any nonprofit~~ 2223  
~~charitable or educational organization that is operated,~~ 2224  
~~supervised, or controlled by or in connection with a religious~~ 2225  
~~organization, from limiting the sale, rental, or occupancy of~~ 2226  
~~housing accommodations that it owns or operates for other than a~~ 2227  
~~commercial purpose to persons of the same religion, or from~~ 2228  
~~giving preference in the sale, rental, or occupancy of such~~ 2229  
~~housing accommodations to persons of the same religion, unless~~ 2230  
~~membership in the religion is restricted on account of race,~~ 2231  
~~color, or national origin.~~ 2232

~~(B)~~ Nothing in division (H) of section 4112.02 of the 2233  
Revised Code shall bar any bona fide private or fraternal 2234  
organization that, incidental to its primary purpose, owns or 2235  
operates lodgings for other than a commercial purpose, from 2236  
limiting the rental or occupancy of the lodgings to its members 2237  
or from giving preference to its members. 2238

~~(C)~~ (B) Nothing in division (H) of section 4112.02 of the 2239  
Revised Code limits the applicability of any reasonable local, 2240  
state, or federal restrictions regarding the maximum number of 2241  
occupants permitted to occupy housing accommodations. Nothing in 2242  
that division prohibits the owners or managers of housing 2243  
accommodations from implementing reasonable occupancy standards 2244  
based on the number and size of sleeping areas or bedrooms and 2245  
the overall size of a dwelling unit, provided that the standards 2246  
are not implemented to circumvent the purposes of this chapter 2247  
and are formulated, implemented, and interpreted in a manner 2248  
consistent with this chapter and any applicable local, state, or 2249  
federal restrictions regarding the maximum number of occupants 2250  
permitted to occupy housing accommodations. 2251

~~(D)~~ (C) Nothing in division (H) of section 4112.02 of the 2252

Revised Code requires that housing accommodations be made 2253  
available to an individual whose tenancy would constitute a 2254  
direct threat to the health or safety of other individuals or 2255  
whose tenancy would result in substantial physical damage to the 2256  
property of others. 2257

~~(E)~~ (D) Nothing in division (H) of section 4112.02 of the 2258  
Revised Code pertaining to discrimination on the basis of 2259  
familial status shall be construed to apply to any of the 2260  
following: 2261

(1) Housing accommodations provided under any state or 2262  
federal program that have been determined under the "Fair 2263  
Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C. 3607, 2264  
as amended, to be specifically designed and operated to assist 2265  
elderly persons; 2266

(2) Housing accommodations intended for and solely 2267  
occupied by persons who are sixty-two years of age or older; 2268

(3) Housing accommodations intended and operated for 2269  
occupancy by at least one person who is fifty-five years of age 2270  
or older per unit, as determined under the "Fair Housing 2271  
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C. 3607, as 2272  
amended. 2273

~~(F)~~ (E) Nothing in divisions (H) (1) to (18) of section 2274  
4112.02 of the Revised Code shall be construed to require any 2275  
person selling or renting property to modify the property in any 2276  
way or to exercise a higher degree of care for a person with a 2277  
disability, to relieve any person with a disability of any 2278  
obligation generally imposed on all persons regardless of 2279  
disability in a written lease, rental agreement, or contract of 2280  
purchase or sale, or to forbid distinctions based on the 2281

inability to fulfill the terms and conditions, including 2282  
financial obligations, of the lease, agreement, or contract. 2283

**Sec. 4112.04.** (A) The commission shall do all of the 2284  
following: 2285

(1) Establish and maintain a principal office in the city 2286  
of Columbus and any other offices within the state that it 2287  
considers necessary; 2288

(2) Appoint an executive director who shall serve at the 2289  
pleasure of the commission and be its principal administrative 2290  
officer. The executive director shall be paid a salary fixed 2291  
pursuant to Chapter 124. of the Revised Code. 2292

(3) Appoint hearing examiners and other employees and 2293  
agents who it considers necessary and prescribe their duties 2294  
subject to Chapter 124. of the Revised Code; 2295

(4) Adopt, promulgate, amend, and rescind rules to 2296  
effectuate the provisions of this chapter and the policies and 2297  
practice of the commission in connection with this chapter; 2298

(5) Formulate policies to effectuate the purposes of this 2299  
chapter and make recommendations to agencies and officers of the 2300  
state or political subdivisions to effectuate the policies; 2301

(6) Receive, investigate, and pass upon written charges 2302  
made under oath of unlawful discriminatory practices; 2303

(7) Make periodic surveys of the existence and effect of 2304  
discrimination because of race, color, religion, sex, age, 2305  
ancestry, national origin, familial status, disability, sexual 2306  
orientation, gender identity or expression, or military status, 2307  
~~familial status, national origin, disability, age, or ancestry~~ 2308  
on the enjoyment of civil rights by persons within the state; 2309



(8) Report, from time to time, but not less than once a 2310  
year, to the general assembly and the governor, describing in 2311  
detail the investigations, proceedings, and hearings it has 2312  
conducted and their outcome, the decisions it has rendered, and 2313  
the other work performed by it, which report shall include a 2314  
copy of any surveys prepared pursuant to division (A) (7) of this 2315  
section and shall include the recommendations of the commission 2316  
as to legislative or other remedial action; 2317

(9) Prepare a comprehensive educational program, in 2318  
cooperation with the department of education, for the students 2319  
of the primary and secondary public schools of this state and 2320  
for all other residents of this state that is designed to 2321  
eliminate prejudice on the basis of race, color, religion, sex, 2322  
military status, familial status, national origin, disability, 2323  
age, ~~or~~ ancestry, sexual orientation, and gender identity or 2324  
expression in this state, to further good will among those 2325  
groups, and to emphasize the origin of prejudice against those 2326  
groups and discrimination, its ~~their~~ harmful effects, and ~~its~~ 2327  
~~their~~ incompatibility with American principles of equality and 2328  
fair play; 2329

(10) Receive progress reports from agencies, 2330  
instrumentalities, institutions, boards, commissions, and other 2331  
entities of this state or any of its political subdivisions and 2332  
their agencies, instrumentalities, institutions, boards, 2333  
commissions, and other entities regarding affirmative action 2334  
programs for the employment of persons against whom 2335  
discrimination is prohibited by this chapter, or regarding any 2336  
affirmative housing accommodations programs developed to 2337  
eliminate or reduce an imbalance of race, color, religion, sex, 2338  
ancestry, national origin, familial status, disability, sexual 2339  
orientation, gender identity or expression, or military status, 2340

~~familial status, national origin, disability, or ancestry.~~ All 2341  
agencies, instrumentalities, institutions, boards, commissions, 2342  
and other entities of this state or its political subdivisions, 2343  
and all political subdivisions, that have undertaken affirmative 2344  
action programs pursuant to a conciliation agreement with the 2345  
commission, an executive order of the governor, any federal 2346  
statute or rule, or an executive order of the president of the 2347  
United States shall file progress reports with the commission 2348  
annually on or before the first day of November. The commission 2349  
shall analyze and evaluate the progress reports and report its 2350  
findings annually to the general assembly on or before the 2351  
thirtieth day of January of the year immediately following the 2352  
receipt of the reports. 2353

(B) The commission may do any of the following: 2354

(1) Meet and function at any place within the state; 2355

(2) Initiate and undertake on its own motion 2356  
investigations of problems of employment or housing 2357  
accommodations discrimination; 2358

(3) Hold hearings, subpoena witnesses, compel their 2359  
attendance, administer oaths, take the testimony of any person 2360  
under oath, require the production for examination of any books 2361  
and papers relating to any matter under investigation or in 2362  
question before the commission, and make rules as to the 2363  
issuance of subpoenas by individual commissioners. 2364

(a) In conducting a hearing or investigation, the 2365  
commission shall have access at all reasonable times to 2366  
premises, records, documents, individuals, and other evidence or 2367  
possible sources of evidence and may examine, record, and copy 2368  
the premises, records, documents, and other evidence or possible 2369

sources of evidence and take and record the testimony or 2370  
statements of the individuals as reasonably necessary for the 2371  
furtherance of the hearing or investigation. In investigations, 2372  
the commission shall comply with the fourth amendment to the 2373  
United States Constitution relating to unreasonable searches and 2374  
seizures. The commission or a member of the commission may issue 2375  
subpoenas to compel access to or the production of premises, 2376  
records, documents, and other evidence or possible sources of 2377  
evidence or the appearance of individuals, and may issue 2378  
interrogatories to a respondent, to the same extent and subject 2379  
to the same limitations as would apply if the subpoenas or 2380  
interrogatories were issued or served in aid of a civil action 2381  
in a court of common pleas. 2382

(b) Upon written application by a party to a hearing under 2383  
division (B) of section 4112.05 of the Revised Code, the 2384  
commission shall issue subpoenas in its name to the same extent 2385  
and subject to the same limitations as subpoenas issued by the 2386  
commission. Subpoenas issued at the request of a party shall 2387  
show on their face the name and address of the party and shall 2388  
state that they were issued at the party's request. 2389

(c) Witnesses summoned by subpoena of the commission are 2390  
entitled to the witness and mileage fees provided for under 2391  
section 119.094 of the Revised Code. 2392

(d) Within five days after service of a subpoena upon any 2393  
person, the person may petition the commission to revoke or 2394  
modify the subpoena. The commission shall grant the petition if 2395  
it finds that the subpoena requires an appearance or attendance 2396  
at an unreasonable time or place, that it requires production of 2397  
evidence that does not relate to any matter before the 2398  
commission, that it does not describe with sufficient 2399

particularity the evidence to be produced, that compliance would 2400  
be unduly onerous, or for other good reason. 2401

(e) In case of contumacy or refusal to obey a subpoena, 2402  
the commission or person at whose request it was issued may 2403  
petition for its enforcement in the court of common pleas in the 2404  
county in which the person to whom the subpoena was addressed 2405  
resides, was served, or transacts business. 2406

(4) Create local or statewide advisory agencies and 2407  
conciliation councils to aid in effectuating the purposes of 2408  
this chapter. The commission may itself, or it may empower these 2409  
agencies and councils to, do either or both of the following: 2410

(a) Study the problems of discrimination in all or 2411  
specific fields of human relationships when based on race, 2412  
color, religion, sex, age, ancestry, national origin, familial 2413  
status, disability, sexual orientation, gender identity or 2414  
expression, or military status, familial status, national 2415  
origin, disability, age, or ancestry; 2416

(b) Foster through community effort, or otherwise, good 2417  
will among the groups and elements of the population of the 2418  
state. 2419

The agencies and councils may make recommendations to the 2420  
commission for the development of policies and procedures in 2421  
general. They shall be composed of representative citizens who 2422  
shall serve without pay, except that reimbursement for actual 2423  
and necessary traveling expenses shall be made to citizens who 2424  
serve on a statewide agency or council. 2425

(5) Issue any publications and the results of 2426  
investigations and research that in its judgment will tend to 2427  
promote good will and minimize or eliminate discrimination 2428

because of race, color, religion, sex, age, ancestry, national 2429  
origin, familial status, disability, sexual orientation, gender 2430  
identity or expression, or military status, ~~familial status,~~ 2431  
~~national origin, disability, age, or ancestry.~~ 2432

**Sec. 4112.05.** (A) (1) The commission, as provided in this 2433  
section, shall prevent any person from engaging in unlawful 2434  
discriminatory practices. 2435

(2) The commission may at any time attempt to resolve 2436  
allegations of unlawful discriminatory practices by the use of 2437  
alternative dispute resolution, provided that, before 2438  
instituting the formal hearing authorized by division (B) of 2439  
this section, it shall attempt, by informal methods of 2440  
conference, conciliation, mediation, and persuasion, to induce 2441  
compliance with this chapter. 2442

(B) (1) Any person may file a charge with the commission 2443  
alleging that another person has engaged or is engaging in an 2444  
unlawful discriminatory practice. In the case of a charge 2445  
alleging an unlawful discriminatory practice described in 2446  
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 2447  
section 4112.02 or in section 4112.021 or 4112.022 of the 2448  
Revised Code, the charge shall be in writing and under oath and 2449  
shall be filed with the commission within six months after the 2450  
alleged unlawful discriminatory practice was committed. In the 2451  
case of a charge alleging an unlawful discriminatory practice 2452  
described in division (H) of section 4112.02 of the Revised 2453  
Code, the charge shall be in writing and under oath and shall be 2454  
filed with the commission within one year after the alleged 2455  
unlawful discriminatory practice was committed. 2456

(a) An oath under this chapter may be made in any form of 2457  
affirmation the person deems binding on the person's conscience. 2458

Acceptable forms include, but are not limited to, declarations 2459  
made under penalty of perjury. 2460

(b) Any charge timely received, via facsimile, postal 2461  
mail, electronic mail, or otherwise, may be signed under oath 2462  
after the limitations period for filing set forth under division 2463  
(B) (1) of this section and will relate back to the original 2464  
filing date. 2465

(2) Upon receiving a charge, the commission may initiate a 2466  
preliminary investigation to determine whether it is probable 2467  
that an unlawful discriminatory practice has been or is being 2468  
engaged in. The commission also may conduct, upon its own 2469  
initiative and independent of the filing of any charges, a 2470  
preliminary investigation relating to any of the unlawful 2471  
discriminatory practices described in division (A), (B), (C), 2472  
(D), (E), (F), (I), or (J) of section 4112.02 or in section 2473  
4112.021 or 4112.022 of the Revised Code. Prior to a 2474  
notification of a complainant under division (B) (4) of this 2475  
section or prior to the commencement of informal methods of 2476  
conference, conciliation, and persuasion, or alternative dispute 2477  
resolution, under that division, the members of the commission 2478  
and the officers and employees of the commission shall not make 2479  
public in any manner and shall retain as confidential all 2480  
information that was obtained as a result of or that otherwise 2481  
pertains to a preliminary investigation other than one described 2482  
in division (B) (3) of this section. 2483

(3) (a) Unless it is impracticable to do so and subject to 2484  
its authority under division (B) (3) (d) of this section, the 2485  
commission shall complete a preliminary investigation of a 2486  
charge filed pursuant to division (B) (1) of this section that 2487  
alleges an unlawful discriminatory practice described in 2488

division (H) of section 4112.02 of the Revised Code, and shall 2489  
take one of the following actions, within one hundred days after 2490  
the filing of the charge: 2491

(i) Notify the complainant and the respondent that it is 2492  
not probable that an unlawful discriminatory practice described 2493  
in division (H) of section 4112.02 of the Revised Code has been 2494  
or is being engaged in and that the commission will not issue a 2495  
complaint in the matter; 2496

(ii) Initiate a complaint and schedule it for informal 2497  
methods of conference, conciliation, and persuasion, or 2498  
alternative dispute resolution; 2499

(iii) Initiate a complaint and refer it to the attorney 2500  
general with a recommendation to seek a temporary or permanent 2501  
injunction or a temporary restraining order. If this action is 2502  
taken, the attorney general shall apply, as expeditiously as 2503  
possible after receipt of the complaint, to the court of common 2504  
pleas of the county in which the unlawful discriminatory 2505  
practice allegedly occurred for the appropriate injunction or 2506  
order, and the court shall hear and determine the application as 2507  
expeditiously as possible. 2508

(b) If it is not practicable to comply with the 2509  
requirements of division (B) (3) (a) of this section within the 2510  
one-hundred-day period described in that division, the 2511  
commission shall notify the complainant and the respondent in 2512  
writing of the reasons for the noncompliance. 2513

(c) Prior to the issuance of a complaint under division 2514  
(B) (3) (a) (ii) or (iii) of this section or prior to a 2515  
notification of the complainant and the respondent under 2516  
division (B) (3) (a) (i) of this section, the members of the 2517

commission and the officers and employees of the commission 2518  
shall not make public in any manner and shall retain as 2519  
confidential all information that was obtained as a result of or 2520  
that otherwise pertains to a preliminary investigation of a 2521  
charge filed pursuant to division (B)(1) of this section that 2522  
alleges an unlawful discriminatory practice described in 2523  
division (H) of section 4112.02 of the Revised Code. 2524

(d) Notwithstanding the types of action described in 2525  
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2526  
issuance of a complaint or the referral of a complaint to the 2527  
attorney general and prior to endeavoring to eliminate an 2528  
unlawful discriminatory practice described in division (H) of 2529  
section 4112.02 of the Revised Code by informal methods of 2530  
conference, conciliation, and persuasion, or by alternative 2531  
dispute resolution, the commission may seek a temporary or 2532  
permanent injunction or a temporary restraining order in the 2533  
court of common pleas of the county in which the unlawful 2534  
discriminatory practice allegedly occurred. 2535

(4) If the commission determines after a preliminary 2536  
investigation other than one described in division (B)(3) of 2537  
this section that it is not probable that an unlawful 2538  
discriminatory practice has been or is being engaged in, it 2539  
shall notify any complainant under division (B)(1) of this 2540  
section that it has so determined and that it will not issue a 2541  
complaint in the matter. If the commission determines after a 2542  
preliminary investigation other than the one described in 2543  
division (B)(3) of this section that it is probable that an 2544  
unlawful discriminatory practice has been or is being engaged 2545  
in, it shall endeavor to eliminate the practice by informal 2546  
methods of conference, conciliation, and persuasion, or by 2547  
alternative dispute resolution. 2548



(5) Nothing said or done during informal methods of 2549  
conference, conciliation, and persuasion, or during alternative 2550  
dispute resolution, under this section shall be disclosed by any 2551  
member of the commission or its staff or be used as evidence in 2552  
any subsequent hearing or other proceeding. If, after a 2553  
preliminary investigation and the use of informal methods of 2554  
conference, conciliation, and persuasion, or alternative dispute 2555  
resolution, under this section, the commission is satisfied that 2556  
any unlawful discriminatory practice will be eliminated, it may 2557  
treat the charge involved as being conciliated and enter that 2558  
disposition on the records of the commission. If the commission 2559  
fails to effect the elimination of an unlawful discriminatory 2560  
practice by informal methods of conference, conciliation, and 2561  
persuasion, or by alternative dispute resolution under this 2562  
section and to obtain voluntary compliance with this chapter, 2563  
the commission shall issue and cause to be served upon any 2564  
person, including the respondent against whom a complainant has 2565  
filed a charge pursuant to division (B)(1) of this section, a 2566  
complaint stating the charges involved and containing a notice 2567  
of an opportunity for a hearing before the commission, a member 2568  
of the commission, or a hearing examiner at a place that is 2569  
stated in the notice and that is located within the county in 2570  
which the alleged unlawful discriminatory practice has occurred 2571  
or is occurring or in which the respondent resides or transacts 2572  
business. The hearing shall be held not less than thirty days 2573  
after the service of the complaint upon the complainant, the 2574  
aggrieved persons other than the complainant on whose behalf the 2575  
complaint is issued, and the respondent, unless the complainant, 2576  
an aggrieved person, or the respondent elects to proceed under 2577  
division (A)(2) of section 4112.051 of the Revised Code when 2578  
that division is applicable. If a complaint pertains to an 2579  
alleged unlawful discriminatory practice described in division 2580

(H) of section 4112.02 of the Revised Code, the complaint shall 2581  
notify the complainant, an aggrieved person, and the respondent 2582  
of the right of the complainant, an aggrieved person, or the 2583  
respondent to elect to proceed with the administrative hearing 2584  
process under this section or to proceed under division (A) (2) 2585  
of section 4112.051 of the Revised Code. 2586

(6) The attorney general shall represent the commission at 2587  
any hearing held pursuant to division (B) (5) of this section and 2588  
shall present the evidence in support of the complaint. 2589

(7) Any complaint issued pursuant to division (B) (5) of 2590  
this section after the filing of a charge under division (B) (1) 2591  
of this section shall be so issued within one year after the 2592  
complainant filed the charge with respect to an alleged unlawful 2593  
discriminatory practice. 2594

(C) (1) Any complaint issued pursuant to division (B) of 2595  
this section may be amended by the commission, a member of the 2596  
commission, or the hearing examiner conducting a hearing under 2597  
division (B) of this section. 2598

(a) Except as provided in division (C) (1) (b) of this 2599  
section, a complaint issued pursuant to division (B) of this 2600  
section may be amended at any time prior to or during the 2601  
hearing. 2602

(b) If a complaint issued pursuant to division (B) of this 2603  
section alleges an unlawful discriminatory practice described in 2604  
division (H) of section 4112.02 of the Revised Code, the 2605  
complaint may be amended at any time up to seven days prior to 2606  
the hearing and not thereafter. 2607

(2) The respondent has the right to file an answer or an 2608  
amended answer to the original and amended complaints and to 2609

appear at the hearing in person, by attorney, or otherwise to 2610  
examine and cross-examine witnesses. 2611

(D) The complainant shall be a party to a hearing under 2612  
division (B) of this section, and any person who is an 2613  
indispensable party to a complete determination or settlement of 2614  
a question involved in the hearing shall be joined. Any 2615  
aggrieved person who has or claims an interest in the subject of 2616  
the hearing and in obtaining or preventing relief against the 2617  
unlawful discriminatory practices complained of shall be 2618  
permitted to appear only for the presentation of oral or written 2619  
arguments, to present evidence, perform direct and cross- 2620  
examination, and be represented by counsel. The commission shall 2621  
adopt rules, in accordance with Chapter 119. of the Revised Code 2622  
governing the authority granted under this division. 2623

(E) In any hearing under division (B) of this section, the 2624  
commission, a member of the commission, or the hearing examiner 2625  
shall not be bound by the Rules of Evidence but, in ascertaining 2626  
the practices followed by the respondent, shall take into 2627  
account all reliable, probative, and substantial statistical or 2628  
other evidence produced at the hearing that may tend to prove 2629  
the existence of a predetermined pattern of employment or 2630  
membership, provided that nothing contained in this section 2631  
shall be construed to authorize or require any person to observe 2632  
the proportion that persons of any race, color, religion, sex, 2633  
age, ancestry, national origin, familial status, disability, 2634  
sexual orientation, gender identity or expression, or military 2635  
status, familial status, national origin, disability, age, or 2636  
ancestry bear to the total population or in accordance with any 2637  
criterion other than the individual qualifications of the 2638  
applicant. 2639

(F) The testimony taken at a hearing under division (B) of 2640  
this section shall be under oath and shall be reduced to writing 2641  
and filed with the commission. Thereafter, in its discretion, 2642  
the commission, upon the service of a notice upon the 2643  
complainant and the respondent that indicates an opportunity to 2644  
be present, may take further testimony or hear argument. 2645

(G) (1) (a) If, upon all reliable, probative, and 2646  
substantial evidence presented at a hearing under division (B) 2647  
of this section, the commission determines that the respondent 2648  
has engaged in, or is engaging in, any unlawful discriminatory 2649  
practice, whether against the complainant or others, the 2650  
commission shall state its findings of fact and conclusions of 2651  
law and shall issue and, subject to the provisions of Chapter 2652  
119. of the Revised Code, cause to be served on the respondent 2653  
an order requiring the respondent to do all of the following: 2654

(1) Cease and desist from the unlawful discriminatory 2655  
practice; 2656

(ii) Take any further affirmative or other action that 2657  
will effectuate the purposes of this chapter, including, but not 2658  
limited to, hiring, reinstatement, or upgrading of employees 2659  
with or without back pay, or admission or restoration to union 2660  
membership; 2661

(iii) Report to the commission the manner of compliance. 2662

If the commission directs payment of back pay, it shall 2663  
make allowance for interim earnings. 2664

(b) If the commission finds a violation of division (H) of 2665  
section 4112.02 of the Revised Code, in addition to the action 2666  
described in division (G) (1) (a) of this section, the commission 2667  
additionally may require the respondent to undergo 2668

recommendation in the form of a class, seminar, or any other 2669  
type of remediation approved by the commission, may require the 2670  
respondent to pay actual damages and reasonable attorney's fees, 2671  
and may, vindicate the public interest, assess a civil penalty 2672  
against the respondent as follows: 2673

(i) If division (G) (1) (b) (ii) or (iii) of this section 2674  
does not apply, a civil penalty in an amount not to exceed ten 2675  
thousand dollars; 2676

(ii) If division (G) (1) (b) (iii) of this section does not 2677  
apply and if the respondent has been determined by a final order 2678  
of the commission or by a final judgment of a court to have 2679  
committed one violation of division (H) of section 4112.02 of 2680  
the Revised Code during the five-year period immediately 2681  
preceding the date on which a complaint was issued pursuant to 2682  
division (B) of this section, a civil penalty in an amount not 2683  
to exceed twenty-five thousand dollars; 2684

(iii) If the respondent has been determined by a final 2685  
order of the commission or by a final judgment of a court to 2686  
have committed two or more violations of division (H) of section 2687  
4112.02 of the Revised Code during the seven-year period 2688  
immediately preceding the date on which a complaint was issued 2689  
pursuant to division (B) of this section, a civil penalty 2690  
damages in an amount not to exceed fifty thousand dollars. 2691

(2) Upon the submission of reports of compliance, the 2692  
commission may issue a declaratory order stating that the 2693  
respondent has ceased to engage in particular unlawful 2694  
discriminatory practices. 2695

(H) If the commission finds that no probable cause exists 2696  
for crediting charges of unlawful discriminatory practices or 2697

if, upon all the evidence presented at a hearing under division 2698  
(B) of this section on a charge, the commission finds that a 2699  
respondent has not engaged in any unlawful discriminatory 2700  
practice against the complainant or others, it shall state its 2701  
findings of fact and shall issue and cause to be served on the 2702  
complainant an order dismissing the complaint as to the 2703  
respondent. A copy of the order shall be delivered in all cases 2704  
to the attorney general and any other public officers whom the 2705  
commission considers proper. 2706

If, upon all the evidence presented at a hearing under 2707  
division (B) of this section on a charge, the commission finds 2708  
that a respondent has not engaged in any unlawful discriminatory 2709  
practice against the complainant or others, it may award to the 2710  
respondent reasonable attorney's fees to the extent provided in 2711  
5 U.S.C. 504 and accompanying regulations. 2712

(I) Until the time period for appeal set forth in division 2713  
(H) of section 4112.06 of the Revised Code expires, the 2714  
commission, subject to the provisions of Chapter 119. of the 2715  
Revised Code, at any time, upon reasonable notice, and in the 2716  
manner it considers proper, may modify or set aside, in whole or 2717  
in part, any finding or order made by it under this section. 2718

**Sec. 4112.08.** This chapter shall be construed liberally 2719  
for the accomplishment of its purposes, and any law inconsistent 2720  
with any provision of this chapter shall not apply. Nothing 2721  
contained in this chapter shall be considered to repeal any of 2722  
the provisions of any law of this state relating to 2723  
discrimination because of race, color, religion, sex, age, 2724  
ancestry, national origin, familial status, disability, sexual 2725  
orientation, gender identity or expression, or military status, 2726  
~~familial status, disability, national origin, age, or ancestry,~~ 2727

except that any person filing a charge under division (B)(1) of 2728  
section 4112.05 of the Revised Code, with respect to the 2729  
unlawful discriminatory practices complained of, is barred from 2730  
instituting a civil action under section 4112.14 or division (L) 2731  
of section 4112.02 of the Revised Code. This chapter does not 2732  
limit actions, procedures, and remedies afforded under federal 2733  
law. 2734

**Sec. 4117.19.** (A) Every employee organization that is 2735  
certified or recognized as a representative of public employees 2736  
under this chapter shall file with the state employment 2737  
relations board a registration report that is signed by its 2738  
president or other appropriate officer. The report shall be in a 2739  
form prescribed by the board and accompanied by two copies of 2740  
the employee organization's constitution and bylaws. The board 2741  
shall accept a filing by a statewide, national, or international 2742  
employee organization of its constitution and bylaws in lieu of 2743  
a filing of the documents by each subordinate organization. The 2744  
exclusive representative or other employee organization 2745  
originally filing its constitution and bylaws shall report, 2746  
promptly, to the board all changes or amendments to its 2747  
constitution and bylaws. 2748

(B) Every employee organization shall file with the board 2749  
an annual report. The report shall be in a form prescribed by 2750  
the board and shall contain the following information: 2751

(1) The names and addresses of the organization, any 2752  
parent organization or organizations with which it is 2753  
affiliated, and all organizationwide officers; 2754

(2) The name and address of its local agent for service of 2755  
process; 2756

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

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

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

(6) A financial report.

(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 2786  
amount, scope, and form of the bond determined by the board; 2787

(4) Require periodic elections of officers by secret 2788  
ballot subject to recognized safeguards concerning the equal 2789  
right of all members to nominate, seek office, and vote in the 2790  
elections, the right of individual members to participate in the 2791  
affairs of the organization, and fair and equitable procedures 2792  
in disciplinary actions. 2793

(D) The board shall prescribe rules necessary to govern 2794  
the establishment and reporting of trusteeships over employee 2795  
organizations. The establishment of trusteeships is permissible 2796  
only if the constitution or bylaws of the organization set forth 2797  
reasonable procedures. 2798

(E) The board may withhold certification of an employee 2799  
organization that willfully refuses to register or file an 2800  
annual report or that willfully refuses to comply with other 2801  
provisions of this section. The board may revoke a certification 2802  
of an employee organization for willfully failing to comply with 2803  
this section. The board may enforce the prohibitions contained 2804  
in this section by petitioning the court of common pleas of the 2805  
county in which the violation occurs for an injunction. Persons 2806  
complaining of a violation of this section shall file the 2807  
complaint with the board. 2808

(F) Upon the written request to the board of any member of 2809  
a certified employee organization and where the board determines 2810  
the necessity for an audit, the board may require the employee 2811  
organization to provide a certified audit of its financial 2812  
records. 2813

(G) Any employee organization subject to the "Labor- 2814

Management Reporting and Disclosure Act of 1959," 73 Stat. 519, 2815  
29 U.S.C.A., 401, as amended, may file copies with the board of 2816  
all reports it is required to file under that act in lieu of 2817  
compliance with all parts of this section other than division 2818  
(A) of this section. The board shall accept a filing by a 2819  
statewide, national, or international employee organization of 2820  
its reports in lieu of a filing of such reports by each 2821  
subordinate organization. 2822

**Sec. 4735.16.** (A) Every real estate broker licensed under 2823  
this chapter shall erect or maintain a sign on the business 2824  
premises plainly stating that the licensee is a real estate 2825  
broker. If the real estate broker maintains one or more branch 2826  
offices, the real estate broker shall erect or maintain a sign 2827  
at each branch office plainly stating that the licensee is a 2828  
real estate broker. 2829

(B) (1) Any licensed real estate broker or salesperson who 2830  
advertises to buy, sell, exchange, or lease real estate, or to 2831  
engage in any act regulated by this chapter, with respect to 2832  
property the licensee does not own, shall be identified in the 2833  
advertisement by name and indicate the name of the brokerage 2834  
with which the licensee is affiliated. 2835

(2) Any licensed real estate broker or ~~sales person~~ 2836  
salesperson who advertises to sell, exchange, or lease real 2837  
estate, or to engage in any act regulated by this chapter, with 2838  
respect to property that the licensee owns, shall be identified 2839  
in the advertisement by name and indicate that the property is 2840  
agent owned, and if the property is listed with a real estate 2841  
brokerage, the advertisement shall also indicate the name of the 2842  
brokerage with which the property is listed. 2843

(3) The name of the brokerage shall be displayed in equal 2844

prominence with the name of the salesperson in the 2845  
advertisement. For purposes of this section, "brokerage" means 2846  
the name the real estate company or sole broker is doing 2847  
business as, or if the real estate company or sole broker does 2848  
not use such a name, the name of the real estate company or sole 2849  
broker as licensed. 2850

(4) A real estate broker who is representing a seller 2851  
under an exclusive right to sell or lease listing agreement 2852  
shall not advertise such property to the public as "for sale by 2853  
owner" or otherwise mislead the public to believe that the 2854  
seller is not represented by a real estate broker. 2855

(5) If any real estate broker or real estate salesperson 2856  
advertises in a manner other than as provided in this section or 2857  
the rules adopted under this section, that advertisement is 2858  
prima-facie evidence of a violation under division (A) (21) of 2859  
section 4735.18 of the Revised Code. 2860

When the superintendent determines that prima-facie 2861  
evidence of a violation of division (A) (21) of section 4735.18 2862  
of the Revised Code or any of the rules adopted thereunder 2863  
exists, the superintendent may do either of the following: 2864

(a) Initiate disciplinary action under section 4735.051 of 2865  
the Revised Code for a violation of division (A) (21) of section 2866  
4735.18 of the Revised Code, in accordance with Chapter 119. of 2867  
the Revised Code; 2868

(b) Personally, or by certified mail, serve a citation 2869  
upon the licensee. 2870

(C) (1) Every citation served under this section shall give 2871  
notice to the licensee of the alleged violation or violations 2872  
charged and inform the licensee of the opportunity to request a 2873

hearing in accordance with Chapter 119. of the Revised Code. The 2874  
citation also shall contain a statement of a fine of two hundred 2875  
dollars per violation, not to exceed two thousand five hundred 2876  
dollars per citation. All fines collected pursuant to this 2877  
section shall be credited to the real estate recovery fund, 2878  
created in the state treasury under section 4735.12 of the 2879  
Revised Code. 2880

(2) If any licensee is cited three times within twelve 2881  
consecutive months, the superintendent shall initiate 2882  
disciplinary action pursuant to section 4735.051 of the Revised 2883  
Code for any subsequent violation that occurs within the same 2884  
twelve-month period. 2885

(3) If a licensee fails to request a hearing within thirty 2886  
days of the date of service of the citation, or the licensee and 2887  
the superintendent fail to reach an alternative agreement, the 2888  
citation shall become final. 2889

(4) Unless otherwise indicated, the licensee named in a 2890  
final citation must meet all requirements contained in the final 2891  
citation within thirty days of the effective date of that 2892  
citation. 2893

(5) The superintendent shall suspend automatically a 2894  
licensee's license if the licensee fails to comply with division 2895  
(C) (4) of this section. 2896

(D) A real estate broker or salesperson obtaining the 2897  
signature of a party to a listing or other agreement involved in 2898  
a real estate transaction shall furnish a copy of the listing or 2899  
other agreement to the party immediately after obtaining the 2900  
party's signature. Every broker's office shall prominently 2901  
display in the same immediate area as licenses are displayed a 2902

statement that it is illegal to discriminate against any person 2903  
because of race, color, religion, sex, ancestry, or national 2904  
origin, or familial status as defined in section 4112.01 of the 2905  
~~Revised Code, national origin, disability, sexual orientation,~~ 2906  
gender identity or expression, or military status as defined in 2907  
~~that section, disability as defined in that section, or ancestry~~ 2908  
as those terms are defined in section 4112.01 of the Revised 2909  
Code, in the sale or rental of housing or residential lots, in 2910  
advertising the sale or rental of housing, in the financing of 2911  
housing, or in the provision of real estate brokerage services 2912  
and that blockbusting also is illegal. The statement shall bear 2913  
the United States department of housing and urban development 2914  
equal housing logo, shall contain the information that the 2915  
broker and the broker's salespersons are licensed by the 2916  
division of real estate and professional licensing and that the 2917  
division can assist with any consumer complaints or inquiries, 2918  
and shall explain the provisions of section 4735.12 of the 2919  
Revised Code. The statement shall provide the division's address 2920  
and telephone number. The Ohio real estate commission shall 2921  
provide by rule for the wording and size of the statement. The 2922  
pamphlet required under section 4735.03 of the Revised Code 2923  
shall contain the same statement that is required on the 2924  
statement displayed as provided in this section and shall be 2925  
made available by real estate brokers and salespersons to their 2926  
clients. The commission shall provide the wording and size of 2927  
the pamphlet. 2928

**Sec. 4735.55.** (A) Each written agency agreement shall 2929  
contain all of the following: 2930

(1) An expiration date; 2931

(2) A statement that it is illegal, pursuant to the Ohio 2932

fair housing law, division (H) of section 4112.02 of the Revised 2933  
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 2934  
amended, to refuse to sell, transfer, assign, rent, lease, 2935  
sublease, or finance housing accommodations, refuse to negotiate 2936  
for the sale or rental of housing accommodations, or otherwise 2937  
deny or make unavailable housing accommodations because of race, 2938  
color, religion, sex, ancestry, or national origin, or familial 2939  
status as defined in section 4112.01 of the Revised Code, 2940  
ancestry, disability, sexual orientation, gender identity or 2941  
expression, or military status as defined in that section, 2942  
disability as defined in that section, or national origin, as 2943  
those terms are defined in section 4112.01 of the Revised Code, 2944  
or to so discriminate in advertising the sale or rental of 2945  
housing, in the financing of housing, or in the provision of 2946  
real estate brokerage services; 2947

(3) A statement defining the practice known as 2948  
"blockbusting" and stating that it is illegal; 2949

(4) A copy of the United States department of housing and 2950  
urban development equal housing opportunity logotype, as set 2951  
forth in 24 C.F.R. 109.30, as amended. 2952

(B) Each written agency agreement shall contain a place 2953  
for the licensee and the client to sign and date the agreement. 2954

(C) A licensee shall furnish a copy of any written agency 2955  
agreement to a client in a timely manner after the licensee and 2956  
the client have signed and dated it. 2957

**Sec. 4757.07.** The counselor, social worker, and marriage 2958  
and family therapist board and its professional standards 2959  
committees shall not discriminate against any licensee, 2960  
registrant, or applicant for a license or certificate of 2961

registration under this chapter because of the person's race, 2962  
color, religion, sex, age, or national origin; disability, 2963  
sexual orientation, or gender identity or expression as those 2964  
terms are defined in section 4112.01 of the Revised Code, ~~or~~ 2965  
~~age~~. The board or committee, as appropriate, shall afford a 2966  
hearing to any person who files with the board or committee a 2967  
statement alleging discrimination based on any of those reasons. 2968

**Sec. 4758.16.** The chemical dependency professionals board 2969  
shall not discriminate against any licensee, certificate holder, 2970  
endorsement holder, or applicant for a license, certificate, or 2971  
endorsement under this chapter because of the individual's race, 2972  
color, religion, ~~gender~~, sex, age, or national origin; or 2973  
disability, sexual orientation, or gender identity or expression 2974  
as those terms are defined in section 4112.01 of the Revised 2975  
Code, ~~or age~~. The board shall afford a hearing to any individual 2976  
who files with the board a statement alleging discrimination 2977  
based on any of those reasons. 2978

**Sec. 4765.18.** The state board of emergency medical, fire, 2979  
and transportation services may suspend or revoke a certificate 2980  
of accreditation or a certificate of approval issued under 2981  
section 4765.17 of the Revised Code for any of the following 2982  
reasons: 2983

(A) Violation of this chapter or any rule adopted under 2984  
it; 2985

(B) Furnishing of false, misleading, or incomplete 2986  
information to the board; 2987

(C) The signing of an application or the holding of a 2988  
certificate of accreditation by a person who has pleaded guilty 2989  
to or has been convicted of a felony, or has pleaded guilty to 2990

or been convicted of a crime involving moral turpitude; 2991

(D) The signing of an application or the holding of a 2992  
certificate of accreditation by a person who is addicted to the 2993  
use of any controlled substance or has been adjudicated 2994  
incompetent for that purpose by a court, as provided in section 2995  
5122.301 of the Revised Code; 2996

(E) Violation of any commitment made in an application for 2997  
a certificate of accreditation or certificate of approval; 2998

(F) Presentation to prospective students of misleading, 2999  
false, or fraudulent information relating to the emergency 3000  
medical services training program or emergency medical services 3001  
continuing education program, employment opportunities, or 3002  
opportunities for enrollment in accredited institutions of 3003  
higher education after entering or completing courses offered by 3004  
the operator of a program; 3005

(G) Failure to maintain in a safe and sanitary condition 3006  
premises and equipment used in conducting courses of study; 3007

(H) Failure to maintain financial resources adequate for 3008  
the satisfactory conduct of courses of study or to retain a 3009  
sufficient number of certified instructors; 3010

(I) Discrimination in the acceptance of students upon the 3011  
basis of race, color, religion, sex, or national origin; or 3012  
sexual orientation or gender identity or expression as those 3013  
terms are defined in section 4112.01 of the Revised Code. 3014

**Sec. 5104.09.** No administrator, licensee, or child-care 3015  
staff member shall discriminate in the enrollment of children in 3016  
a child day-care center upon the basis of race, color, religion, 3017  
sex, or national origin; or sexual orientation or gender 3018  
identity or expression as those terms are defined in section 3019



4112.01 of the Revised Code. 3020

**Sec. 5107.26.** (A) As used in this section, "transitional 3021  
child care" means publicly funded child care provided under 3022  
division (A) (3) of section 5104.34 of the Revised Code. 3023

(B) Except as provided in division (C) of this section: 3024

(1) Each member of an assistance group participating in 3025  
Ohio works first is ineligible to participate in the program for 3026  
six payment months if a county department of job and family 3027  
services determines that a member of the assistance group 3028  
terminated the member's employment. 3029

(2) Each person who, on the day prior to the day a 3030  
recipient begins to receive transitional child care, was a 3031  
member of the recipient's assistance group is ineligible to 3032  
participate in Ohio works first for six payment months if a 3033  
county department determines that the recipient terminated the 3034  
recipient's employment. 3035

(C) No assistance group member shall lose or be denied 3036  
eligibility to participate in Ohio works first pursuant to 3037  
division (B) of this section if the termination of employment 3038  
was because an assistance group member or recipient of 3039  
transitional child care secured comparable or better employment 3040  
or the county department of job and family services certifies 3041  
that the member or recipient terminated the employment with just 3042  
cause. 3043

Just cause includes the following: 3044

(1) Discrimination by an employer based on ~~age, race, sex,~~ 3045  
~~color, handicap, religious beliefs, or age, national origin, or~~ 3046  
handicap; or sexual orientation or gender identity or expression 3047  
as those terms are defined in section 4112.01 of the Revised 3048

Code; 3049

(2) Work demands or conditions that render continued 3050  
employment unreasonable, such as working without being paid on 3051  
schedule; 3052

(3) Employment that has become unsuitable due to any of 3053  
the following: 3054

(a) The wage is less than the federal minimum wage; 3055

(b) The work is at a site subject to a strike or lockout, 3056  
unless the strike has been enjoined under section 208 of the 3057  
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 3058  
U.S.C.A. 178, as amended, an injunction has been issued under 3059  
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 3060  
U.S.C.A. 160, as amended, or an injunction has been issued under 3061  
section 4117.16 of the Revised Code; 3062

(c) The documented degree of risk to the member or 3063  
recipient's health and safety is unreasonable; 3064

(d) The member or recipient is physically or mentally 3065  
unfit to perform the employment, as documented by medical 3066  
evidence or by reliable information from other sources. 3067

(4) Documented illness of the member or recipient or of 3068  
another assistance group member of the member or recipient 3069  
requiring the presence of the member or recipient; 3070

(5) A documented household emergency; 3071

(6) Lack of adequate child care for children of the member 3072  
or recipient who are under six years of age. 3073

**Sec. 5123.351.** The director of developmental disabilities, 3074  
with respect to the eligibility for state reimbursement of 3075

expenses incurred by facilities and programs established and 3076  
operated under Chapter 5126. of the Revised Code for persons 3077  
with developmental disabilities, shall do all of the following: 3078

(A) Make rules that may be necessary to carry out the 3079  
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3080  
5123.36 of the Revised Code; 3081

(B) Define minimum standards for qualifications of 3082  
personnel, professional services, and in-service training and 3083  
educational leave programs; 3084

(C) Review and evaluate community programs and make 3085  
recommendations for needed improvements to county boards of 3086  
developmental disabilities and to program directors; 3087

(D) Withhold state reimbursement, in whole or in part, 3088  
from any county or combination of counties for failure to comply 3089  
with Chapter 5126. or section 5123.35 or 5123.351 of the Revised 3090  
Code or rules of the department of developmental disabilities; 3091

(E) Withhold state funds from an agency, corporation, or 3092  
association denying or rendering service on the basis of race, 3093  
color, sex, religion, ancestry, or national origin~~;~~ disability, sexual orientation, or gender identity or expression as those 3094  
terms are defined in section 4112.01 of the Revised Code~~;~~ or 3095  
inability to pay; 3096  
3097

(F) Provide consultative staff service to communities to 3098  
assist in ascertaining needs and in planning and establishing 3099  
programs. 3100

**Sec. 5126.07.** No county board of developmental 3101  
disabilities or any agency, corporation, or association under 3102  
contract with a county board of developmental disabilities shall 3103  
discriminate in the provision of services under its authority or 3104

contract on the basis of race, color, sex, creed, national 3105  
origin, or disability,~~national origin,~~; sexual orientation or 3106  
gender identity or expression as those terms are defined in 3107  
section 4112.01 of the Revised Code; or the inability to pay. 3108

Each county board of developmental disabilities shall 3109  
provide a plan of affirmative action describing its goals and 3110  
methods for the provision of equal employment opportunities for 3111  
all persons under its authority and shall ensure 3112  
nondiscrimination in employment under its authority or contract 3113  
on the basis of race, color, sex, creed, national origin, or 3114  
disability,~~or national origin;~~ or sexual orientation or gender 3115  
identity or expression as those terms are defined in section 3116  
4112.01 of the Revised Code. 3117

**Sec. 5165.08.** (A) As used in this section: 3118

"Bed need" means the number of long-term care beds a 3119  
county needs as determined by the director of health pursuant to 3120  
division (B) (3) of section 3702.593 of the Revised Code. 3121

"Bed need excess" means that a county's bed need is such 3122  
that one or more long-term care beds may be relocated from the 3123  
county according to the director's determination of the county's 3124  
bed need. 3125

(B) Every provider agreement with a nursing facility 3126  
provider shall do both of the following: 3127

(1) Permit the provider to exclude one or more parts of 3128  
the nursing facility from the provider agreement, even though 3129  
those parts meet federal and state standards for medicaid 3130  
certification, if all of the following apply: 3131

(a) The nursing facility initially obtained both its 3132  
nursing home license under Chapter 3721. of the Revised Code and 3133

medicaid certification on or after January 1, 2008. 3134

(b) The nursing facility is located in a county that has a 3135  
bed need excess at the time the provider excludes the parts from 3136  
the provider agreement. 3137

(c) Federal law permits the provider to exclude the parts 3138  
from the provider agreement. 3139

(d) The provider gives the department of medicaid written 3140  
notice of the exclusion not less than forty-five days before the 3141  
first day of the calendar quarter in which the exclusion is to 3142  
occur. 3143

(2) Prohibit the provider from doing either of the 3144  
following: 3145

(a) Discriminating against a resident on the basis of 3146  
race, color, sex, creed, or national origin; or sexual 3147  
orientation or gender identity or expression as those terms are 3148  
defined in section 4112.01 of the Revised Code; 3149

(b) Subject to division (D) of this section, failing or 3150  
refusing to do either of the following: 3151

(i) Except as otherwise prohibited under section 5165.82 3152  
of the Revised Code, admit as a resident of the nursing facility 3153  
an individual because the individual is, or may (as a resident 3154  
of the nursing facility) become, a medicaid recipient unless at 3155  
least twenty-five per cent of the nursing facility's medicaid- 3156  
certified beds are occupied by medicaid recipients at the time 3157  
the person would otherwise be admitted; 3158

(ii) Retain as a resident of the nursing facility an 3159  
individual because the individual is, or may (as a resident of 3160  
the nursing facility) become, a medicaid recipient. 3161

(C) For the purpose of division (B) (2) (b) (ii) of this 3162  
section, a medicaid recipient who is a resident of a nursing 3163  
facility shall be considered a resident of the nursing facility 3164  
during any hospital stays totaling less than twenty-five days 3165  
during any twelve-month period. 3166

(D) Nothing in this section shall bar a provider from 3167  
doing any of the following: 3168

~~(1) If the provider is a religious organization operating~~ 3169  
~~a religious or denominational nursing facility from giving~~ 3170  
~~preference to persons of the same religion or denomination;~~ 3171

~~(2)~~ Giving preference to persons with whom the provider 3172  
has contracted to provide continuing care; 3173

~~(3)~~ (2) If the nursing facility is a county home organized 3174  
under Chapter 5155. of the Revised Code, admitting residents 3175  
exclusively from the county in which the county home is located; 3176

~~(4)~~ (3) Retaining residents who have resided in the 3177  
provider's nursing facility for not less than one year as 3178  
private pay patients and who subsequently become medicaid 3179  
recipients, but refusing to accept as a resident any person who 3180  
is, or may (as a resident of the nursing facility) become a 3181  
medicaid recipient, if all of the following apply: 3182

(a) The provider does not refuse to retain any resident 3183  
who has resided in the provider's nursing facility for not less 3184  
than one year as a private pay resident because the resident 3185  
becomes a medicaid recipient, except as necessary to comply with 3186  
division (D) ~~(4)~~ (3) (b) of this section. 3187

(b) The number of medicaid recipients retained under 3188  
division (D) ~~(4)~~ (3) of this section does not at any time exceed 3189  
ten per cent of all the residents in the nursing facility. 3190

(c) On July 1, 1980, all the residents in the nursing 3191  
facility were private pay residents. 3192

(E) No provider shall violate the provider agreement 3193  
obligations imposed by this section. 3194

(F) A nursing facility provider who excludes one or more 3195  
parts of the nursing facility from a provider agreement pursuant 3196  
to division (B) (1) of this section does not violate division (C) 3197  
of section 3702.53 of the Revised Code. 3198

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

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

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

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

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

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

(5) To the extent physically and technically practical, it 3218

shall state that the advertisement is a paid commercial 3219  
advertisement and that the state does not endorse the product or 3220  
service promoted by the advertisement or make any representation 3221  
about the accuracy of the advertisement or the quality or 3222  
performance of the product or service promoted by the 3223  
advertisement. 3224

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

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

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

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

**Sec. 5709.832.** The legislative authority of a county, 3246  
township, or municipal corporation that grants an exemption from 3247



taxation under Chapter 725. or 1728. or section 3735.67, 3248  
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 3249  
or 5709.78 of the Revised Code shall develop policies to ensure 3250  
that the recipient of the exemption practices nondiscriminatory 3251  
hiring in its operations. As used in this section, 3252  
"nondiscriminatory hiring" means that no individual may be 3253  
denied employment solely on the basis of race, color, religion, 3254  
sex, ancestry, national origin, or disability, ~~color, national~~ 3255  
~~origin, or ancestry~~; or sexual orientation or gender identity or 3256  
expression as those terms are defined in section 4112.01 of the 3257  
Revised Code. 3258

**Section 2.** That existing sections 9.03, 124.93, 125.111, 3259  
153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 3260  
2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3261  
3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.024, 3262  
4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 3263  
4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 3264  
5515.08, and 5709.832 of the Revised Code are hereby repealed. 3265

**Section 3.** Section 4112.04 of the Revised Code is 3266  
presented in this act as a composite of the section as amended 3267  
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 3268  
Sub. H.B. 1 of the 128th General Assembly. The General Assembly, 3269  
applying the principle stated in division (B) of section 1.52 of 3270  
the Revised Code that amendments are to be harmonized if 3271  
reasonably capable of simultaneous operation, finds that the 3272  
composite is the resulting version of the section in effect 3273  
prior to the effective date of the section as presented in this 3274  
act. 3275