

# AN ACT

To amend sections 153.59, 153.591, 3911.16, and 3911.17 of the Revised Code to remove the terms "colored persons" and "Negroes" from the Revised Code and to broaden the application of the existing prohibition against discrimination in the sale and cost of life insurance to include all races.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 153.59, 153.591, 3911.16, and 3911.17 of the Revised Code be amended to read as follows:

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

(A) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor, subcontractor, or any person acting on a contractor's or subcontractor's behalf, by reason of race, creed, sex, disability as defined in section 4112.01 of the Revised Code, or color, shall discriminate against any citizen of the state in the employment of labor or workers who is qualified and available to perform the work to which the employment relates;

(B) That no contractor, subcontractor, or any person on a contractor's or subcontractor's behalf, in any manner, shall discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, ~~ere~~ creed, sex, disability as defined in section 4112.01 of the Revised Code, or color;

~~(C)~~ The department of administrative services shall ensure that no capital moneys appropriated by the general assembly for any purpose shall be expended unless the project for which those moneys are appropriated provides for an affirmative action program for the employment and effective utilization of disadvantaged persons whose disadvantage may arise from cultural, racial, or ethnic background, or other similar cause, including, but not limited to, race, religion, sex, disability as defined in section 4112.01 of

the Revised Code, national origin, or ancestry.

In awarding contracts for capital improvement projects, the department shall ensure that equal consideration be given to contractors, subcontractors, or joint venturers who qualify as a minority business enterprise. As used in this section, "minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons who are residents of this state. "Socially or economically disadvantaged persons" means persons, regardless of marital status, who are members of groups whose disadvantage may arise from discrimination on the basis of race, religion, sex, disability as defined in section 4112.01 of the Revised Code, national origin, ~~or~~ ancestry, or other similar cause. ~~Such persons include, but are not limited to, Negroes, Puerto Ricans, Spanish speaking Americans, American Indians, Eskimos, and Aleuts.~~

Sec. 153.591. Any provision of a hiring hall contract or agreement which obligates a contractor to hire, if available, only ~~such~~ employees ~~as are~~ referred to ~~him~~ the contractor by a labor organization shall be void as against public policy and unenforceable with respect to employment under any public works contract unless at the date of execution of ~~such~~ the hiring hall contract or agreement, or within thirty days thereafter, ~~such~~ the labor organization has in effect procedures for referring qualified employees for hire without regard to race, color, religion, national origin, or ancestry and unless ~~such~~ the labor organization includes in its apprentice and ~~journeymen~~ journeyperson's membership, or otherwise has available for job referral without discrimination, qualified employees, both whites and non-whites (including ~~Negroes~~ African-Americans).

Sec. 3911.16. No life insurance company organized or doing business within this state shall:

(A) Make any distinction or discrimination ~~between white persons and colored persons, wholly or partially of African descent,~~ on the basis of race as to premiums or rates charged for life insurance policies ~~upon the lives of such persons;~~

(B) Demand or require greater premiums from ~~such colored persons~~ than are at that time required by the company from white persons who are of different races and who are of the same age, sex, general condition of health, and hope of longevity;

(C) Make or require any rebate, diminution, or discount on the basis of race upon the sum to be paid on ~~such~~ a life insurance policy in case of the death of ~~such colored~~ the person insured;

(D) Insert in the policy on the basis of race any condition or ~~make any~~

stipulation by which ~~such colored~~ a person binds ~~himself self~~, or ~~his~~ the person's heirs, executors, administrators, or assigns, to accept any sum less than the full value or amount of ~~such the~~ policy in case of a claim accruing thereon by reason of the death of the person insured, ~~other than such as are imposed upon white persons in similar cases.~~

Any stipulation or condition described in division (D) of this section so made or inserted is void.

~~Any such~~ If a life insurance company which refuses the application of a colored person for denies an applicant life insurance upon his life shall furnish him with the certificate of some regular examining physician of the company, who has made examination of such person, stating that his application has been refused, not because he is a person of color, but solely upon such grounds of his general health and hope of longevity as would be applicable to white persons of the same age and sex and the applicant believes that the denial was on the basis of race, the insurance company shall provide, upon the request of the applicant, the specific reason or reasons for the denial, as provided in section 3904.10 of the Revised Code, as well as an affirmation that the denial was not on the basis of race.

Sec. 3911.17. No life insurance company organized or doing business in this state, or an officer or agent thereof, shall violate any law relating to ~~the distinction or discrimination between white persons and colored persons, wholly or partially of African descent,~~ by demanding or receiving ~~from a colored person a different or greater premium than from a white person, or premiums on the basis of race,~~ by allowing a discount or rebate on the basis of race upon a premium paid or to be paid by ~~a white person~~ persons who are of the same age, sex, general condition of health, and hope of longevity ~~of any colored person, or,~~ by making or requiring a rebate, diminution, or discount from the sum to be paid upon a policy ~~in case of an insured colored person~~ on the basis of race, or by failing to furnish ~~a certificate of a regular examining physician of such company to such colored person~~ information required under section 3904.10 or 3911.16 of the Revised Code.

This section does not require a life insurance company, or an agent thereof, to take or receive an application for insurance from any person.

SECTION 2. That existing sections 153.59, 153.591, 3911.16, and 3911.17 of the Revised Code are hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

Am. Sub. S. B. No. 97

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_