

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 502

Representatives Stewart, D., Peterson

**Cosponsors: Representatives Skindell, Beatty, Redfern, Foley, Celeste,
Koziura, Brady, Budish, Ujvagi, Yates, Chandler, Hagan, R., Brown, Szollosi,
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A B I L L

To amend sections 9.03, 124.93, 125.111, 153.59, 1
153.591, 176.04, 176.06, 340.12, 511.03, 717.01, 2
1501.012, 1751.18, 2915.08, 2927.03, 3113.36, 3
3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 4
3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 5
4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 6
4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 7
4765.18, 5104.09, 5107.26, 5111.31, 5119.61, 8
5123.351, 5126.07, 5515.08, and 5709.832 of the 9
Revised Code to prohibit discrimination on the 10
basis of sexual orientation. 11

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

Section 1. That sections 9.03, 124.93, 125.111, 153.59, 12
153.591, 176.04, 176.06, 340.12, 511.03, 717.01, 1501.012, 13
1751.18, 2915.08, 2927.03, 3113.36, 3301.53, 3304.14, 3304.50, 14
3313.481, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 15
4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 16
4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5111.31, 17
5119.61, 5123.351, 5126.07, 5515.08, and 5709.832 of the Revised 18

Code be amended to read as follows: 19

Sec. 9.03. (A) As used in this section, "political 20
subdivision" means any body corporate and politic, except a 21
municipal corporation that has adopted a charter under Section 7 22
of Article XVIII, Ohio Constitution, and except a county that has 23
adopted a charter under Sections 3 and 4 of Article X, Ohio 24
Constitution, to which both of the following apply: 25

(1) It is responsible for governmental activities only in a 26
geographic area smaller than the state. 27

(2) It is subject to the sovereign immunity of the state. 28

(B) Except as otherwise provided in division (C) of this 29
section, the governing body of a political subdivision may use 30
public funds to publish and distribute newsletters, or to use any 31
other means, to communicate information about the plans, policies, 32
and operations of the political subdivision to members of the 33
public within the political subdivision and to other persons who 34
may be affected by the political subdivision. 35

(C) Except as otherwise provided in division (A)(7) of 36
section 340.03 or division (A)(12) of section 340.033 of the 37
Revised Code, no governing body of a political subdivision shall 38
use public funds to do any of the following: 39

(1) Publish, distribute, or otherwise communicate information 40
that does any of the following: 41

(a) Contains defamatory, libelous, or obscene matter; 42

(b) Promotes alcoholic beverages, cigarettes or other tobacco 43
products, or any illegal product, service, or activity; 44

(c) Promotes illegal discrimination on the basis of sexual 45
orientation as defined in section 4112.01 of the Revised Code, 46
race, color, religion, national origin, handicap, age, or 47

ancestry;	48
(d) Supports or opposes any labor organization or any action by, on behalf of, or against any labor organization;	49 50
(e) Supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue.	51 52 53 54
(2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C)(1)(e) of this section. Division (C)(2) of this section does not prohibit the use of public funds to compensate an employee of a political subdivision for attending a public meeting to present information about the political subdivision's finances, activities, and governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting.	55 56 57 58 59 60 61 62 63 64 65
(D) Nothing in this section prohibits or restricts any political subdivision from sponsoring, participating in, or doing any of the following:	66 67 68
(1) Charitable or public service advertising that is not commercial in nature;	69 70
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	71 72 73 74
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	75 76
(E) As used in this section, "cigarettes" and "tobacco	77

product" have the same meanings as in section 5743.01 of the Revised Code.

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

(B) No health insuring corporation that, on or after July 1, 1993, enters into or renews a contract with the department of administrative services under section 124.82 of the Revised Code, because of a physician's race, color, religion, sex, or national origin; disability or sexual orientation, as those terms are defined in section 4112.01 of the Revised Code; age; or ancestry, shall refuse to contract with that physician for the provision of health care services under section 124.82 of the Revised Code.

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

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

Any health insuring corporation that fails to provide notice in compliance with this division is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance as defined in section 3901.21 of the Revised Code and is subject

to sections 3901.19 to 3901.26 of the Revised Code. 109

Sec. 125.111. (A) Every contract for or on behalf of the 110
state or any of its political subdivisions for any purchase shall 111
contain provisions similar to those required by section 153.59 of 112
the Revised Code in the case of construction contracts by which 113
the contractor agrees to both of the following: 114

(1) That, in the hiring of employees for the performance of 115
work under the contract or any subcontract, no contractor or 116
subcontractor, by reason of race, color, religion, sex, or age_i 117
disability or sexual orientation, as those terms are defined in 118
section 4112.01 of the Revised Code_i national origin_i or 119
ancestry, shall discriminate against any citizen of this state in 120
the employment of a person qualified and available to perform the 121
work to which the contract relates; 122

(2) That no contractor, subcontractor, or person acting on 123
behalf of any contractor or subcontractor, in any manner, shall 124
discriminate against, intimidate, or retaliate against any 125
employee hired for the performance of work under the contract on 126
account of race, color, religion, sex, or age_i disability or 127
sexual orientation, as those terms are defined in section 4112.01 128
of the Revised Code_i national origin_i or ancestry. 129

(B) All contractors from whom the state or any of its 130
political subdivisions make purchases shall have a written 131
affirmative action program for the employment and effective 132
utilization of economically disadvantaged persons, as referred to 133
in division (E)(1) of section 122.71 of the Revised Code. 134
Annually, each such contractor shall file a description of the 135
affirmative action program and a progress report on its 136
implementation with the equal employment opportunity office of the 137
department of administrative services. 138

Sec. 153.59. Every contract for or on behalf of the state, or 139
any township, county, or municipal corporation of the state, for 140
the construction, alteration, or repair of any public building or 141
public work in the state shall contain provisions by which the 142
contractor agrees to both of the following: 143

(A) That, in the hiring of employees for the performance of 144
work under the contract or any subcontract, no contractor, 145
subcontractor, or any person acting on a contractor's or 146
subcontractor's behalf, by reason of race, creed, or sex; 147
disability or sexual orientation, as those terms are defined in 148
section 4112.01 of the Revised Code; or color, shall discriminate 149
against any citizen of the state in the employment of labor or 150
workers who is qualified and available to perform the work to 151
which the employment relates; 152

(B) That no contractor, subcontractor, or any person on a 153
contractor's or subcontractor's behalf, in any manner, shall 154
discriminate against or intimidate any employee hired for the 155
performance of work under the contract on account of race, creed, 156
or sex; disability or sexual orientation, as those terms are 157
defined in section 4112.01 of the Revised Code; or color. 158

The department of administrative services shall ensure that 159
no capital moneys appropriated by the general assembly for any 160
purpose shall be expended unless the project for which those 161
moneys are appropriated provides for an affirmative action program 162
for the employment and effective utilization of disadvantaged 163
persons whose disadvantage may arise from cultural, racial, or 164
ethnic background, or other similar cause, including, but not 165
limited to, race, religion, or sex; disability or sexual 166
orientation, as those terms are defined in section 4112.01 of the 167
Revised Code; national origin; or ancestry. 168

In awarding contracts for capital improvement projects, the 169

department shall ensure that equal consideration be given to 170
contractors, subcontractors, or joint venturers who qualify as a 171
minority business enterprise. As used in this section, "minority 172
business enterprise" means a business enterprise that is owned or 173
controlled by one or more socially or economically disadvantaged 174
persons who are residents of this state. "Socially or economically 175
disadvantaged persons" means persons, regardless of marital 176
status, who are members of groups whose disadvantage may arise 177
from discrimination on the basis of race, religion, or sex; 178
disability or sexual orientation, as those terms are defined in 179
section 4112.01 of the Revised Code; national origin; ancestry; 180
or other similar cause. 181

Sec. 153.591. Any provision of a hiring hall contract or 182
agreement which obligates a contractor to hire, if available, only 183
employees referred to the contractor by a labor organization shall 184
be void as against public policy and unenforceable with respect to 185
employment under any public works contract unless at the date of 186
execution of the hiring hall contract or agreement, or within 187
thirty days thereafter, the labor organization has in effect 188
procedures for referring qualified employees for hire without 189
regard to sexual orientation as defined in section 4112.01 of the 190
Revised Code, race, color, religion, national origin, or ancestry 191
and unless the labor organization includes in its apprentice and 192
journeyman's membership, or otherwise has available for job 193
referral without discrimination, qualified employees, both whites 194
and non-whites (including ~~African Americans~~ African Americans). 195

Sec. 176.04. (A) No municipal corporation, county, or 196
township shall issue general obligations pursuant to section 197
133.51 of the Revised Code or expend moneys raised by taxation to 198
provide, or assist in providing, housing pursuant to Section 16 of 199
Article VIII, Ohio Constitution, unless the municipal corporation, 200

county, or township has done all of the following:	201
(1) Established or designated a housing advisory board	202
pursuant to section 176.01 of the Revised Code, or entered into an	203
agreement pursuant to section 176.02 of the Revised Code for the	204
service of a housing advisory board established by one or more	205
other subdivisions;	206
(2) At least thirty days prior to approval of it by the	207
legislative authority of the municipal corporation, county, or	208
township, submitted to the housing advisory board for review,	209
comments, and recommendations, a comprehensive housing	210
affordability strategy for the municipal corporation, county, or	211
township developed under the "Cranston-Gonzalez National	212
Affordable Housing Act," 104 Stat. 4079 (1990), Pub. Law No.	213
101-625, or other state or local comprehensive plan for the	214
development and maintenance of affordable housing within the	215
boundaries of the municipal corporation, county, or township.	216
Approval of the plan by the legislative authority may be	217
effective for a period of one to five years. No submission of an	218
amended plan is required unless the submitted description of the	219
purposes for which any part of those moneys are proposed to be	220
applied is intended to be, or raise a reasonable concern that it	221
might be construed to be, inconsistent with the existing plan.	222
(3) Submitted to the housing advisory board a written	223
description of the purposes to which the proceeds of the proposed	224
general obligations or the moneys raised by taxation are proposed	225
to be applied, and allowed at least fifteen days to elapse during	226
which the housing advisory board may review the submitted	227
description and advise the municipal corporation, county, or	228
township in accordance with division (D) of this section. For	229
purposes of this section, the written description of the purposes	230
to which the moneys raised by taxation are proposed to be applied	231
may be submitted annually to the housing advisory board prior to	232

the adoption of the annual appropriation measure pursuant to 233
section 5705.38 of the Revised Code. 234

(B) No municipal corporation, county, or township shall issue 235
general obligations pursuant to section 133.51 of the Revised Code 236
to provide, or assist in providing, housing pursuant to Section 16 237
of Article VIII, Ohio Constitution, unless the municipal 238
legislative authority, the board of county commissioners, or the 239
board of township trustees has substantially complied with each of 240
the following requirements: 241

(1) Analyzed the anticipated impact of the purposes to which 242
the proceeds of the proposed general obligations are to be applied 243
upon existing housing patterns in the municipal corporation, 244
county, or township; 245

(2) Submitted to the housing advisory board serving it a fair 246
housing impact statement summarizing the analysis undertaken under 247
division (B)(1) of this section and conclusions from that 248
analysis; 249

(3) Submitted to the housing advisory board serving it a plan 250
for affirmative marketing to persons, regardless of marital 251
status, who are members of groups that may be disadvantaged by 252
discrimination on the basis of race, religion, or sex; disability 253
or sexual orientation, as those terms are defined in section 254
4112.01 of the Revised Code; national origin; ancestry; 255
children; or other similar cause or who traditionally would not 256
be expected to apply for housing at the location proposed to be 257
benefited by the proceeds of the proposed general obligations. 258

(C) No approval of a housing advisory board shall be required 259
for issuance of general obligations pursuant to section 133.51 of 260
the Revised Code or any proposed expenditure of moneys raised by 261
taxation to provide, or assist in providing, housing pursuant to 262
Section 16 of Article VIII, Ohio Constitution. 263

(D) The matters on which a housing advisory board shall advise the subdivisions it serves shall include the following:	264 265
(1) The consistency of a project or program with the plan submitted under division (A)(2) of this section;	266 267
(2) The extent to which any project or program to which the proceeds of the proposed general obligations or the moneys raised by taxation are proposed to be applied may displace households that consequently may need relocation assistance;	268 269 270 271
(3) The length of time for which projects to which the proceeds of the proposed general obligations or the moneys raised by taxation are proposed to be applied will remain affordable to any targeted income group;	272 273 274 275
(4) The extent to which any lending program is available, in whole or in part, from private lenders upon reasonably equivalent terms and conditions.	276 277 278
Sec. 176.06. (A) Each municipal corporation, county, and township shall compile and make available, in accordance with this section, to the public for inspection and copying for a period of five years, the number and total dollar amount of mortgage loans that were originated, for which completed applications were received and applicants were rejected, and that were purchased by that municipal corporation, county, or township during each fiscal year. Information regarding each mortgage loan category described in this section shall be itemized to clearly and conspicuously disclose the following:	279 280 281 282 283 284 285 286 287 288
(1) The number and dollar amount of mortgage loans insured under Title II of the "National Housing Act," 48 Stat. 1246 (1934), 12 U.S.C.A. 1707 et seq., or under Title V of the "Housing Act of 1949," 63 Stat. 413, 432, 42 U.S.C.A. 1471 et seq., or guaranteed under the "Veterans' Loan Act," 58 Stat. 284 (1944), 38	289 290 291 292 293

U.S.C.A. 1801 et seq.;	294
(2) The number and dollar amount of mortgage loans made to mortgagors who did not, at the time of execution of the mortgage, intend to reside in the property securing the mortgage loan;	295 296 297
(3) The number and dollar amount of home improvement loans;	298
(4) The number and dollar amount of mortgage loans involving mortgagors or mortgage applicants grouped according to census tract, income level, race, color, religion, sex, <u>and ancestry</u> , <u>disability and sexual orientation</u> , as <u>those terms are</u> defined in section 4112.01 of the Revised Code <u>and</u> national origin.	299 300 301 302 303
(B) The information described in this section shall be made available to the public in raw data form and updated quarterly. Within four months after the end of each fiscal year, each municipal corporation, county, and township shall submit to the president of the senate and the speaker of the house of representatives a report containing the information described in this section for the immediately preceding fiscal year.	304 305 306 307 308 309 310
(C) As used in this section, "mortgage loan" means a loan secured by a mortgage, deed of trust, or other security interest to finance the acquisition, construction, improvement, or rehabilitation of single-family residential housing.	311 312 313 314
Sec. 340.12. No board of alcohol, drug addiction, and mental health services or any agency, corporation, or association under contract with such a board shall discriminate in the provision of services under its authority, in employment, or contract on the basis of <u>sexual orientation as defined in section 4112.01 of the Revised Code</u> , race, color, sex, creed, disability, or national origin.	315 316 317 318 319 320 321
Each board, each community mental health agency, and each alcohol and drug addiction program shall have a written	322 323

affirmative action program. The affirmative action program shall 324
include goals for the employment and effective utilization of, 325
including contracts with, members of economically disadvantaged 326
groups as defined in division (E)(1) of section 122.71 of the 327
Revised Code in percentages reflecting as nearly as possible the 328
composition of the alcohol, drug addiction, and mental health 329
service district served by the board. Each board, agency, and 330
program shall file a description of the affirmative action program 331
and a progress report on its implementation with the department of 332
mental health or the department of alcohol and drug addiction 333
services. 334

Sec. 511.03. After an affirmative vote in an election held 335
under sections 511.01 and 511.02 of the Revised Code, the board of 336
township trustees may make all contracts necessary for the 337
purchase of a site, and the erection, improvement, or enlargement 338
of such building. The board shall have control of any town hall 339
belonging to the township, and it may rent or lease all or part of 340
any hall, lodge, or recreational facility belonging to the 341
township, to any person or organization under terms the board 342
considers proper, for which all rent shall be paid in advance or 343
fully secured. In establishing the terms of any rental agreement 344
or lease pursuant to this section, the board of township trustees 345
may give preference to persons who are residents of or 346
organizations that are headquartered in the township or that are 347
charitable or fraternal in nature. All persons or organizations 348
shall be treated on a like or similar basis, and no 349
differentiation shall be made on the basis of sexual orientation 350
as defined in section 4112.01 of the Revised Code, race, color, 351
religion, national origin, sex, or political affiliation. The 352
rents received for such facilities may be used for their repair or 353
improvement, and any balance shall be used for general township 354
purposes. 355

Sec. 717.01. Each municipal corporation may do any of the	356
following:	357
(A) Acquire by purchase or condemnation real estate with or	358
without buildings on it, and easements or interests in real	359
estate;	360
(B) Extend, enlarge, reconstruct, repair, equip, furnish, or	361
improve a building or improvement that it is authorized to acquire	362
or construct;	363
(C) Erect a crematory or provide other means for disposing of	364
garbage or refuse, and erect public comfort stations;	365
(D) Purchase turnpike roads and make them free;	366
(E) Construct wharves and landings on navigable waters;	367
(F) Construct infirmaries, workhouses, prisons, police	368
stations, houses of refuge and correction, market houses, public	369
halls, public offices, municipal garages, repair shops, storage	370
houses, and warehouses;	371
(G) Construct or acquire waterworks for supplying water to	372
the municipal corporation and its inhabitants and extend the	373
waterworks system outside of the municipal corporation limits;	374
(H) Construct or purchase gas works or works for the	375
generation and transmission of electricity, for the supplying of	376
gas or electricity to the municipal corporation and its	377
inhabitants;	378
(I) Provide grounds for cemeteries or crematories, enclose	379
and embellish them, and construct vaults or crematories;	380
(J) Construct sewers, sewage disposal works, flushing	381
tunnels, drains, and ditches;	382
(K) Construct free public libraries and reading rooms, and	383
free recreation centers;	384

(L) Establish free public baths and municipal lodging houses;	385
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	386 387 388
(N) Provide land for and improve parks, boulevards, and public playgrounds;	389 390
(O) Construct hospitals and pesthouses;	391
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	392 393
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	394 395 396
(R) Construct or improve viaducts, bridges, and culverts;	397
(S)(1) Construct any building necessary for the police or fire department;	398 399
(2) Purchase fire engines or fire boats;	400
(3) Construct water towers or fire cisterns;	401
(4) Place underground the wires or signal apparatus of any police or fire department.	402 403
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	404 405
(U) Construct subways under any street or boulevard or elsewhere;	406 407
(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise,	408 409 410 411 412 413

lease, or condemnation proceedings rights-of-way for connections 414
with highways, waterways, and electric, steam, and interurban 415
railroads, and improve and equip such facilities with structures 416
necessary or appropriate for such purposes. No municipal 417
corporation may take or disturb property or facilities belonging 418
to any public utility or to a common carrier engaged in interstate 419
commerce, which property or facilities are required for the proper 420
and convenient operation of the utility or carrier, unless 421
provision is made for the restoration, relocation, or duplication 422
of the property or facilities elsewhere at the sole cost of the 423
municipal corporation. 424

(W) Provide by agreement with any regional airport authority, 425
created under section 308.03 of the Revised Code, for the making 426
of necessary surveys, appraisals, and examinations preliminary to 427
the acquisition or construction of any airport or airport facility 428
and pay the portion of the expense of the surveys, appraisals, and 429
examinations as set forth in the agreement; 430

(X) Provide by agreement with any regional airport authority, 431
created under section 308.03 of the Revised Code, for the 432
acquisition, construction, maintenance, or operation of any 433
airport or airport facility owned or to be owned and operated by 434
the regional airport authority or owned or to be owned and 435
operated by the municipal corporation and pay the portion of the 436
expense of it as set forth in the agreement; 437

(Y) Acquire by gift, purchase, lease, or condemnation, land, 438
forest, and water rights necessary for conservation of forest 439
reserves, water parks, or reservoirs, either within or without the 440
limits of the municipal corporation, and improve and equip the 441
forest and water parks with structures, equipment, and 442
reforestation necessary or appropriate for any purpose for the 443
utilization of any of the forest and water benefits that may 444
properly accrue therefrom to the municipal corporation; 445

(Z) Acquire real property by purchase, gift, or devise and 446
construct and maintain on it public swimming pools, either within 447
or outside the limits of the municipal corporation; 448

(AA) Construct or rehabilitate, equip, maintain, operate, and 449
lease facilities for housing of elderly persons and for persons of 450
low and moderate income, and appurtenant facilities. No municipal 451
corporation shall deny housing accommodations to or withhold 452
housing accommodations from elderly persons or persons of low and 453
moderate income because of race, color, religion, or sex; 454
familial status, disability, or sexual orientation, as those terms 455
are defined in section 4112.01 of the Revised Code, ~~disability as~~ 456
~~defined in that section,~~ ancestry; or national origin. Any 457
elderly person or person of low or moderate income who is denied 458
housing accommodations or has them withheld by a municipal 459
corporation because of race, color, religion, or sex; familial 460
status, disability, or sexual orientation, as those terms are 461
defined in section 4112.01 of the Revised Code, ~~disability as~~ 462
~~defined in that section,~~ ancestry; or national origin may file a 463
charge with the Ohio civil rights commission as provided in 464
Chapter 4112. of the Revised Code. 465

(BB) Acquire, rehabilitate, and develop rail property or rail 466
service, and enter into agreements with the Ohio rail development 467
commission, boards of county commissioners, boards of township 468
trustees, legislative authorities of other municipal corporations, 469
with other governmental agencies or organizations, and with 470
private agencies or organizations in order to achieve those 471
purposes; 472

(CC) Appropriate and contribute money to a soil and water 473
conservation district for use under Chapter 1515. of the Revised 474
Code; 475

(DD) Authorize the board of county commissioners, pursuant to 476
a contract authorizing the action, to contract on the municipal 477

corporation's behalf for the administration and enforcement within 478
its jurisdiction of the state building code by another county or 479
another municipal corporation located within or outside the 480
county. The contract for administration and enforcement shall 481
provide for obtaining certification pursuant to division (E) of 482
section 3781.10 of the Revised Code for the exercise of 483
administration and enforcement authority within the municipal 484
corporation seeking those services and shall specify which 485
political subdivision is responsible for securing that 486
certification. 487

(EE) Expend money for providing and maintaining services and 488
facilities for senior citizens. 489

"Airport," "landing field," and "air navigation facility," as 490
defined in section 4561.01 of the Revised Code, apply to division 491
(V) of this section. 492

As used in divisions (W) and (X) of this section, "airport" 493
and "airport facility" have the same meanings as in section 308.01 494
of the Revised Code. 495

As used in division (BB) of this section, "rail property" and 496
"rail service" have the same meanings as in section 4981.01 of the 497
Revised Code. 498

Sec. 1501.012. (A) The director of natural resources may 499
lease lands in state parks, as defined in section 1501.07 of the 500
Revised Code, and contract for the construction and operation of 501
public service facilities, as mentioned in that section, and for 502
major renovation or remodeling of existing public service 503
facilities by the lessees on those lands. If the director 504
determines that doing so would be consistent with long-range 505
planning of the department of natural resources and in the best 506
interests of the department and the division of parks and 507
recreation in the department, the director shall negotiate and 508

execute a lease and contract for those purposes in accordance with 509
this chapter except as otherwise provided in this section. 510

(B) With the approval of the recreation and resources council 511
created under section 1501.04 of the Revised Code, the director 512
shall draft a statement of intent describing any public service 513
facility that the department wishes to have constructed in 514
accordance with this section and establishing a procedure for the 515
submission of proposals for providing the facility, including, but 516
not limited to, a requirement that each prospective bidder or 517
lessee of land shall submit with the proposal a completed 518
questionnaire and financial statement, on forms prescribed and 519
furnished by the department, to enable the department to ascertain 520
the person's financial worth and experience in maintaining and 521
operating facilities similar or related to the public service 522
facility in question. The completed questionnaire and financial 523
statement shall be verified under oath by the prospective bidder 524
or lessee. Questionnaires and financial statements submitted under 525
this division are confidential and are not open to public 526
inspection. Nothing in this division shall be construed to prevent 527
use of or reference to questionnaires and financial statements in 528
a civil action or criminal prosecution commenced by the state. 529

The director shall publish the statement of intent in at 530
least three daily newspapers of general circulation in the state 531
at least once each week for four consecutive weeks. The director 532
then shall accept proposals in response to the statement of intent 533
for at least thirty days following the final publication of the 534
statement. At the end of the period during which proposals may be 535
submitted under this division, the director shall select the 536
proposal that the director determines best complies with the 537
statement of intent and may negotiate a lease and contract with 538
the person that submitted that proposal. 539

(C) Any lease and contract negotiated under this section 540

shall include in its terms and conditions all of the following:	541
(1) The legal description of the leasehold;	542
(2) The duration of the lease and contract, which shall not exceed forty years, and a requirement that the lease and contract be nonrenewable;	543 544 545
(3) A requirement that the lessee maintain in full force and effect during the term of the lease and contract comprehensive liability insurance for injury, death, or loss to persons or property and fire casualty insurance for the public service facility and all its structures in an amount established by the director and naming the department as an additional insured;	546 547 548 549 550 551
(4) A requirement that the lessee maintain in full force and effect suitable performance bonds or other adequate security pertaining to the construction and operation of the public service facility;	552 553 554 555
(5) Detailed plans and specifications controlling the construction of the public service facility that shall include all of the following:	556 557 558
(a) The size and capacity of the facility;	559
(b) The type and quality of construction;	560
(c) Other criteria that the department considers necessary and advisable.	561 562
(6) The manner of rental payment;	563
(7) A stipulation that the director shall have control and supervision over all of the following:	564 565
(a) The operating season of the public service facility;	566
(b) The facility's hours of operation;	567
(c) The maximum rates to be charged guests using the facility;	568 569

(d) The facility's sanitary conditions;	570
(e) The quality of food and service furnished the guests of the facility;	571 572
(f) The lessee's general and structural maintenance responsibilities at the facility.	573 574
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	575 576
(9) A requirement that the public service facility be available to all members of the public without regard to sex, race, color, creed, ancestry, <u>or</u> national origin, <u>or</u> disability <u>or</u> <u>sexual orientation</u> , as <u>those terms are</u> defined in section 4112.01 of the Revised Code;	577 578 579 580 581
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	582 583
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	584 585
(E) The authority granted in this section to the director is in addition and supplemental to any other authority granted the director under state law.	586 587 588
Sec. 1751.18. (A)(1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the subscriber or enrollee, the subscriber's or enrollee's requirements for health care services, or for any other reason designated under rules adopted by the superintendent of insurance.	589 590 591 592 593 594
(2) Unless otherwise required by state or federal law, no health insuring corporation, or health care facility or provider through which the health insuring corporation has made arrangements to provide health care services, shall discriminate against any individual with regard to enrollment, disenrollment,	595 596 597 598 599

or the quality of health care services rendered, on the basis of 600
the individual's sexual orientation as defined in section 4112.01 601
of the Revised Code, race, color, sex, age, religion, or status as 602
a recipient of medicare or medical assistance under Title XVIII or 603
XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 604
301, as amended, or any health status-related factor in relation 605
to the individual. However, a health insuring corporation shall 606
not be required to accept a recipient of medicare or medical 607
assistance, if an agreement has not been reached on appropriate 608
payment mechanisms between the health insuring corporation and the 609
governmental agency administering these programs. Further, except 610
during a period of open enrollment under section 1751.15 of the 611
Revised Code, a health insuring corporation may reject an 612
applicant for nongroup enrollment on the basis of any health 613
status-related factor in relation to the applicant. 614

(B) A health insuring corporation may cancel or decide not to 615
renew the coverage of an enrollee if the enrollee has performed an 616
act or practice that constitutes fraud or intentional 617
misrepresentation of material fact under the terms of the coverage 618
and if the cancellation or nonrenewal is not based, either 619
directly or indirectly, on any health status-related factor in 620
relation to the enrollee. 621

(C) An enrollee may appeal any action or decision of a health 622
insuring corporation taken pursuant to section 2742(b) to (e) of 623
the "Health Insurance Portability and Accountability Act of 1996," 624
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 625
amended. To appeal, the enrollee may submit a written complaint to 626
the health insuring corporation pursuant to section 1751.19 of the 627
Revised Code. The enrollee may, within thirty days after receiving 628
a written response from the health insuring corporation, appeal 629
the health insuring corporation's action or decision to the 630
superintendent. 631

(D) As used in this section, "health status-related factor"	632
means any of the following:	633
(1) Health status;	634
(2) Medical condition, including both physical and mental illnesses;	635 636
(3) Claims experience;	637
(4) Receipt of health care;	638
(5) Medical history;	639
(6) Genetic information;	640
(7) Evidence of insurability, including conditions arising out of acts of domestic violence;	641 642
(8) Disability.	643

Sec. 2915.08. (A)(1) Annually before the first day of January, a charitable organization that desires to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session shall make out, upon a form to be furnished by the attorney general for that purpose, an application for a license to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session and deliver that application to the attorney general together with a license fee as follows:

(a) Except as otherwise provided in this division, for a license for the conduct of bingo, two hundred dollars;

(b) For a license for the conduct of instant bingo at a bingo session or instant bingo other than at a bingo session for a charitable organization that previously has not been licensed under this chapter to conduct instant bingo at a bingo session or instant bingo other than at a bingo session, a license fee of five hundred dollars, and for any other charitable organization, a license fee that is based upon the gross profits received by the

charitable organization from the operation of instant bingo at a 661
bingo session or instant bingo other than at a bingo session, 662
during the one-year period ending on the thirty-first day of 663
October of the year immediately preceding the year for which the 664
license is sought, and that is one of the following: 665

(i) Five hundred dollars, if the total is fifty thousand 666
dollars or less; 667

(ii) One thousand two hundred fifty dollars plus one-fourth 668
per cent of the gross profit, if the total is more than fifty 669
thousand dollars but less than two hundred fifty thousand one 670
dollars; 671

(iii) Two thousand two hundred fifty dollars plus one-half 672
per cent of the gross profit, if the total is more than two 673
hundred fifty thousand dollars but less than five hundred thousand 674
one dollars; 675

(iv) Three thousand five hundred dollars plus one per cent of 676
the gross profit, if the total is more than five hundred thousand 677
dollars but less than one million one dollars; 678

(v) Five thousand dollars plus one per cent of the gross 679
profit, if the total is one million one dollars or more; 680

(c) A reduced license fee established by the attorney general 681
pursuant to division (G) of this section. 682

(d) For a license to conduct bingo for a charitable 683
organization that prior to ~~the effective date of this amendment~~ 684
July 1, 2003, has not been licensed under this chapter to conduct 685
bingo, instant bingo at a bingo session, or instant bingo other 686
than at a bingo session, a license fee established by rule by the 687
attorney general in accordance with division (H) of this section. 688

(2) The application shall be in the form prescribed by the 689
attorney general, shall be signed and sworn to by the applicant, 690

and shall contain all of the following: 691

(a) The name and post-office address of the applicant; 692

(b) A statement that the applicant is a charitable 693
organization and that it has been in continuous existence as a 694
charitable organization in this state for two years immediately 695
preceding the making of the application or for five years in the 696
case of a fraternal organization or a nonprofit medical 697
organization; 698

(c) The location at which the organization will conduct 699
bingo, which location shall be within the county in which the 700
principal place of business of the applicant is located, the days 701
of the week and the times on each of those days when bingo will be 702
conducted, whether the organization owns, leases, or subleases the 703
premises, and a copy of the rental agreement if it leases or 704
subleases the premises; 705

(d) A statement of the applicant's previous history, record, 706
and association that is sufficient to establish that the applicant 707
is a charitable organization, and a copy of a determination letter 708
that is issued by the Internal Revenue Service and states that the 709
organization is tax exempt under subsection 501(a) and described 710
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 711
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 712

(e) A statement as to whether the applicant has ever had any 713
previous application refused, whether it previously has had a 714
license revoked or suspended, and the reason stated by the 715
attorney general for the refusal, revocation, or suspension; 716

(f) A statement of the charitable purposes for which the net 717
profit derived from bingo, other than instant bingo, will be used, 718
and a statement of how the net profit derived from instant bingo 719
will be distributed in accordance with section 2915.101 of the 720
Revised Code; 721

(g) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;

(h) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

(i) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

(j) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization were used for at least one hundred days during the year in which the statement is issued, and were open for use to all residents of that territory, regardless of sexual orientation as defined in section 4112.01 of the Revised Code, race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of sexual orientation as defined in section 4112.01 of the Revised Code, race, color, creed, religion, sex, or national origin, and that the fields were not used for any profit-making activity at any time during the

year. That type of board or body is authorized to issue the 754
statement upon request and shall issue the statement if it finds 755
that the applicant's playing fields were so used. 756

(3) The attorney general, within thirty days after receiving 757
a timely filed application from a charitable organization that has 758
been issued a license under this section that has not expired and 759
has not been revoked or suspended, shall send a temporary permit 760
to the applicant specifying the date on which the application was 761
filed with the attorney general and stating that, pursuant to 762
section 119.06 of the Revised Code, the applicant may continue to 763
conduct bingo until a new license is granted or, if the 764
application is rejected, until fifteen days after notice of the 765
rejection is mailed to the applicant. The temporary permit does 766
not affect the validity of the applicant's application and does 767
not grant any rights to the applicant except those rights 768
specifically granted in section 119.06 of the Revised Code. The 769
issuance of a temporary permit by the attorney general pursuant to 770
this division does not prohibit the attorney general from 771
rejecting the applicant's application because of acts that the 772
applicant committed, or actions that the applicant failed to take, 773
before or after the issuance of the temporary permit. 774

(4) Within thirty days after receiving an initial license 775
application from a charitable organization to conduct bingo, 776
instant bingo at a bingo session, or instant bingo other than at a 777
bingo session, the attorney general shall conduct a preliminary 778
review of the application and notify the applicant regarding any 779
deficiencies. Once an application is deemed complete, or beginning 780
on the thirtieth day after the application is filed, if the 781
attorney general failed to notify the applicant of any 782
deficiencies, the attorney general shall have an additional sixty 783
days to conduct an investigation and either grant or deny the 784
application based on findings established and communicated in 785

accordance with divisions (B) and (E) of this section. As an 786
option to granting or denying an initial license application, the 787
attorney general may grant a temporary license and request 788
additional time to conduct the investigation if the attorney 789
general has cause to believe that additional time is necessary to 790
complete the investigation and has notified the applicant in 791
writing about the specific concerns raised during the 792
investigation. 793

(B)(1) The attorney general shall adopt rules to enforce 794
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 795
Code to ensure that bingo or instant bingo is conducted in 796
accordance with those sections and to maintain proper control over 797
the conduct of bingo or instant bingo. The rules, except rules 798
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 799
shall be adopted pursuant to Chapter 119. of the Revised Code. The 800
attorney general shall license charitable organizations to conduct 801
bingo, instant bingo at a bingo session, or instant bingo other 802
than at a bingo session in conformance with this chapter and with 803
the licensing provisions of Chapter 119. of the Revised Code. 804

(2) The attorney general may refuse to grant a license to any 805
organization, or revoke or suspend the license of any 806
organization, that does any of the following or to which any of 807
the following applies: 808

(a) Fails or has failed at any time to meet any requirement 809
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 810
2915.11 of the Revised Code, or violates or has violated any 811
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 812
Code or any rule adopted by the attorney general pursuant to this 813
section; 814

(b) Makes or has made an incorrect or false statement that is 815
material to the granting of the license in an application filed 816
pursuant to division (A) of this section; 817

(c) Submits or has submitted any incorrect or false 818
information relating to an application if the information is 819
material to the granting of the license; 820

(d) Maintains or has maintained any incorrect or false 821
information that is material to the granting of the license in the 822
records required to be kept pursuant to divisions (A) and (C) of 823
section 2915.10 of the Revised Code, if applicable; 824

(e) The attorney general has good cause to believe that the 825
organization will not conduct bingo, instant bingo at a bingo 826
session, or instant bingo other than at a bingo session in 827
accordance with sections 2915.07 to 2915.13 of the Revised Code or 828
with any rule adopted by the attorney general pursuant to this 829
section. 830

(3) For the purposes of division (B) of this section, any 831
action of an officer, trustee, agent, representative, or bingo 832
game operator of an organization is an action of the organization. 833

(C) The attorney general may grant licenses to charitable 834
organizations that are branches, lodges, or chapters of national 835
charitable organizations. 836

(D) The attorney general shall send notice in writing to the 837
prosecuting attorney and sheriff of the county in which the 838
organization will conduct bingo, instant bingo at a bingo session, 839
or instant bingo other than at a bingo session, as stated in its 840
application for a license or amended license, and to any other law 841
enforcement agency in that county that so requests, of all of the 842
following: 843

(1) The issuance of the license; 844

(2) The issuance of the amended license; 845

(3) The rejection of an application for and refusal to grant 846
a license; 847

(4) The revocation of any license previously issued; 848

(5) The suspension of any license previously issued. 849

(E) A license issued by the attorney general shall set forth 850
the information contained on the application of the charitable 851
organization that the attorney general determines is relevant, 852
including, but not limited to, the location at which the 853
organization will conduct bingo, instant bingo at a bingo session, 854
or instant bingo other than at a bingo session and the days of the 855
week and the times on each of those days when bingo will be 856
conducted. If the attorney general refuses to grant or revokes or 857
suspends a license, the attorney general shall notify the 858
applicant in writing and specifically identify the reason for the 859
refusal, revocation, or suspension in narrative form and, if 860
applicable, by identifying the section of the Revised Code 861
violated. The failure of the attorney general to give the written 862
notice of the reasons for the refusal, revocation, or suspension 863
or a mistake in the written notice does not affect the validity of 864
the attorney general's refusal to grant, or the revocation or 865
suspension of, a license. If the attorney general fails to give 866
the written notice or if there is a mistake in the written notice, 867
the applicant may bring an action to compel the attorney general 868
to comply with this division or to correct the mistake, but the 869
attorney general's order refusing to grant, or revoking or 870
suspending, a license shall not be enjoined during the pendency of 871
the action. 872

(F) A charitable organization that has been issued a license 873
pursuant to division (B) of this section but that cannot conduct 874
bingo or instant bingo at the location, or on the day of the week 875
or at the time, specified on the license due to circumstances that 876
make it impractical to do so may apply in writing, together with 877
an application fee of two hundred fifty dollars, to the attorney 878
general, at least thirty days prior to a change in location, day 879

of the week, or time, and request an amended license. The 880
application shall describe the causes making it impractical for 881
the organization to conduct bingo or instant bingo in conformity 882
with its license and shall indicate the location, days of the 883
week, and times on each of those days when it desires to conduct 884
bingo or instant bingo. Except as otherwise provided in this 885
division, the attorney general shall issue the amended license in 886
accordance with division (E) of this section, and the organization 887
shall surrender its original license to the attorney general. The 888
attorney general may refuse to grant an amended license according 889
to the terms of division (B) of this section. 890

(G) The attorney general, by rule adopted pursuant to section 891
111.15 of the Revised Code, shall establish a schedule of reduced 892
license fees for charitable organizations that desire to conduct 893
bingo or instant bingo during fewer than twenty-six weeks in any 894
calendar year. 895

(H) The attorney general, by rule adopted pursuant to section 896
111.15 of the Revised Code, shall establish license fees for the 897
conduct of bingo, instant bingo at a bingo session, or instant 898
bingo other than at a bingo session for charitable organizations 899
that prior to ~~the effective date of this amendment~~ July 1, 2003, 900
have not been licensed to conduct bingo, instant bingo at a bingo 901
session, or instant bingo other than at a bingo session under this 902
chapter. 903

(I) The attorney general may enter into a written contract 904
with any other state agency to delegate to that state agency the 905
powers prescribed to the attorney general under Chapter 2915. of 906
the Revised Code. 907

(J) The attorney general, by rule adopted pursuant to section 908
111.15 of the Revised Code, may adopt rules to determine the 909
requirements for a charitable organization that is exempt from 910
federal income taxation under subsection 501(a) and described in 911

subsection 501(c)(3) of the Internal Revenue Code to be in good 912
standing in the state. 913

Sec. 2927.03. (A) No person, whether or not acting under 914
color of law, shall by force or threat of force willfully injure, 915
intimidate, or interfere with, or attempt to injure, intimidate, 916
or interfere with, any of the following: 917

(1) Any person because of race, color, religion, or sex~~;~~
familial status, disability, or sexual orientation, as those terms
are defined in section 4112.01 of the Revised Code~~;~~
~~national~~ origin, ~~disability as defined in that section~~~~;~~ or ancestry and 918
because that person is or has been selling, purchasing, renting, 919
financing, occupying, contracting, or negotiating for the sale, 920
purchase, rental, financing, or occupation of any housing 921
accommodations, or applying for or participating in any service, 922
organization, or facility relating to the business of selling or 923
renting housing accommodations; 924
925
926
927

(2) Any person because that person is or has been doing, or 928
in order to intimidate that person or any other person or any 929
class of persons from doing, either of the following: 930

(a) Participating, without discrimination on account of race, 931
color, religion, or sex~~;~~ familial status, disability, or sexual
orientation, as those terms are defined in section 4112.01 of the 932
Revised Code~~;~~ national origin, ~~disability as defined in that~~
~~section~~~~;~~ or ancestry, in any of the activities, services, 933
organizations, or facilities described in division (A)(1) of this 934
section; 935
936
937

(b) Affording another person or class of persons opportunity 938
or protection so to participate. 939

(3) Any person because that person is or has been, or in 940
order to discourage that person or any other person from, lawfully 941

aiding or encouraging other persons to participate, without 942
discrimination on account of race, color, religion, or sex,^{7,i} 943
familial status, disability, or sexual orientation, as those terms 944
are defined in section 4112.01 of the Revised Code^{7,i} national 945
origin, ~~disability as defined in that section~~,^{7,i} or ancestry, in 946
any of the activities, services, organizations, or facilities 947
described in division (A)(1) of this section, or participating 948
lawfully in speech or peaceful assembly opposing any denial of the 949
opportunity to so participate. 950

(B) Whoever violates division (A) of this section is guilty 951
of a misdemeanor of the first degree. 952

Sec. 3113.36. (A) To qualify for funds under section 3113.35 953
of the Revised Code, a shelter for victims of domestic violence 954
shall meet all of the following requirements: 955

(1) Be incorporated in this state as a nonprofit corporation; 956

(2) Have trustees who represent the racial, ethnic, and 957
socioeconomic diversity of the community to be served, including 958
at least one person who is or has been a victim of domestic 959
violence; 960

(3) Receive at least twenty-five per cent of its funds from 961
sources other than funds distributed pursuant to section 3113.35 962
of the Revised Code. These other sources may be public or private, 963
and may include funds distributed pursuant to section 3113.37 of 964
the Revised Code, and contributions of goods or services, 965
including materials, commodities, transportation, office space, or 966
other types of facilities or personal services. 967

(4) Provide residential service or facilities for children 968
when accompanied by a parent, guardian, or custodian who is a 969
victim of domestic violence and who is receiving temporary 970
residential service at the shelter; 971

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

(B) A shelter for victims of domestic violence does not qualify for funds if it discriminates in its admissions or provision of services on the basis of sexual orientation as defined in section 4112.01 of the Revised Code, race, religion, color, age, marital status, national origin, or ancestry. A shelter does not qualify for funds in the second half of any year if its application projects the provision of residential service and such service has not been provided in the first half of that year; such a shelter does not qualify for funds in the following year.

Sec. 3301.53. (A) Not later than July 1, 1988, the state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county MR/DD boards, or eligible nonpublic schools. The rules shall include the following:

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

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

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination

on the basis of sexual orientation as defined in section 4112.01 1003
of the Revised Code, age, color, national origin, race, or sex; 1004
and that preschool staff members and nonteaching employees are 1005
assigned responsibilities in accordance with written position 1006
descriptions commensurate with their training and experience; 1007

(4) A requirement that boards of education intending to 1008
establish a preschool program on or after March 17, 1989, 1009
demonstrate a need for a preschool program that is not being met 1010
by any existing program providing child care, prior to 1011
establishing the program; 1012

(5) Requirements that children participating in preschool 1013
programs have been immunized to the extent considered appropriate 1014
by the state board to prevent the spread of communicable disease; 1015

(6) Requirements that the parents of preschool children 1016
complete the emergency medical authorization form specified in 1017
section 3313.712 of the Revised Code. 1018

(B) The state board of education in consultation with the 1019
director of job and family services shall ensure that the rules 1020
adopted by the state board under sections 3301.52 to 3301.58 of 1021
the Revised Code are consistent with and meet or exceed the 1022
requirements of Chapter 5104. of the Revised Code with regard to 1023
child day-care centers. The state board and the director of job 1024
and family services shall review all such rules at least once 1025
every five years. 1026

(C) On or before January 1, 1992, the state board of 1027
education, in consultation with the director of job and family 1028
services, shall adopt rules for school child programs that are 1029
consistent with and meet or exceed the requirements of the rules 1030
adopted for school child day-care centers under Chapter 5104. of 1031
the Revised Code. 1032

Sec. 3304.14. The rehabilitation services commission shall 1033
appoint an administrator to serve at the pleasure of the 1034
commission and shall fix ~~his~~ the administrator's compensation. The 1035
administrator shall devote ~~his~~ the administrator's entire time to 1036
the duties of ~~his~~ office, shall hold no other office or position 1037
of trust and profit, and shall engage in no other business during 1038
~~his~~ the administrator's term of office. The commission may 1039
delegate to the administrator the authority to appoint, remove, 1040
and discipline without regard to sexual orientation as defined in 1041
section 4112.01 of the Revised Code, sex, race, creed, color, age, 1042
or national origin, such other professional, administrative, and 1043
clerical staff members as are necessary to carry out the functions 1044
and duties of the commission. 1045

Sec. 3304.50. The Ohio independent living council established 1046
and appointed by the governor under the authority of section 1047
107.18 of the Revised Code and pursuant to the "Rehabilitation Act 1048
Amendments of 1992," 106 Stat. 4344, 29 U.S.C.A. 796d, shall 1049
appoint an executive director to serve at the pleasure of the 1050
council and shall fix ~~his~~ the executive director's compensation. 1051
The executive director shall not be considered a public employee 1052
for purposes of Chapter 4117. of the Revised Code. The council may 1053
delegate to the executive director the authority to appoint, 1054
remove, and discipline, without regard to sexual orientation as 1055
defined in section 4112.01 of the Revised Code, sex, race, creed, 1056
color, age, or national origin, such other professional, 1057
administrative, and clerical staff members as are necessary to 1058
carry out the functions and duties of the council. 1059

Sec. 3313.481. (A) With the approval of the department of 1060
education, a board of education of a city, exempted village, 1061
local, or joint vocational school district may operate any of its 1062

schools on a schedule other than that required by section 3313.48 1063
of the Revised Code in order to do any of the following: 1064

(1) To provide a flexible school day during which may be held 1065
parent-teacher conferences and reporting periods involving time in 1066
excess of that permitted to be credited toward fulfillment of the 1067
minimum school year under section 3313.48 of the Revised Code; 1068

(2) To establish and maintain a calendar of quarters, 1069
trimesters, or pentamesters; 1070

(3) To provide staggered attendance schedules if it receives 1071
approval to do so from the department of education. 1072

(B) A school district operating a school under this section 1073
shall have such school open for instruction for each pupil 1074
enrolled in that school for at least nine hundred ten hours during 1075
the school year. For purposes of determining whether a school that 1076
is on a staggered attendance schedule is in compliance with this 1077
section in any school year, the department of education may 1078
include days the school was open for instruction with pupils in 1079
attendance for not more than the first seventy days of the ensuing 1080
school year provided such days are not considered as days the 1081
school was open for instruction during such ensuing school year. 1082
The following shall be considered as time during which the schools 1083
are open for instruction for a pupil enrolled in such a school, or 1084
for a pupil enrolled in a school that is not on a staggered 1085
attendance schedule but that operates under this section: 1086

(1) Morning and afternoon recess periods of not more than 1087
fifteen minutes duration per period for a pupil in grades one 1088
through six; 1089

(2) Ten hours during which the pupil would otherwise be in 1090
attendance but ~~when he~~ is not required to attend school in order 1091
to provide time for individualized parent-teacher conferences and 1092
reporting periods; 1093

(3) Ten hours during which the pupil would otherwise be in attendance but is not required to attend school in order to provide time for teachers to attend professional meetings;

(4) The number of hours pupils would otherwise be in attendance but are not required to attend because school is closed as a result of a public calamity as provided in section 3317.01 of the Revised Code.

(C) No board of education shall discriminate on the basis of sexual orientation as defined in section 4112.01 of the Revised Code, sex, race, religion, or national origin when assigning pupils to attendance schedules pursuant to this section.

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

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

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

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

(C) Whether enrollment is limited to students who reside in 1124
the district in which the school is located or is open to 1125
residents of other districts, as provided in the policy adopted 1126
pursuant to the contract. 1127

(D)(1) That there will be no discrimination in the admission 1128
of students to the school on the basis of sexual orientation as 1129
defined in section 4112.01 of the Revised Code, race, creed, 1130
color, handicapping condition, or sex except that: 1131

(a) The governing authority may establish single-gender 1132
schools for the purpose described in division (G) of this section 1133
provided comparable facilities and learning opportunities are 1134
offered for both boys and girls. Such comparable facilities and 1135
opportunities may be offered for each sex at separate locations. 1136

(b) The governing authority may establish a school that 1137
simultaneously serves a group of students identified as autistic 1138
and a group of students who are not handicapped, as authorized in 1139
section 3314.061 of the Revised Code. However, unless the total 1140
capacity established for the school has been filled, no student 1141
with any handicap shall be denied admission on the basis of that 1142
handicap. 1143

(2) That upon admission of any handicapped student, the 1144
community school will comply with all federal and state laws 1145
regarding the education of handicapped students. 1146

(E) That the school may not limit admission to students on 1147
the basis of intellectual ability, measures of achievement or 1148
aptitude, or athletic ability, except that a school may limit its 1149
enrollment to students as described in division (B) of this 1150
section. 1151

(F) That the community school will admit the number of 1152
students that does not exceed the capacity of the school's 1153
programs, classes, grade levels, or facilities. 1154

(G) That the purpose of single-gender schools that are 1155
established shall be to take advantage of the academic benefits 1156
some students realize from single-gender instruction and 1157
facilities and to offer students and parents residing in the 1158
district the option of a single-gender education. 1159

(H) That, except as otherwise provided under division (B) of 1160
this section or section 3314.061 of the Revised Code, if the 1161
number of applicants exceeds the capacity restrictions of division 1162
(F) of this section, students shall be admitted by lot from all 1163
those submitting applications, except preference shall be given to 1164
students attending the school the previous year and to students 1165
who reside in the district in which the school is located. 1166
Preference may be given to siblings of students attending the 1167
school the previous year. 1168

Notwithstanding divisions (A) to (H) of this section, in the 1169
event the racial composition of the enrollment of the community 1170
school is violative of a federal desegregation order, the 1171
community school shall take any and all corrective measures to 1172
comply with the desegregation order. 1173

Sec. 3332.09. The state board of career colleges and schools 1174
may limit, suspend, revoke, or refuse to issue or renew a 1175
certificate of registration or program authorization or may impose 1176
a penalty pursuant to section 3332.091 of the Revised Code for any 1177
one or combination of the following causes: 1178

(A) Violation of any provision of sections 3332.01 to 3332.09 1179
of the Revised Code, the board's minimum standards, or any rule 1180
made by the board; 1181

(B) Furnishing of false, misleading, deceptive, altered, or 1182
incomplete information or documents to the board; 1183

(C) The signing of an application or the holding of a 1184

certificate of registration by a person who has pleaded guilty or 1185
has been found guilty of a felony or has pleaded guilty or been 1186
found guilty of a crime involving moral turpitude; 1187

(D) The signing of an application or the holding of a 1188
certificate of registration by a person who is addicted to the use 1189
of any controlled substance, or who is found to be mentally 1190
incompetent; 1191

(E) Violation of any commitment made in an application for a 1192
certificate of registration or program authorization; 1193

(F) Presenting to prospective students, either at the time of 1194
solicitation or enrollment, or through advertising, mail 1195
circulars, or phone solicitation, misleading, deceptive, false, or 1196
fraudulent information relating to any program, employment 1197
opportunity, or opportunities for enrollment in accredited 1198
institutions of higher education after entering or completing 1199
programs offered by the holder of a certificate of registration; 1200

(G) Failure to provide or maintain premises or equipment for 1201
offering programs in a safe and sanitary condition; 1202

(H) Refusal by an agent to display the agent's permit upon 1203
demand of a prospective student or other interested person; 1204

(I) Failure to maintain financial resources adequate for the 1205
satisfactory conduct of programs as presented in the plan of 1206
operation or to retain a sufficient number and qualified staff of 1207
instruction, except that nothing in this chapter requires an 1208
instructor to be licensed by the state board of education or to 1209
hold any type of post-high school degree; 1210

(J) Offering training or programs other than those presented 1211
in the application, except that schools may offer special courses 1212
adapted to the needs of individual students when the special 1213
courses are in the subject field specified in the application; 1214

(K) Discrimination in the acceptance of students upon the 1215
basis of sexual orientation as defined in section 4112.01 of the 1216
Revised Code, race, color, religion, sex, or national origin; 1217

(L) Accepting the services of an agent not holding a valid 1218
permit issued under section 3332.10 or 3332.11 of the Revised 1219
Code; 1220

(M) The use of monetary or other valuable consideration by 1221
the school's agents or representatives to induce prospective 1222
students to enroll in the school, or the practice of awarding 1223
monetary or other valuable considerations without board approval 1224
to students in exchange for procuring the enrollment of others; 1225

(N) Failure to provide at the request of the board, any 1226
information, records, or files pertaining to the operation of the 1227
school or recruitment and enrollment of students. 1228

If the board modifies or adopts additional minimum standards 1229
or rules pursuant to section 3332.031 of the Revised Code, all 1230
schools and agents shall have sixty days from the effective date 1231
of the modifications or additional standards or rules to comply 1232
with such modifications or additions. 1233

Sec. 3721.13. (A) The rights of residents of a home shall 1234
include, but are not limited to, the following: 1235

(1) The right to a safe and clean living environment pursuant 1236
to the medicare and medicaid programs and applicable state laws 1237
and regulations prescribed by the public health council; 1238

(2) The right to be free from physical, verbal, mental, and 1239
emotional abuse and to be treated at all times with courtesy, 1240
respect, and full recognition of dignity and individuality; 1241

(3) Upon admission and thereafter, the right to adequate and 1242
appropriate medical treatment and nursing care and to other 1243
ancillary services that comprise necessary and appropriate care 1244

consistent with the program for which the resident contracted. 1245
This care shall be provided without regard to considerations such 1246
as sexual orientation as defined in section 4112.01 of the Revised 1247
Code, race, color, religion, national origin, age, or source of 1248
payment for care. 1249

(4) The right to have all reasonable requests and inquiries 1250
responded to promptly; 1251

(5) The right to have clothes and bed sheets changed as the 1252
need arises, to ensure the resident's comfort or sanitation; 1253

(6) The right to obtain from the home, upon request, the name 1254
and any specialty of any physician or other person responsible for 1255
the resident's care or for the coordination of care; 1256

(7) The right, upon request, to be assigned, within the 1257
capacity of the home to make the assignment, to the staff 1258
physician of the resident's choice, and the right, in accordance 1259
with the rules and written policies and procedures of the home, to 1260
select as the attending physician a physician who is not on the 1261
staff of the home. If the cost of a physician's services is to be 1262
met under a federally supported program, the physician shall meet 1263
the federal laws and regulations governing such services. 1264

(8) The right to participate in decisions that affect the 1265
resident's life, including the right to communicate with the 1266
physician and employees of the home in planning the resident's 1267
treatment or care and to obtain from the attending physician 1268
complete and current information concerning medical condition, 1269
prognosis, and treatment plan, in terms the resident can 1270
reasonably be expected to understand; the right of access to all 1271
information in the resident's medical record; and the right to 1272
give or withhold informed consent for treatment after the 1273
consequences of that choice have been carefully explained. When 1274
the attending physician finds that it is not medically advisable 1275

to give the information to the resident, the information shall be 1276
made available to the resident's sponsor on the resident's behalf, 1277
if the sponsor has a legal interest or is authorized by the 1278
resident to receive the information. The home is not liable for a 1279
violation of this division if the violation is found to be the 1280
result of an act or omission on the part of a physician selected 1281
by the resident who is not otherwise affiliated with the home. 1282

(9) The right to withhold payment for physician visitation if 1283
the physician did not visit the resident; 1284

(10) The right to confidential treatment of personal and 1285
medical records, and the right to approve or refuse the release of 1286
these records to any individual outside the home, except in case 1287
of transfer to another home, hospital, or health care system, as 1288
required by law or rule, or as required by a third-party payment 1289
contract; 1290

(11) The right to privacy during medical examination or 1291
treatment and in the care of personal or bodily needs; 1292

(12) The right to refuse, without jeopardizing access to 1293
appropriate medical care, to serve as a medical research subject; 1294

(13) The right to be free from physical or chemical 1295
restraints or prolonged isolation except to the minimum extent 1296
necessary to protect the resident from injury to self, others, or 1297
to property and except as authorized in writing by the attending 1298
physician for a specified and limited period of time and 1299
documented in the resident's medical record. Prior to authorizing 1300
the use of a physical or chemical restraint on any resident, the 1301
attending physician shall make a personal examination of the 1302
resident and an individualized determination of the need to use 1303
the restraint on that resident. 1304

Physical or chemical restraints or isolation may be used in 1305
an emergency situation without authorization of the attending 1306

physician only to protect the resident from injury to self or 1307
others. Use of the physical or chemical restraints or isolation 1308
shall not be continued for more than twelve hours after the onset 1309
of the emergency without personal examination and authorization by 1310
the attending physician. The attending physician or a staff 1311
physician may authorize continued use of physical or chemical 1312
restraints for a period not to exceed thirty days, and at the end 1313
of this period and any subsequent period may extend the 1314
authorization for an additional period of not more than thirty 1315
days. The use of physical or chemical restraints shall not be 1316
continued without a personal examination of the resident and the 1317
written authorization of the attending physician stating the 1318
reasons for continuing the restraint. 1319

If physical or chemical restraints are used under this 1320
division, the home shall ensure that the restrained resident 1321
receives a proper diet. In no event shall physical or chemical 1322
restraints or isolation be used for punishment, incentive, or 1323
convenience. 1324

(14) The right to the pharmacist of the resident's choice and 1325
the right to receive pharmaceutical supplies and services at 1326
reasonable prices not exceeding applicable and normally accepted 1327
prices for comparably packaged pharmaceutical supplies and 1328
services within the community; 1329

(15) The right to exercise all civil rights, unless the 1330
resident has been adjudicated incompetent pursuant to Chapter 1331
2111. of the Revised Code and has not been restored to legal 1332
capacity, as well as the right to the cooperation of the home's 1333
administrator in making arrangements for the exercise of the right 1334
to vote; 1335

(16) The right of access to opportunities that enable the 1336
resident, at the resident's own expense or at the expense of a 1337
third-party payer, to achieve the resident's fullest potential, 1338

including educational, vocational, social, recreational, and 1339
habilitation programs; 1340

(17) The right to consume a reasonable amount of alcoholic 1341
beverages at the resident's own expense, unless not medically 1342
advisable as documented in the resident's medical record by the 1343
attending physician or unless contradictory to written admission 1344
policies; 1345

(18) The right to use tobacco at the resident's own expense 1346
under the home's safety rules and under applicable laws and rules 1347
of the state, unless not medically advisable as documented in the 1348
resident's medical record by the attending physician or unless 1349
contradictory to written admission policies; 1350

(19) The right to retire and rise in accordance with the 1351
resident's reasonable requests, if the resident does not disturb 1352
others or the posted meal schedules and upon the home's request 1353
remains in a supervised area, unless not medically advisable as 1354
documented by the attending physician; 1355

(20) The right to observe religious obligations and 1356
participate in religious activities; the right to maintain 1357
individual and cultural identity; and the right to meet with and 1358
participate in activities of social and community groups at the 1359
resident's or the group's initiative; 1360

(21) The right upon reasonable request to private and 1361
unrestricted communications with the resident's family, social 1362
worker, and any other person, unless not medically advisable as 1363
documented in the resident's medical record by the attending 1364
physician, except that communications with public officials or 1365
with the resident's attorney or physician shall not be restricted. 1366
Private and unrestricted communications shall include, but are not 1367
limited to, the right to: 1368

(a) Receive, send, and mail sealed, unopened correspondence; 1369

(b) Reasonable access to a telephone for private communications;	1370 1371
(c) Private visits at any reasonable hour.	1372
(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in the resident's medical record by the attending physician;	1373 1374 1375 1376 1377
(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in the resident's medical record by the attending physician;	1378 1379 1380 1381 1382
(24) The right to retain and use personal clothing and a reasonable amount of possessions, in a reasonably secure manner, unless to do so would infringe on the rights of other residents or would not be medically advisable as documented in the resident's medical record by the attending physician;	1383 1384 1385 1386 1387
(25) The right to be fully informed, prior to or at the time of admission and during the resident's stay, in writing, of the basic rate charged by the home, of services available in the home, and of any additional charges related to such services, including charges for services not covered under the medicare or medicaid program. The basic rate shall not be changed unless thirty days notice is given to the resident or, if the resident is unable to understand this information, to the resident's sponsor.	1388 1389 1390 1391 1392 1393 1394 1395
(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's care from the home that itemizes charges not included in the basic rates;	1396 1397 1398 1399
(27)(a) The right to be free from financial exploitation;	1400

(b) The right to manage the resident's own personal financial 1401
affairs, or, if the resident has delegated this responsibility in 1402
writing to the home, to receive upon written request at least a 1403
quarterly accounting statement of financial transactions made on 1404
the resident's behalf. The statement shall include: 1405

(i) A complete record of all funds, personal property, or 1406
possessions of a resident from any source whatsoever, that have 1407
been deposited for safekeeping with the home for use by the 1408
resident or the resident's sponsor; 1409

(ii) A listing of all deposits and withdrawals transacted, 1410
which shall be substantiated by receipts which shall be available 1411
for inspection and copying by the resident or sponsor. 1412

(28) The right of the resident to be allowed unrestricted 1413
access to the resident's property on deposit at reasonable hours, 1414
unless requests for access to property on deposit are so 1415
persistent, continuous, and unreasonable that they constitute a 1416
nuisance; 1417

(29) The right to receive reasonable notice before the 1418
resident's room or roommate is changed, including an explanation 1419
of the reason for either change. 1420

(30) The right not to be transferred or discharged from the 1421
home unless the transfer is necessary because of one of the 1422
following: 1423

(a) The welfare and needs of the resident cannot be met in 1424
the home. 1425

(b) The resident's health has improved sufficiently so that 1426
the resident no longer needs the services provided by the home. 1427

(c) The safety of individuals in the home is endangered. 1428

(d) The health of individuals in the home would otherwise be 1429
endangered. 1430

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

(i) The resident's application, or a substantially similar previous application, has been denied by the county department of job and family services.

(ii) If the resident appealed the denial pursuant to division (C) of section 5101.35 of the Revised Code, the director of job and family services has upheld the denial.

(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5111.35 to 5111.62, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate.

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

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

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

in assisting residents. 1462

(32) The right to have any significant change in the 1463
resident's health status reported to the resident's sponsor. As 1464
soon as such a change is known to the home's staff, the home shall 1465
make a reasonable effort to notify the sponsor within twelve 1466
hours. 1467

(B) A sponsor may act on a resident's behalf to assure that 1468
the home does not deny the residents' rights under sections 1469
3721.10 to 3721.17 of the Revised Code. 1470

(C) Any attempted waiver of the rights listed in division (A) 1471
of this section is void. 1472

Sec. 3905.55. (A) Except as provided in division (B) of this 1473
section, an agent may charge a consumer a fee if all of the 1474
following conditions are met: 1475

(1) The fee is disclosed to the consumer in a manner that 1476
separately identifies the fee and the premium. 1477

(2) The fee is not calculated as a percentage of the premium. 1478

(3) The fee is not refunded, forgiven, waived, offset, or 1479
reduced by any commission earned or received for any policy or 1480
coverage sold. 1481

(4) The amount of the fee, and the consumer's obligation to 1482
pay the fee, are not conditioned upon the occurrence of a future 1483
event or condition, such as the purchase, cancellation, lapse, 1484
declination, or nonrenewal of insurance. 1485

(5) The agent discloses to the consumer that the fee is being 1486
charged by the agent and not by the insurance company, that 1487
neither state law nor the insurance company requires the agent to 1488
charge the fee, and that the fee is not refundable. 1489

(6) The consumer consents to the fee. 1490

(7) The agent, in charging the fee, does not discriminate on 1491
the basis of sexual orientation as defined in section 4112.01 of 1492
the Revised Code, race, sex, national origin, religion, 1493
disability, health status, age, marital status, or geographic 1494
location, and does not unfairly discriminate between persons of 1495
essentially the same class and of essentially the same hazard or 1496
expectation of life. 1497

(B) A fee may not be charged for taking or submitting an 1498
initial application for coverage with any one insurer or different 1499
programs with the same insurer, or processing a change to an 1500
existing policy, a cancellation, a claim, or a renewal, in 1501
connection with any of the following personal lines policies: 1502

(1) Private passenger automobile; 1503

(2) Homeowners, including coverage for tenants or condominium 1504
owners, owner-occupied fire or dwelling property coverage, 1505
personal umbrella liability, or any other personal lines-related 1506
coverage whether sold as a separate policy or as an endorsement to 1507
another personal lines policy; 1508

(3) Individual life insurance; 1509

(4) Individual sickness or accident insurance; 1510

(5) Disability income policies; 1511

(6) Credit insurance products. 1512

(C) Notwithstanding any other provision of this section, an 1513
agent may charge a fee for agent services in connection with a 1514
policy issued on a no-commission basis, if the agent provides the 1515
consumer with prior disclosure of the fee and of the services to 1516
be provided. 1517

(D) In the event of a dispute between an agent and a consumer 1518
regarding any disclosure required by this section, the agent has 1519
the burden of proving that the disclosure was made. 1520

(E)(1) No person shall fail to comply with this section. 1521

(2) Whoever violates division (E)(1) of this section is 1522
deemed to have engaged in an unfair and deceptive act or practice 1523
in the business of insurance under sections 3901.19 to 3901.26 of 1524
the Revised Code. 1525

(F) This section does not apply with respect to any expense 1526
fee charged by a surety bail bond agent to cover the costs 1527
incurred by the surety bail bond agent in executing the bail bond. 1528

Sec. 4111.17. (A) No employer, including the state and 1529
political subdivisions thereof, shall discriminate in the payment 1530
of wages on the basis of sexual orientation as defined in section 1531
4112.01 of the Revised Code, race, color, religion, sex, age, 1532
national origin, or ancestry by paying wages to any employee at a 1533
rate less than the rate at which the employer pays wages to 1534
another employee for equal work on jobs the performance of which 1535
requires equal skill, effort, and responsibility, and which are 1536
performed under similar conditions. 1537

(B) Nothing in this section prohibits an employer from paying 1538
wages to one employee at a rate different from that at which the 1539
employer pays another employee for the performance of equal work 1540
under similar conditions on jobs requiring equal skill, effort, 1541
and responsibility, when the payment is made pursuant to any of 1542
the following: 1543

(1) A seniority system; 1544

(2) A merit system; 1545

(3) A system which measures earnings by the quantity or 1546
quality of production; 1547

(4) A wage rate differential determined by any factor other 1548
than sexual orientation as defined in section 4112.01 of the 1549
Revised Code, race, color, religion, sex, age, national origin, or 1550

ancestry. 1551

(C) No employer shall reduce the wage rate of any employee in 1552
order to comply with this section. 1553

(D) The director of commerce shall carry out, administer, and 1554
enforce this section. Any employee discriminated against in 1555
violation of this section may sue in any court of competent 1556
jurisdiction to recover two times the amount of the difference 1557
between the wages actually received and the wages received by a 1558
person performing equal work for the employer, from the date of 1559
the commencement of the violation, and for costs, including 1560
attorney fees. The director may take an assignment of any such 1561
wage claim in trust for such employee and sue in the employee's 1562
behalf. In any civil action under this section, two or more 1563
employees of the same employer may join as co-plaintiffs in one 1564
action. The director may sue in one action for claims assigned to 1565
the director by two or more employees of the same employer. No 1566
agreement to work for a discriminatory wage constitutes a defense 1567
for any civil or criminal action to enforce this section. No 1568
employer shall discriminate against any employee because such 1569
employee makes a complaint or institutes, or testifies in, any 1570
proceeding under this section. 1571

(E) Any action arising under this section shall be initiated 1572
within one year after the date of violation. 1573

Sec. 4112.01. (A) As used in this chapter: 1574

(1) "Person" includes one or more individuals, partnerships, 1575
associations, organizations, corporations, legal representatives, 1576
trustees, trustees in bankruptcy, receivers, and other organized 1577
groups of persons. "Person" also includes, but is not limited to, 1578
any owner, lessor, assignor, builder, manager, broker, 1579
salesperson, appraiser, agent, employee, lending institution, and 1580
the state and all political subdivisions, authorities, agencies, 1581

boards, and commissions of the state.	1582
(2) "Employer" includes the state, any political subdivision of the state, any person employing four or more persons within the state, and any person acting directly or indirectly in the interest of an employer.	1583 1584 1585 1586
(3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person.	1587 1588 1589
(4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.	1590 1591 1592 1593 1594
(5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees.	1595 1596 1597 1598
(6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code.	1599 1600
(7) "Discriminate" includes segregate or separate.	1601
(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code.	1602 1603 1604
(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.	1605 1606 1607 1608 1609 1610
(10) "Housing accommodations" includes any building or	1611

structure, or portion of a building or structure, that is used or 1612
occupied or is intended, arranged, or designed to be used or 1613
occupied as the home residence, dwelling, dwelling unit, or 1614
sleeping place of one or more individuals, groups, or families 1615
whether or not living independently of each other; and any vacant 1616
land offered for sale or lease. "Housing accommodations" also 1617
includes any housing accommodations held or offered for sale or 1618
rent by a real estate broker, salesperson, or agent, by any other 1619
person pursuant to authorization of the owner, by the owner, or by 1620
the owner's legal representative. 1621

(11) "Restrictive covenant" means any specification limiting 1622
the transfer, rental, lease, or other use of any housing 1623
accommodations because of race, color, religion, sex, familial 1624
status, national origin, disability, or ancestry, or any 1625
limitation based upon affiliation with or approval by any person, 1626
directly or indirectly, employing race, color, religion, sex, 1627
familial status, national origin, disability, or ancestry as a 1628
condition of affiliation or approval. 1629

(12) "Burial lot" means any lot for the burial of deceased 1630
persons within any public burial ground or cemetery, including, 1631
but not limited to, cemeteries owned and operated by municipal 1632
corporations, townships, or companies or associations incorporated 1633
for cemetery purposes. 1634

(13) "Disability" means a physical or mental impairment that 1635
substantially limits one or more major life activities, including 1636
the functions of caring for one's self, performing manual tasks, 1637
walking, seeing, hearing, speaking, breathing, learning, and 1638
working; a record of a physical or mental impairment; or being 1639
regarded as having a physical or mental impairment. 1640

(14) Except as otherwise provided in section 4112.021 of the 1641
Revised Code, "age" means at least forty years old. 1642

(15) "Familial status" means either of the following:	1643
(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;	1644 1645 1646 1647 1648
(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.	1649 1650 1651
(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:	1652 1653 1654
(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;	1655 1656 1657 1658 1659 1660
(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;	1661 1662 1663
(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.	1664 1665 1666 1667 1668 1669
(b) "Physical or mental impairment" does not include any of the following:	1670 1671
(i) Homosexuality and bisexuality;	1672

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	1673 1674 1675
(iii) Compulsive gambling, kleptomania, or pyromania;	1676
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	1677 1678 1679
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	1680 1681
(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	1682 1683 1684 1685 1686 1687
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	1688 1689 1690
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	1691 1692
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	1693 1694
<u>(22) "Sexual orientation" means actual or perceived, heterosexuality, homosexuality, bisexuality, or gender identity and expression.</u>	1695 1696 1697
<u>(23) "Gender identity and expression" means the gender-related identity, appearance, expression, or behavior of an individual regardless of the individual's assigned sex at birth.</u>	1698 1699 1700
(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on	1701 1702

the basis of sex" include, but are not limited to, because of or 1703
on the basis of pregnancy, any illness arising out of and 1704
occurring during the course of a pregnancy, childbirth, or related 1705
medical conditions. Women affected by pregnancy, childbirth, or 1706
related medical conditions shall be treated the same for all 1707
employment-related purposes, including receipt of benefits under 1708
fringe benefit programs, as other persons not so affected but 1709
similar in their ability or inability to work, and nothing in 1710
division (B) of section 4111.17 of the Revised Code shall be 1711
interpreted to permit otherwise. This division shall not be 1712
construed to require an employer to pay for health insurance 1713
benefits for abortion, except where the life of the mother would 1714
be endangered if the fetus were carried to term or except where 1715
medical complications have arisen from the abortion, provided that 1716
nothing in this division precludes an employer from providing 1717
abortion benefits or otherwise affects bargaining agreements in 1718
regard to abortion. 1719

Sec. 4112.02. It shall be an unlawful discriminatory 1720
practice: 1721

(A) For any employer, because of the race, color, religion, 1722
sex, sexual orientation, national origin, disability, age, or 1723
ancestry of any person, to discharge without just cause, to refuse 1724
to hire, or otherwise to discriminate against that person with 1725
respect to hire, tenure, terms, conditions, or privileges of 1726
employment, or any matter directly or indirectly related to 1727
employment. 1728

(B) For an employment agency or personnel placement service, 1729
because of race, color, religion, sex, sexual orientation, 1730
national origin, disability, age, or ancestry, to do any of the 1731
following: 1732

(1) Refuse or fail to accept, register, classify properly, or 1733

refer for employment, or otherwise discriminate against any person; 1734
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(2) Comply with a request from an employer for referral of applicants for employment if the request directly or indirectly indicates that the employer fails to comply with the provisions of sections 4112.01 to 4112.07 of the Revised Code. 1736
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(C) For any labor organization to do any of the following: 1740

(1) Limit or classify its membership on the basis of race, color, religion, sex, sexual orientation, national origin, disability, age, or ancestry; 1741
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(2) Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of race, color, religion, sex, sexual orientation, national origin, disability, age, or ancestry. 1744
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(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, sexual orientation, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training. 1749
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(E) Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following: 1755
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(1) Elicit or attempt to elicit any information concerning the race, color, religion, sex, sexual orientation, national origin, disability, age, or ancestry of an applicant for employment or membership; 1760
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(2) Make or keep a record of the race, color, religion, sex, 1764
sexual orientation, national origin, disability, age, or ancestry 1765
of any applicant for employment or membership; 1766

(3) Use any form of application for employment, or personnel 1767
or membership blank, seeking to elicit information regarding race, 1768
color, religion, sex, sexual orientation, national origin, 1769
disability, age, or ancestry; but an employer holding a contract 1770
containing a nondiscrimination clause with the government of the 1771
United States, or any department or agency of that government, may 1772
require an employee or applicant for employment to furnish 1773
documentary proof of United States citizenship and may retain that 1774
proof in the employer's personnel records and may use photographic 1775
or fingerprint identification for security purposes; 1776

(4) Print or publish or cause to be printed or published any 1777
notice or advertisement relating to employment or membership 1778
indicating any preference, limitation, specification, or 1779
discrimination, based upon race, color, religion, sex, sexual 1780
orientation, national origin, disability, age, or ancestry; 1781

(5) Announce or follow a policy of denying or limiting, 1782
through a quota system or otherwise, employment or membership 1783
opportunities of any group because of the race, color, religion, 1784
sex, sexual orientation, national origin, disability, age, or 1785
ancestry of that group; 1786

(6) Utilize in the recruitment or hiring of persons any 1787
employment agency, personnel placement service, training school or 1788
center, labor organization, or any other employee-referring source 1789
known to discriminate against persons because of their race, 1790
color, religion, sex, sexual orientation, national origin, 1791
disability, age, or ancestry. 1792

(F) For any person seeking employment to publish or cause to 1793
be published any advertisement that specifies or in any manner 1794

indicates that person's race, color, religion, sex, sexual orientation, national origin, disability, age, or ancestry, or expresses a limitation or preference as to the race, color, religion, sex, sexual orientation, national origin, disability, age, or ancestry of any prospective employer.

(G) For any proprietor or any employee, keeper, or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, sex, sexual orientation, national origin, disability, age, or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges of the place of public accommodation.

(H) For any person to do any of the following:

(1) Refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, sexual orientation, familial status, ancestry, disability, or national origin;

(2) Represent to any person that housing accommodations are not available for inspection, sale, or rental, when in fact they are available, because of race, color, religion, sex, sexual orientation, familial status, ancestry, disability, or national origin;

(3) Discriminate against any person in the making or purchasing of loans or the provision of other financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations, or any person in the making or purchasing of loans or the provision of other financial assistance that is secured by residential real estate, because of race, color, religion, sex, sexual orientation, familial status,

ancestry, disability, or national origin or because of the racial 1826
composition of the neighborhood in which the housing 1827
accommodations are located, provided that the person, whether an 1828
individual, corporation, or association of any type, lends money 1829
as one of the principal aspects or incident to the person's 1830
principal business and not only as a part of the purchase price of 1831
an owner-occupied residence the person is selling nor merely 1832
casually or occasionally to a relative or friend; 1833

(4) Discriminate against any person in the terms or 1834
conditions of selling, transferring, assigning, renting, leasing, 1835
or subleasing any housing accommodations or in furnishing 1836
facilities, services, or privileges in connection with the 1837
ownership, occupancy, or use of any housing accommodations, 1838
including the sale of fire, extended coverage, or homeowners 1839
insurance, because of race, color, religion, sex, sexual 1840
orientation, familial status, ancestry, disability, or national 1841
origin or because of the racial composition of the neighborhood in 1842
which the housing accommodations are located; 1843

(5) Discriminate against any person in the terms or 1844
conditions of any loan of money, whether or not secured by 1845
mortgage or otherwise, for the acquisition, construction, 1846
rehabilitation, repair, or maintenance of housing accommodations 1847
because of race, color, religion, sex, sexual orientation, 1848
familial status, ancestry, disability, or national origin or 1849
because of the racial composition of the neighborhood in which the 1850
housing accommodations are located; 1851

(6) Refuse to consider without prejudice the combined income 1852
of both husband and wife for the purpose of extending mortgage 1853
credit to a married couple or either member of a married couple; 1854

(7) Print, publish, or circulate any statement or 1855
advertisement, or make or cause to be made any statement or 1856
advertisement, relating to the sale, transfer, assignment, rental, 1857

lease, sublease, or acquisition of any housing accommodations, or 1858
relating to the loan of money, whether or not secured by mortgage 1859
or otherwise, for the acquisition, construction, rehabilitation, 1860
repair, or maintenance of housing accommodations, that indicates 1861
any preference, limitation, specification, or discrimination based 1862
upon race, color, religion, sex, sexual orientation, familial 1863
status, ancestry, disability, or national origin, or an intention 1864
to make any such preference, limitation, specification, or 1865
discrimination; 1866

(8) Except as otherwise provided in division (H)(8) or (17) 1867
of this section, make any inquiry, elicit any information, make or 1868
keep any record, or use any form of application containing 1869
questions or entries concerning race, color, religion, sex, sexual 1870
orientation, familial status, ancestry, disability, or national 1871
origin in connection with the sale or lease of any housing 1872
accommodations or the loan of any money, whether or not secured by 1873
mortgage or otherwise, for the acquisition, construction, 1874
rehabilitation, repair, or maintenance of housing accommodations. 1875
Any person may make inquiries, and make and keep records, 1876
concerning race, color, religion, sex, sexual orientation, 1877
familial status, ancestry, disability, or national origin for the 1878
purpose of monitoring compliance with this chapter. 1879

(9) Include in any transfer, rental, or lease of housing 1880
accommodations any restrictive covenant, or honor or exercise, or 1881
attempt to honor or exercise, any restrictive covenant; 1882

(10) Induce or solicit, or attempt to induce or solicit, a 1883
housing accommodations listing, sale, or transaction by 1884
representing that a change has occurred or may occur with respect 1885
to the racial, religious, sexual, sexual orientation, familial 1886
status, or ethnic composition of the block, neighborhood, or other 1887
area in which the housing accommodations are located, or induce or 1888
solicit, or attempt to induce or solicit, a housing accommodations 1889

listing, sale, or transaction by representing that the presence or 1890
anticipated presence of persons of any race, color, religion, sex, 1891
sexual orientation, familial status, ancestry, disability, or 1892
national origin, in the block, neighborhood, or other area will or 1893
may have results including, but not limited to, the following: 1894

(a) The lowering of property values; 1895

(b) A change in the racial, religious, sexual, sexual 1896
orientation, familial status, or ethnic composition of the block, 1897
neighborhood, or other area; 1898

(c) An increase in criminal or antisocial behavior in the 1899
block, neighborhood, or other area; 1900

(d) A decline in the quality of the schools serving the 1901
block, neighborhood, or other area. 1902

(11) Deny any person access to or membership or participation 1903
in any multiple-listing service, real estate brokers' 1904
organization, or other service, organization, or facility relating 1905
to the business of selling or renting housing accommodations, or 1906
discriminate against any person in the terms or conditions of that 1907
access, membership, or participation, on account of race, color, 1908
religion, sex, sexual orientation, familial status, national 1909
origin, disability, or ancestry; 1910

(12) Coerce, intimidate, threaten, or interfere with any 1911
person in the exercise or enjoyment of, or on account of that 1912
person's having exercised or enjoyed or having aided or encouraged 1913
any other person in the exercise or enjoyment of, any right 1914
granted or protected by division (H) of this section; 1915

(13) Discourage or attempt to discourage the purchase by a 1916
prospective purchaser of housing accommodations, by representing 1917
that any block, neighborhood, or other area has undergone or might 1918
undergo a change with respect to its religious, racial, sexual, 1919
sexual orientation, familial status, or ethnic composition; 1920

(14) Refuse to sell, transfer, assign, rent, lease, sublease,	1921
or finance, or otherwise deny or withhold, a burial lot from any	1922
person because of the race, color, sex, <u>sexual orientation</u> ,	1923
familial status, age, ancestry, disability, or national origin of	1924
any prospective owner or user of the lot;	1925
(15) Discriminate in the sale or rental of, or otherwise make	1926
unavailable or deny, housing accommodations to any buyer or renter	1927
because of a disability of any of the following:	1928
(a) The buyer or renter;	1929
(b) A person residing in or intending to reside in the	1930
housing accommodations after they are sold, rented, or made	1931
available;	1932
(c) Any individual associated with the person described in	1933
division (H)(15)(b) of this section.	1934
(16) Discriminate in the terms, conditions, or privileges of	1935
the sale or rental of housing accommodations to any person or in	1936
the provision of services or facilities to any person in	1937
connection with the housing accommodations because of a disability	1938
of any of the following:	1939
(a) That person;	1940
(b) A person residing in or intending to reside in the	1941
housing accommodations after they are sold, rented, or made	1942
available;	1943
(c) Any individual associated with the person described in	1944
division (H)(16)(b) of this section.	1945
(17) Except as otherwise provided in division (H)(17) of this	1946
section, make an inquiry to determine whether an applicant for the	1947
sale or rental of housing accommodations, a person residing in or	1948
intending to reside in the housing accommodations after they are	1949
sold, rented, or made available, or any individual associated with	1950

that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:

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

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

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

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

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

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

(i) Providing a reasonable description of the proposed 1982
modification and reasonable assurances that the proposed 1983
modification will be made in a workerlike manner and that any 1984
required building permits will be obtained prior to the 1985
commencement of the proposed modification; 1986

(ii) Agreeing to restore at the end of the tenancy the 1987
interior of the housing accommodations to the condition they were 1988
in prior to the proposed modification, but subject to reasonable 1989
wear and tear during the period of occupancy, if it is reasonable 1990
for the landlord to condition permission for the proposed 1991
modification upon the agreement; 1992

(iii) Paying into an interest-bearing escrow account that is 1993
in the landlord's name, over a reasonable period of time, a 1994
reasonable amount of money not to exceed the projected costs at 1995
the end of the tenancy of the restoration of the interior of the 1996
housing accommodations to the condition they were in prior to the 1997
proposed modification, but subject to reasonable wear and tear 1998
during the period of occupancy, if the landlord finds the account 1999
reasonably necessary to ensure the availability of funds for the 2000
restoration work. The interest earned in connection with an escrow 2001
account described in this division shall accrue to the benefit of 2002
the disabled tenant who makes payments into the account. 2003

(b) A landlord shall not condition permission for a proposed 2004
modification upon a disabled tenant's payment of a security 2005
deposit that exceeds the customarily required security deposit of 2006
all tenants of the particular housing accommodations. 2007

(19) Refuse to make reasonable accommodations in rules, 2008
policies, practices, or services when necessary to afford a person 2009
with a disability equal opportunity to use and enjoy a dwelling 2010
unit, including associated public and common use areas; 2011

(20) Fail to comply with the standards and rules adopted 2012

under division (A) of section 3781.111 of the Revised Code; 2013

(21) Discriminate against any person in the selling, 2014
brokering, or appraising of real property because of race, color, 2015
religion, sex, sexual orientation, familial status, ancestry, 2016
disability, or national origin; 2017

(22) Fail to design and construct covered multifamily 2018
dwellings for first occupancy on or after June 30, 1992, in 2019
accordance with the following conditions: 2020

(a) The dwellings shall have at least one building entrance 2021
on an accessible route, unless it is impractical to do so because 2022
of the terrain or unusual characteristics of the site. 2023

(b) With respect to dwellings that have a building entrance 2024
on an accessible route, all of the following apply: 2025

(i) The public use areas and common use areas of the 2026
dwellings shall be readily accessible to and usable by persons 2027
with a disability. 2028

(ii) All the doors designed to allow passage into and within 2029
all premises shall be sufficiently wide to allow passage by 2030
persons with a disability who are in wheelchairs. 2031

(iii) All premises within covered multifamily dwelling units 2032
shall contain an accessible route into and through the dwelling; 2033
all light switches, electrical outlets, thermostats, and other 2034
environmental controls within such units shall be in accessible 2035
locations; the bathroom walls within such units shall contain 2036
reinforcements to allow later installation of grab bars; and the 2037
kitchens and bathrooms within such units shall be designed and 2038
constructed in a manner that enables an individual in a wheelchair 2039
to maneuver about such rooms. 2040

For purposes of division (H)(22) of this section, "covered 2041
multifamily dwellings" means buildings consisting of four or more 2042

units if such buildings have one or more elevators and ground 2043
floor units in other buildings consisting of four or more units. 2044

(I) For any person to discriminate in any manner against any 2045
other person because that person has opposed any unlawful 2046
discriminatory practice defined in this section or because that 2047
person has made a charge, testified, assisted, or participated in 2048
any manner in any investigation, proceeding, or hearing under 2049
sections 4112.01 to 4112.07 of the Revised Code. 2050

(J) For any person to aid, abet, incite, compel, or coerce 2051
the doing of any act declared by this section to be an unlawful 2052
discriminatory practice, to obstruct or prevent any person from 2053
complying with this chapter or any order issued under it, or to 2054
attempt directly or indirectly to commit any act declared by this 2055
section to be an unlawful discriminatory practice. 2056

(K)(1) Nothing in division (H) of this section shall bar any 2057
religious or denominational institution or organization, or any 2058
nonprofit charitable or educational organization that is operated, 2059
supervised, or controlled by or in connection with a religious 2060
organization, from limiting the sale, rental, or occupancy of 2061
housing accommodations that it owns or operates for other than a 2062
commercial purpose to persons of the same religion, or from giving 2063
preference in the sale, rental, or occupancy of such housing 2064
accommodations to persons of the same religion, unless membership 2065
in the religion is restricted on account of race, color, or 2066
national origin. 2067

(2) Nothing in division (H) of this section shall bar any 2068
bona fide private or fraternal organization that, incidental to 2069
its primary purpose, owns or operates lodgings for other than a 2070
commercial purpose, from limiting the rental or occupancy of the 2071
lodgings to its members or from giving preference to its members. 2072

(3) Nothing in division (H) of this section limits the 2073

applicability of any reasonable local, state, or federal 2074
restrictions regarding the maximum number of occupants permitted 2075
to occupy housing accommodations. Nothing in that division 2076
prohibits the owners or managers of housing accommodations from 2077
implementing reasonable occupancy standards based on the number 2078
and size of sleeping areas or bedrooms and the overall size of a 2079
dwelling unit, provided that the standards are not implemented to 2080
circumvent the purposes of this chapter and are formulated, 2081
implemented, and interpreted in a manner consistent with this 2082
chapter and any applicable local, state, or federal restrictions 2083
regarding the maximum number of occupants permitted to occupy 2084
housing accommodations. 2085

(4) Nothing in division (H) of this section requires that 2086
housing accommodations be made available to an individual whose 2087
tenancy would constitute a direct threat to the health or safety 2088
of other individuals or whose tenancy would result in substantial 2089
physical damage to the property of others. 2090

(5) Nothing in division (H) of this section pertaining to 2091
discrimination on the basis of familial status shall be construed 2092
to apply to any of the following: 2093

(a) Housing accommodations provided under any state or 2094
federal program that have been determined under the "Fair Housing 2095
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 2096
amended, to be specifically designed and operated to assist 2097
elderly persons; 2098

(b) Housing accommodations intended for and solely occupied 2099
by persons who are sixty-two years of age or older; 2100

(c) Housing accommodations intended and operated for 2101
occupancy by at least one person who is fifty-five years of age or 2102
older per unit, as determined under the "Fair Housing Amendments 2103
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 2104

(L) Nothing in divisions (A) to (E) of this section shall be 2105
construed to require a person with a disability to be employed or 2106
trained under circumstances that would significantly increase the 2107
occupational hazards affecting either the person with a 2108
disability, other employees, the general public, or the facilities 2109
in which the work is to be performed, or to require the employment 2110
or training of a person with a disability in a job that requires 2111
the person with a disability routinely to undertake any task, the 2112
performance of which is substantially and inherently impaired by 2113
the person's disability. 2114

(M) Nothing in divisions (H)(1) to (18) of this section shall 2115
be construed to require any person selling or renting property to 2116
modify the property in any way or to exercise a higher degree of 2117
care for a person with a disability, to relieve any person with a 2118
disability of any obligation generally imposed on all persons 2119
regardless of disability in a written lease, rental agreement, or 2120
contract of purchase or sale, or to forbid distinctions based on 2121
the inability to fulfill the terms and conditions, including 2122
financial obligations, of the lease, agreement, or contract. 2123

(N) An aggrieved individual may enforce the individual's 2124
rights relative to discrimination on the basis of age as provided 2125
for in this section by instituting a civil action, within one 2126
hundred eighty days after the alleged unlawful discriminatory 2127
practice occurred, in any court with jurisdiction for any legal or 2128
equitable relief that will effectuate the individual's rights. 2129

A person who files a civil action under this division is 2130
barred, with respect to the practices complained of, from 2131
instituting a civil action under section 4112.14 of the Revised 2132
Code and from filing a charge with the commission under section 2133
4112.05 of the Revised Code. 2134

(O) With regard to age, it shall not be an unlawful 2135
discriminatory practice and it shall not constitute a violation of 2136

division (A) of section 4112.14 of the Revised Code for any 2137
employer, employment agency, joint labor-management committee 2138
controlling apprenticeship training programs, or labor 2139
organization to do any of the following: 2140

(1) Establish bona fide employment qualifications reasonably 2141
related to the particular business or occupation that may include 2142
standards for skill, aptitude, physical capability, intelligence, 2143
education, maturation, and experience; 2144

(2) Observe the terms of a bona fide seniority system or any 2145
bona fide employee benefit plan, including, but not limited to, a 2146
retirement, pension, or insurance plan, that is not a subterfuge 2147
to evade the purposes of this section. However, no such employee 2148
benefit plan shall excuse the failure to hire any individual, and 2149
no such seniority system or employee benefit plan shall require or 2150
permit the involuntary retirement of any individual, because of 2151
the individual's age except as provided for in the "Age 2152
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 2153
29 U.S.C.A. 623, as amended by the "Age Discrimination in 2154
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 2155
623, as amended. 2156

(3) Retire an employee who has attained sixty-five years of 2157
age who, for the two-year period immediately before retirement, is 2158
employed in a bona fide executive or a high policymaking position, 2159
if the employee is entitled to an immediate nonforfeitable annual 2160
retirement benefit from a pension, profit-sharing, savings, or 2161
deferred compensation plan, or any combination of those plans, of 2162
the employer of the employee, which equals, in the aggregate, at 2163
least forty-four thousand dollars, in accordance with the 2164
conditions of the "Age Discrimination in Employment Act Amendment 2165
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 2166
Discrimination in Employment Act Amendments of 1986," 100 Stat. 2167
3342, 29 U.S.C.A. 631, as amended; 2168

(4) Observe the terms of any bona fide apprenticeship program	2169
if the program is registered with the Ohio apprenticeship council	2170
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is	2171
approved by the federal committee on apprenticeship of the United	2172
States department of labor.	2173
(P) Nothing in this chapter prohibiting age discrimination	2174
and nothing in division (A) of section 4112.14 of the Revised Code	2175
shall be construed to prohibit the following:	2176
(1) The designation of uniform age the attainment of which is	2177
necessary for public employees to receive pension or other	2178
retirement benefits pursuant to Chapter 145., 742., 3307., 3309.,	2179
or 5505. of the Revised Code;	2180
(2) The mandatory retirement of uniformed patrol officers of	2181
the state highway patrol as provided in section 5505.16 of the	2182
Revised Code;	2183
(3) The maximum age requirements for appointment as a patrol	2184
officer in the state highway patrol established by section 5503.01	2185
of the Revised Code;	2186
(4) The maximum age requirements established for original	2187
appointment to a police department or fire department in sections	2188
124.41 and 124.42 of the Revised Code;	2189
(5) Any maximum age not in conflict with federal law that may	2190
be established by a municipal charter, municipal ordinance, or	2191
resolution of a board of township trustees for original	2192
appointment as a police officer or firefighter;	2193
(6) Any mandatory retirement provision not in conflict with	2194
federal law of a municipal charter, municipal ordinance, or	2195
resolution of a board of township trustees pertaining to police	2196
officers and firefighters;	2197
(7) Until January 1, 1994, the mandatory retirement of any	2198

employee who has attained seventy years of age and who is serving 2199
under a contract of unlimited tenure, or similar arrangement 2200
providing for unlimited tenure, at an institution of higher 2201
education as defined in the "Education Amendments of 1980," 94 2202
Stat. 1503, 20 U.S.C.A. 1141(a). 2203

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 2204
section, for purposes of divisions (A) to (E) of this section, a 2205
disability does not include any physiological disorder or 2206
condition, mental or psychological disorder, or disease or 2207
condition caused by an illegal use of any controlled substance by 2208
an employee, applicant, or other person, if an employer, 2209
employment agency, personnel placement service, labor 2210
organization, or joint labor-management committee acts on the 2211
basis of that illegal use. 2212

(b) Division (Q)(1)(a) of this section does not apply to an 2213
employee, applicant, or other person who satisfies any of the 2214
following: 2215

(i) The employee, applicant, or other person has successfully 2216
completed a supervised drug rehabilitation program and no longer 2217
is engaging in the illegal use of any controlled substance, or the 2218
employee, applicant, or other person otherwise successfully has 2219
been rehabilitated and no longer is engaging in that illegal use. 2220

(ii) The employee, applicant, or other person is 2221
participating in a supervised drug rehabilitation program and no 2222
longer is engaging in the illegal use of any controlled substance. 2223

(iii) The employee, applicant, or other person is erroneously 2224
regarded as engaging in the illegal use of any controlled 2225
substance, but the employee, applicant, or other person is not 2226
engaging in that illegal use. 2227

(2) Divisions (A) to (E) of this section do not prohibit an 2228
employer, employment agency, personnel placement service, labor 2229

organization, or joint labor-management committee from doing any 2230
of the following: 2231

(a) Adopting or administering reasonable policies or 2232
procedures, including, but not limited to, testing for the illegal 2233
use of any controlled substance, that are designed to ensure that 2234
an individual described in division (Q)(1)(b)(i) or (ii) of this 2235
section no longer is engaging in the illegal use of any controlled 2236
substance; 2237

(b) Prohibiting the illegal use of controlled substances and 2238
the use of alcohol at the workplace by all employees; 2239

(c) Requiring that employees not be under the influence of 2240
alcohol or not be engaged in the illegal use of any controlled 2241
substance at the workplace; 2242

(d) Requiring that employees behave in conformance with the 2243
requirements established under "The Drug-Free Workplace Act of 2244
1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 2245

(e) Holding an employee who engages in the illegal use of any 2246
controlled substance or who is an alcoholic to the same 2247
qualification standards for employment or job performance, and the 2248
same behavior, to which the employer, employment agency, personnel 2249
placement service, labor organization, or joint labor-management 2250
committee holds other employees, even if any unsatisfactory 2251
performance or behavior is related to an employee's illegal use of 2252
a controlled substance or alcoholism; 2253

(f) Exercising other authority recognized in the "Americans 2254
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 2255
as amended, including, but not limited to, requiring employees to 2256
comply with any applicable federal standards. 2257

(3) For purposes of this chapter, a test to determine the 2258
illegal use of any controlled substance does not include a medical 2259
examination. 2260

(4) Division (Q) of this section does not encourage, 2261
prohibit, or authorize, and shall not be construed as encouraging, 2262
prohibiting, or authorizing, the conduct of testing for the 2263
illegal use of any controlled substance by employees, applicants, 2264
or other persons, or the making of employment decisions based on 2265
the results of that type of testing. 2266

Sec. 4112.021. (A) As used in this section: 2267

(1) "Credit" means the right granted by a creditor to a 2268
person to defer payment of a debt, to incur debt and defer its 2269
payment, or to purchase property or services and defer payment for 2270
the property or services. 2271

(2) "Creditor" means any person who regularly extends, 2272
renews, or continues credit, any person who regularly arranges for 2273
the extension, renewal, or continuation of credit, or any assignee 2274
of an original creditor who participates in the decision to 2275
extend, renew, or continue credit, whether or not any interest or 2276
finance charge is required. 2277

(3) "Credit reporting agency" means any person who, for 2278
monetary fees or dues or on a cooperative nonprofit basis, 2279
regularly assembles or evaluates credit information for the 2280
purpose of furnishing credit reports to creditors. 2281

(4) "Age" means any age of eighteen years or older. 2282

(B) It shall be an unlawful discriminatory practice: 2283

(1) For any creditor to do any of the following: 2284

(a) Discriminate against any applicant for credit in the 2285
granting, withholding, extending, or renewing of credit, or in the 2286
fixing of the rates, terms, or conditions of any form of credit, 2287
on the basis of race, color, religion, age, sex, sexual 2288
orientation, marital status, national origin, disability, or 2289
ancestry, except that this division shall not apply with respect 2290

to age in any real estate transaction between a financial 2291
institution, a dealer in intangibles, or an insurance company as 2292
defined in section 5725.01 of the Revised Code and its customers; 2293

(b) Use or make any inquiry as to race, color, religion, age, 2294
sex, sexual orientation, marital status, national origin, 2295
disability, or ancestry for the purpose of limiting or specifying 2296
those persons to whom credit will be granted, except that an 2297
inquiry of marital status does not constitute discrimination for 2298
the purposes of this section if the inquiry is made for the 2299
purpose of ascertaining the creditor's rights and remedies 2300
applicable to the particular extension of credit, and except that 2301
creditors are excepted from this division with respect to any 2302
inquiry, elicitation of information, record, or form of 2303
application required of a particular creditor by any 2304
instrumentality or agency of the United States, or required of a 2305
particular creditor by any agency or instrumentality to enforce 2306
the "Civil Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 2307
3608(c); 2308

(c) Refuse to consider the sources of income of an applicant 2309
for credit, or disregard or ignore the income of an applicant, in 2310
whole or in part, on the basis of race, color, religion, age, sex, 2311
sexual orientation, marital status, disability, national origin, 2312
or ancestry; 2313

(d) Refuse to grant credit to an individual in any name that 2314
individual customarily uses, if it has been determined in the 2315
normal course of business that the creditor will grant credit to 2316
the individual; 2317

(e) Impose any special requirements or conditions, including, 2318
but not limited to, a requirement for co-obligors or 2319
reapplication, upon any applicant or class of applicants on the 2320
basis of race, color, religion, age, sex, sexual orientation, 2321
marital status, national origin, disability, or ancestry in 2322

circumstances where similar requirements or conditions are not 2323
imposed on other applicants similarly situated, unless the special 2324
requirements or conditions that are imposed with respect to age 2325
are the result of a real estate transaction exempted under 2326
division (B)(1)(a) of this section or are the result of programs 2327
that grant preferences to certain age groups administered by 2328
instrumentalities or agencies of the United States, a state, or a 2329
political subdivision of a state; 2330

(f) Fail or refuse to provide an applicant for credit a 2331
written statement of the specific reasons for rejection of the 2332
application if requested in writing by the applicant within sixty 2333
days of the rejection. The creditor shall provide the written 2334
statement of the specific reason for rejection within thirty days 2335
after receipt of a request of that nature. For purposes of this 2336
section, a statement that the applicant was rejected solely on the 2337
basis of information received from a credit reporting agency or 2338
because the applicant failed to meet the standards required by the 2339
creditor's credit scoring system, uniformly applied, shall 2340
constitute a specific reason for rejection. 2341

(g) Fail or refuse to print on or firmly attach to each 2342
application for credit, in a type size no smaller than that used 2343
throughout most of the application form, the following notice: 2344
"The Ohio laws against discrimination require that all creditors 2345
make credit equally available to all credit worthy customers, and 2346
that credit reporting agencies maintain separate credit histories 2347
on each individual upon request. The Ohio civil rights commission 2348
administers compliance with this law." This notice is not required 2349
to be included in applications that have a multi-state 2350
distribution if the notice is mailed to the applicant with the 2351
notice of acceptance or rejection of the application. 2352

(h) Fail or refuse on the basis of race, color, religion, 2353
age, sex, sexual orientation, marital status, national origin, 2354

disability, or ancestry to maintain, upon the request of the 2355
individual, a separate account for each individual to whom credit 2356
is extended; 2357

(i) Fail or refuse on the basis of race, color, religion, 2358
age, sex, sexual orientation, marital status, national origin, 2359
disability, or ancestry to maintain records on any account 2360
established after November 1, 1976, to furnish information on the 2361
accounts to credit reporting agencies in a manner that clearly 2362
designates the contractual liability for repayment as indicated on 2363
the application for the account, and, if more than one individual 2364
is contractually liable for repayment, to maintain records and 2365
furnish information in the name of each individual. This division 2366
does not apply to individuals who are contractually liable only if 2367
the primary party defaults on the account. 2368

(2) For any credit reporting agency to do any of the 2369
following: 2370

(a) Fail or refuse on the basis of race, color, religion, 2371
age, sex, sexual orientation, marital status, national origin, 2372
disability, or ancestry to maintain, upon the request of the 2373
individual, a separate file on each individual about whom 2374
information is assembled or evaluated; 2375

(b) Fail or refuse on the basis of race, color, religion, 2376
age, sex, sexual orientation, marital status, national origin, 2377
disability, or ancestry to clearly note, maintain, and report any 2378
information furnished it under division (B)(1)(i) of this section. 2379

(C) This section does not prohibit a creditor from requesting 2380
the signature of both spouses to create a valid lien, pass clear 2381
title, or waive inchoate rights to property. 2382

(D) The rights granted by this section may be enforced by 2383
aggrieved individuals by filing a civil action in a court of 2384
common pleas within one hundred eighty days after the alleged 2385

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

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

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

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

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

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

(4) Adopt, promulgate, amend, and rescind rules to effectuate

the provisions of this chapter and the policies and practice of	2416
the commission in connection with this chapter;	2417
(5) Formulate policies to effectuate the purposes of this	2418
chapter and make recommendations to agencies and officers of the	2419
state or political subdivisions to effectuate the policies;	2420
(6) Receive, investigate, and pass upon written charges made	2421
under oath of unlawful discriminatory practices;	2422
(7) Make periodic surveys of the existence and effect of	2423
discrimination because of race, color, religion, sex, <u>sexual</u>	2424
<u>orientation</u> , familial status, national origin, disability, age, or	2425
ancestry on the enjoyment of civil rights by persons within the	2426
state;	2427
(8) Report, from time to time, but not less than once a year,	2428
to the general assembly and the governor, describing in detail the	2429
investigations, proceedings, and hearings it has conducted and	2430
their outcome, the decisions it has rendered, and the other work	2431
performed by it, which report shall include a copy of any surveys	2432
prepared pursuant to division (A)(7) of this section and shall	2433
include the recommendations of the commission as to legislative or	2434
other remedial action;	2435
(9) Prepare a comprehensive educational program, in	2436
cooperation with the department of education, for the students of	2437
the public schools of this state and for all other residents of	2438
this state that is designed to eliminate prejudice on the basis of	2439
race, color, religion, sex, <u>sexual orientation</u> , familial status,	2440
national origin, disability, age, or ancestry in this state, to	2441
further good will among those groups, and to emphasize the origin	2442
of prejudice against those groups, its harmful effects, and its	2443
incompatibility with American principles of equality and fair	2444
play;	2445
(10) Receive progress reports from agencies,	2446

instrumentalities, institutions, boards, commissions, and other 2447
entities of this state or any of its political subdivisions and 2448
their agencies, instrumentalities, institutions, boards, 2449
commissions, and other entities regarding affirmative action 2450
programs for the employment of persons against whom discrimination 2451
is prohibited by this chapter, or regarding any affirmative 2452
housing accommodations programs developed to eliminate or reduce 2453
an imbalance of race, color, religion, sex, sexual orientation, 2454
familial status, national origin, disability, or ancestry. All 2455
agencies, instrumentalities, institutions, boards, commissions, 2456
and other entities of this state or its political subdivisions, 2457
and all political subdivisions, that have undertaken affirmative 2458
action programs pursuant to a conciliation agreement with the 2459
commission, an executive order of the governor, any federal 2460
statute or rule, or an executive order of the president of the 2461
United States shall file progress reports with the commission 2462
annually on or before the first day of November. The commission 2463
shall analyze and evaluate the progress reports and report its 2464
findings annually to the general assembly on or before the 2465
thirtieth day of January of the year immediately following the 2466
receipt of the reports. 2467

(B) The commission may do any of the following: 2468

(1) Meet and function at any place within the state; 2469

(2) Initiate and undertake on its own motion investigations 2470
of problems of employment or housing accommodations 2471
discrimination; 2472

(3) Hold hearings, subpoena witnesses, compel their 2473
attendance, administer oaths, take the testimony of any person 2474
under oath, require the production for examination of any books 2475
and papers relating to any matter under investigation or in 2476
question before the commission, and make rules as to the issuance 2477
of subpoenas by individual commissioners. 2478

(a) In conducting a hearing or investigation, the commission 2479
shall have access at all reasonable times to premises, records, 2480
documents, individuals, and other evidence or possible sources of 2481
evidence and may examine, record, and copy the premises, records, 2482
documents, and other evidence or possible sources of evidence and 2483
take and record the testimony or statements of the individuals as 2484
reasonably necessary for the furtherance of the hearing or 2485
investigation. In investigations, the commission shall comply with 2486
the fourth amendment to the United States Constitution relating to 2487
unreasonable searches and seizures. The commission or a member of 2488
the commission may issue subpoenas to compel access to or the 2489
production of premises, records, documents, and other evidence or 2490
possible sources of evidence or the appearance of individuals, and 2491
may issue interrogatories to a respondent, to the same extent and 2492
subject to the same limitations as would apply if the subpoenas or 2493
interrogatories were issued or served in aid of a civil action in 2494
a court of common pleas. 2495

(b) Upon written application by a respondent, the commission 2496
shall issue subpoenas in its name to the same extent and subject 2497
to the same limitations as subpoenas issued by the commission. 2498
Subpoenas issued at the request of a respondent shall show on 2499
their face the name and address of the respondent and shall state 2500
that they were issued at the respondent's request. 2501

(c) Witnesses summoned by subpoena of the commission are 2502
entitled to the same witness and mileage fees as are witnesses in 2503
proceedings in a court of common pleas. 2504

(d) Within five days after service of a subpoena upon any 2505
person, the person may petition the commission to revoke or modify 2506
the subpoena. The commission shall grant the petition if it finds 2507
that the subpoena requires an appearance or attendance at an 2508
unreasonable time or place, that it requires production of 2509
evidence that does not relate to any matter before the commission, 2510

that it does not describe with sufficient particularity the 2511
evidence to be produced, that compliance would be unduly onerous, 2512
or for other good reason. 2513

(e) In case of contumacy or refusal to obey a subpoena, the 2514
commission or person at whose request it was issued may petition 2515
for its enforcement in the court of common pleas in the county in 2516
which the person to whom the subpoena was addressed resides, was 2517
served, or transacts business. 2518

(4) Create local or statewide advisory agencies and 2519
conciliation councils to aid in effectuating the purposes of this 2520
chapter. The commission may itself, or it may empower these 2521
agencies and councils to, do either or both of the following: 2522

(a) Study the problems of discrimination in all or specific 2523
fields of human relationships when based on race, color, religion, 2524
sex, sexual orientation, familial status, national origin, 2525
disability, age, or ancestry; 2526

(b) Foster through community effort, or otherwise, good will 2527
among the groups and elements of the population of the state. 2528

The agencies and councils may make recommendations to the 2529
commission for the development of policies and procedures in 2530
general. They shall be composed of representative citizens who 2531
shall serve without pay, except that reimbursement for actual and 2532
necessary traveling expenses shall be made to citizens who serve 2533
on a statewide agency or council. 2534

(5) Issue any publications and the results of investigations 2535
and research that in its judgment will tend to promote good will 2536
and minimize or eliminate discrimination because of race, color, 2537
religion, sex, sexual orientation, familial status, national 2538
origin, disability, age, or ancestry. 2539

Sec. 4112.05. (A) The commission, as provided in this 2540

section, shall prevent any person from engaging in unlawful 2541
discriminatory practices, provided that, before instituting the 2542
formal hearing authorized by division (B) of this section, it 2543
shall attempt, by informal methods of conference, conciliation, 2544
and persuasion, to induce compliance with this chapter. 2545

(B)(1) Any person may file a charge with the commission 2546
alleging that another person has engaged or is engaging in an 2547
unlawful discriminatory practice. In the case of a charge alleging 2548
an unlawful discriminatory practice described in division (A), 2549
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 2550
section 4112.021 or 4112.022 of the Revised Code, the charge shall 2551
be in writing and under oath and shall be filed with the 2552
commission within six months after the alleged unlawful 2553
discriminatory practice was committed. In the case of a charge 2554
alleging an unlawful discriminatory practice described in division 2555
(H) of section 4112.02 of the Revised Code, the charge shall be in 2556
writing and under oath and shall be filed with the commission 2557
within one year after the alleged unlawful discriminatory practice 2558
was committed. 2559

(2) Upon receiving a charge, the commission may initiate a 2560
preliminary investigation to determine whether it is probable that 2561
an unlawful discriminatory practice has been or is being engaged 2562
in. The commission also may conduct, upon its own initiative and 2563
independent of the filing of any charges, a preliminary 2564
investigation relating to any of the unlawful discriminatory 2565
practices described in division (A), (B), (C), (D), (E), (F), (I), 2566
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 2567
the Revised Code. Prior to a notification of a complainant under 2568
division (B)(4) of this section or prior to the commencement of 2569
informal methods of conference, conciliation, and persuasion under 2570
that division, the members of the commission and the officers and 2571
employees of the commission shall not make public in any manner 2572

and shall retain as confidential all information that was obtained 2573
as a result of or that otherwise pertains to a preliminary 2574
investigation other than one described in division (B)(3) of this 2575
section. 2576

(3)(a) Unless it is impracticable to do so and subject to its 2577
authority under division (B)(3)(d) of this section, the commission 2578
shall complete a preliminary investigation of a charge filed 2579
pursuant to division (B)(1) of this section that alleges an 2580
unlawful discriminatory practice described in division (H) of 2581
section 4112.02 of the Revised Code, and shall take one of the 2582
following actions, within one hundred days after the filing of the 2583
charge: 2584

(i) Notify the complainant and the respondent that it is not 2585
probable that an unlawful discriminatory practice described in 2586
division (H) of section 4112.02 of the Revised Code has been or is 2587
being engaged in and that the commission will not issue a 2588
complaint in the matter; 2589

(ii) Initiate a complaint and schedule it for informal 2590
methods of conference, conciliation, and persuasion; 2591

(iii) Initiate a complaint and refer it to the attorney 2592
general with a recommendation to seek a temporary or permanent 2593
injunction or a temporary restraining order. If this action is 2594
taken, the attorney general shall apply, as expeditiously as 2595
possible after receipt of the complaint, to the court of common 2596
pleas of the county in which the unlawful discriminatory practice 2597
allegedly occurred for the appropriate injunction or order, and 2598
the court shall hear and determine the application as 2599
expeditiously as possible. 2600

(b) If it is not practicable to comply with the requirements 2601
of division (B)(3)(a) of this section within the one-hundred-day 2602
period described in that division, the commission shall notify the 2603

complainant and the respondent in writing of the reasons for the 2604
noncompliance. 2605

(c) Prior to the issuance of a complaint under division 2606
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 2607
of the complainant and the respondent under division (B)(3)(a)(i) 2608
of this section, the members of the commission and the officers 2609
and employees of the commission shall not make public in any 2610
manner and shall retain as confidential all information that was 2611
obtained as a result of or that otherwise pertains to a 2612
preliminary investigation of a charge filed pursuant to division 2613
(B)(1) of this section that alleges an unlawful discriminatory 2614
practice described in division (H) of section 4112.05 of the 2615
Revised Code. 2616

(d) Notwithstanding the types of action described in 2617
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2618
issuance of a complaint or the referral of a complaint to the 2619
attorney general and prior to endeavoring to eliminate an unlawful 2620
discriminatory practice described in division (H) of section 2621
4112.02 of the Revised Code by informal methods of conference, 2622
conciliation, and persuasion, the commission may seek a temporary 2623
or permanent injunction or a temporary restraining order in the 2624
court of common pleas of the county in which the unlawful 2625
discriminatory practice allegedly occurred. 2626

(4) If the commission determines after a preliminary 2627
investigation other than one described in division (B)(3) of this 2628
section that it is not probable that an unlawful discriminatory 2629
practice has been or is being engaged in, it shall notify any 2630
complainant under division (B)(1) of this section that it has so 2631
determined and that it will not issue a complaint in the matter. 2632
If the commission determines after a preliminary investigation 2633
other than the one described in division (B)(3) of this section 2634
that it is probable that an unlawful discriminatory practice has 2635

been or is being engaged in, it shall endeavor to eliminate the 2636
practice by informal methods of conference, conciliation, and 2637
persuasion. 2638

(5) Nothing said or done during informal methods of 2639
conference, conciliation, and persuasion under this section shall 2640
be disclosed by any member of the commission or its staff or be 2641
used as evidence in any subsequent hearing or other proceeding. 2642
If, after a preliminary investigation and the use of informal 2643
methods of conference, conciliation, and persuasion under this 2644
section, the commission is satisfied that any unlawful 2645
discriminatory practice will be eliminated, it may treat the 2646
charge involved as being conciliated and enter that disposition on 2647
the records of the commission. If the commission fails to effect 2648
the elimination of an unlawful discriminatory practice by informal 2649
methods of conference, conciliation, and persuasion under this 2650
section and to obtain voluntary compliance with this chapter, the 2651
commission shall issue and cause to be served upon any person, 2652
including the respondent against whom a complainant has filed a 2653
charge pursuant to division (B)(1) of this section, a complaint 2654
stating the charges involved and containing a notice of an 2655
opportunity for a hearing before the commission, a member of the 2656
commission, or a hearing examiner at a place that is stated in the 2657
notice and that is located within the county in which the alleged 2658
unlawful discriminatory practice has occurred or is occurring or 2659
in which the respondent resides or transacts business. The hearing 2660
shall be held not less than thirty days after the service of the 2661
complaint upon the complainant, the aggrieved persons other than 2662
the complainant on whose behalf the complaint is issued, and the 2663
respondent, unless the complainant, an aggrieved person, or the 2664
respondent elects to proceed under division (A)(2) of section 2665
4112.051 of the Revised Code when that division is applicable. If 2666
a complaint pertains to an alleged unlawful discriminatory 2667
practice described in division (H) of section 4112.02 of the 2668

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

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

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

(C) Any complaint issued pursuant to division (B) of this
section may be amended by the commission, a member of the
commission, or the hearing examiner conducting a hearing under
division (B) of this section, at any time prior to or during the
hearing. The respondent has the right to file an answer or an
amended answer to the original and amended complaints and to
appear at the hearing in person, by attorney, or otherwise to
examine and cross-examine witnesses.

(D) The complainant shall be a party to a hearing under
division (B) of this section, and any person who is an
indispensable party to a complete determination or settlement of a
question involved in the hearing shall be joined. Any person who
has or claims an interest in the subject of the hearing and in
obtaining or preventing relief against the unlawful discriminatory
practices complained of may be permitted, in the discretion of the
person or persons conducting the hearing, to appear for the
presentation of oral or written arguments.

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

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

(G)(1) If, upon all reliable, probative, and substantial evidence presented at a hearing under division (B) of this section, the commission determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice, whether against the complainant or others, the commission shall state its findings of fact and conclusions of law and shall issue and, subject to the provisions of Chapter 119. of the Revised Code, cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory practice, requiring the respondent to take any further affirmative or other action that will effectuate the purposes of this chapter, including, but not limited to, hiring, reinstatement, or upgrading of employees with or without back pay, or admission or restoration

to union membership, and requiring the respondent to report to the 2732
commission the manner of compliance. If the commission directs 2733
payment of back pay, it shall make allowance for interim earnings. 2734
If it finds a violation of division (H) of section 4112.02 of the 2735
Revised Code, the commission additionally shall require the 2736
respondent to pay actual damages and reasonable attorney's fees, 2737
and may award to the complainant punitive damages as follows: 2738

(a) If division (G)(1)(b) or (c) of this section does not 2739
apply, punitive damages in an amount not to exceed ten thousand 2740
dollars; 2741

(b) If division (G)(1)(c) of this section does not apply and 2742
if the respondent has been determined by a final order of the 2743
commission or by a final judgment of a court to have committed one 2744
violation of division (H) of section 4112.02 of the Revised Code 2745
during the five-year period immediately preceding the date on 2746
which a complaint was issued pursuant to division (B) of this 2747
section, punitive damages in an amount not to exceed twenty-five 2748
thousand dollars; 2749

(c) If the respondent has been determined by a final order of 2750
the commission or by a final judgment of a court to have committed 2751
two or more violations of division (H) of section 4112.02 of the 2752
Revised Code during the seven-year period immediately preceding 2753
the date on which a complaint was issued pursuant to division (B) 2754
of this section, punitive damages in an amount not to exceed fifty 2755
thousand dollars. 2756

(2) Upon the submission of reports of compliance, the 2757
commission may issue a declaratory order stating that the 2758
respondent has ceased to engage in particular unlawful 2759
discriminatory practices. 2760

(H) If the commission finds that no probable cause exists for 2761
crediting charges of unlawful discriminatory practices or if, upon 2762

all the evidence presented at a hearing under division (B) of this 2763
section on a charge, the commission finds that a respondent has 2764
not engaged in any unlawful discriminatory practice against the 2765
complainant or others, it shall state its findings of fact and 2766
shall issue and cause to be served on the complainant an order 2767
dismissing the complaint as to the respondent. A copy of the order 2768
shall be delivered in all cases to the attorney general and any 2769
other public officers whom the commission considers proper. 2770

(I) Until the time period for appeal set forth in division 2771
(H) of section 4112.06 of the Revised Code expires, the 2772
commission, subject to the provisions of Chapter 119. of the 2773
Revised Code, at any time, upon reasonable notice, and in the 2774
manner it considers proper, may modify or set aside, in whole or 2775
in part, any finding or order made by it under this section. 2776

Sec. 4112.08. This chapter shall be construed liberally for 2777
the accomplishment of its purposes, and any law inconsistent with 2778
any provision of this chapter shall not apply. Nothing contained 2779
in this chapter shall be considered to repeal any of the 2780
provisions of any law of this state relating to discrimination 2781
because of race, color, religion, sex, sexual orientation, 2782
familial status, disability, national origin, age, or ancestry, 2783
except that any person filing a charge under division (B)(1) of 2784
section 4112.05 of the Revised Code, with respect to the unlawful 2785
discriminatory practices complained of, is barred from instituting 2786
a civil action under section 4112.14 or division (N) of section 2787
4112.02 of the Revised Code. 2788

Sec. 4117.19. (A) Every employee organization that is 2789
certified or recognized as a representative of public employees 2790
under Chapter 4117. of the Revised Code shall file with the state 2791
employment relations board a registration report that is signed by 2792
its president or other appropriate officer. The report shall be in 2793

a form prescribed by the board and accompanied by two copies of 2794
the employee organization's constitution and bylaws. The board 2795
shall accept a filing by a statewide, national, or international 2796
employee organization of its constitution and bylaws in lieu of a 2797
filing of the documents by each subordinate organization. The 2798
exclusive representative or other employee organization originally 2799
filing its constitution and bylaws shall report, promptly, to the 2800
board all changes or amendments to its constitution and bylaws. 2801

(B) Every employee organization shall file with the board an 2802
annual report. The report shall be in a form prescribed by the 2803
board and shall contain the following information: 2804

(1) The names and addresses of the organization, any parent 2805
organization or organizations with which it is affiliated, and all 2806
organizationwide officers; 2807

(2) The name and address of its local agent for service of 2808
process; 2809

(3) A general description of the public employees the 2810
organization represents or seeks to represent; 2811

(4) The amounts of the initiation fee and monthly dues 2812
members must pay; 2813

(5) A pledge, in a form prescribed by the board, that the 2814
organization will comply with the laws of the state and that it 2815
will accept members without regard to age, race, color, sex, 2816
creed, religion, ancestry, or national origin_{-i} disability or 2817
sexual orientation, as those terms are defined in section 4112.01 2818
of the Revised Code_{-i} or physical disability as provided by law_{+i} 2819

(6) A financial report. 2820

(C) The constitution or bylaws of every employee organization 2821
shall do all of the following: 2822

(1) Require that the organization keep accurate accounts of 2823

all income and expenses, prepare an annual financial report, keep 2824
open for inspection by any member of the organization its 2825
accounts, and make loans to officers and agents only on terms and 2826
conditions available to all members; 2827

(2) Prohibit business or financial interests of its officers 2828
and agents, their spouses, minor children, parents, or otherwise, 2829
in conflict with the fiduciary obligation of such persons to the 2830
organization; 2831

(3) When specifically requested by the board, require every 2832
official who is designated as a fiscal officer of an employee 2833
organization and who is responsible for funds or other property of 2834
the organization or trust in which an organization is interested, 2835
or a subsidiary organization be bonded with the amount, scope, and 2836
form of the bond determined by the board; 2837

(4) Require periodic elections of officers by secret ballot 2838
subject to recognized safeguards concerning the equal right of all 2839
members to nominate, seek office, and vote in the elections, the 2840
right of individual members to participate in the affairs of the 2841
organization, and fair and equitable procedures in disciplinary 2842
actions. 2843

(D) The board shall prescribe rules necessary to govern the 2844
establishment and reporting of trusteeships over employee 2845
organizations. The establishment of trusteeships is permissible 2846
only if the constitution or bylaws of the organization set forth 2847
reasonable procedures. 2848

(E) The board may withhold certification of an employee 2849
organization that willfully refuses to register or file an annual 2850
report or that willfully refuses to comply with other provisions 2851
of this section. The board may revoke a certification of an 2852
employee organization for willfully failing to comply with this 2853
section. The board may enforce the prohibitions contained in this 2854

section by petitioning the court of common pleas of the county in 2855
which the violation occurs for an injunction. Persons complaining 2856
of a violation of this section shall file the complaint with the 2857
board. 2858

(F) Upon the written request to the board of any member of a 2859
certified employee organization and where the board determines the 2860
necessity for an audit, the board may require the employee 2861
organization to provide a certified audit of its financial 2862
records. 2863

(G) Any employee organization subject to the 2864
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 2865
519, 29 U.S.C.A., 401, as amended, may file copies with the board 2866
of all reports it is required to file under that act in lieu of 2867
compliance with all parts of this section other than division (A) 2868
of this section. The board shall accept a filing by a statewide, 2869
national, or international employee organization of its reports in 2870
lieu of a filing of such reports by each subordinate organization. 2871

Sec. 4735.16. (A) Every real estate broker licensed under 2872
this chapter shall have and maintain a definite place of business 2873
in this state and shall erect or maintain a sign on the premises 2874
plainly stating that the licensee is a real estate broker. If the 2875
real estate broker maintains one or more branch offices, the real 2876
estate broker shall erect or maintain a sign at each branch office 2877
plainly stating that the licensee is a real estate broker. 2878

(B)(1) Any licensed real estate broker or salesperson who 2879
advertises to buy, sell, exchange, or lease real estate, or to 2880
engage in any act regulated by this chapter, including, but not 2881
limited to, any licensed real estate broker or salesperson who 2882
advertises to sell, exchange, or lease real estate that the 2883
licensee owns, shall be identified in the advertisement by name 2884
and by indicating that the licensee is a real estate broker or 2885

real estate salesperson. Except a real estate salesperson who 2886
advertises the sale, exchange, or lease of real estate that the 2887
salesperson owns and that is not listed for sale, exchange, or 2888
lease with a real estate broker, any real estate salesperson who 2889
advertises, as provided in this section, also shall indicate in 2890
the advertisement the name of the broker under whom the 2891
salesperson is licensed and the fact that the salesperson's broker 2892
is a real estate broker. The name of the broker shall be displayed 2893
in equal prominence with the name of the salesperson in the 2894
advertisement. 2895

(2) A real estate broker who is representing a seller under 2896
an exclusive right to sell or lease listing agreement shall not 2897
advertise such property to the public as "for sale by owner" or 2898
otherwise mislead the public to believe that the seller is not 2899
represented by a real estate broker. 2900

(3) If any real estate broker or real estate salesperson 2901
advertises in a manner other than as provided in this section or 2902
the rules adopted under this section, that advertisement is ~~prima-~~ 2903
~~facie~~ prima-facie evidence of a violation under division (A)(21) 2904
of section 4735.18 of the Revised Code. 2905

When the superintendent determines that prima-facie evidence 2906
of a violation of division (A)(21) of section 4735.18 of the 2907
Revised Code or any of the rules adopted thereunder exists, the 2908
superintendent may do either of the following: 2909

(a) Initiate disciplinary action under section 4735.051 of 2910
the Revised Code for a violation of division (A)(21) of section 2911
4735.18 of the Revised Code, in accordance with Chapter 119. of 2912
the Revised Code; 2913

(b) Personally, or by certified mail, serve a citation upon 2914
the licensee. 2915

(C)(1) Every citation served under this section shall give 2916

notice to the licensee of the alleged violation or violations 2917
charged and inform the licensee of the opportunity to request a 2918
hearing in accordance with Chapter 119. of the Revised Code. The 2919
citation also shall contain a statement of a fine of two hundred 2920
dollars per violation, not to exceed two thousand five hundred 2921
dollars per citation. All fines collected pursuant to this section 2922
shall be credited to the real estate recovery fund, created in the 2923
state treasury under section 4735.12 of the Revised Code. 2924

(2) If any licensee is cited three times within twelve 2925
consecutive months, the superintendent shall initiate disciplinary 2926
action pursuant to section 4735.051 of the Revised Code for any 2927
subsequent violation that occurs within the same twelve-month 2928
period. 2929

(3) If a licensee fails to request a hearing within thirty 2930
days of the date of service of the citation, or the licensee and 2931
the superintendent fail to reach an alternative agreement, the 2932
citation shall become final. 2933

(4) Unless otherwise indicated, the licensee named in a final 2934
citation must meet all requirements contained in the final 2935
citation within thirty days of the effective date of that 2936
citation. 2937

(5) The superintendent shall suspend automatically a 2938
licensee's license if the licensee fails to comply with division 2939
(C)(4) of this section. 2940

(D) A real estate broker or salesperson obtaining the 2941
signature of a party to a listing or other agreement involved in a 2942
real estate transaction shall furnish a copy of the listing or 2943
other agreement to the party immediately after obtaining the 2944
party's signature. Every broker's office shall prominently display 2945
in the same immediate area as licenses are displayed a statement 2946
that it is illegal to discriminate against any person because of 2947

race, color, religion, or sex; familial status, disability or 2948
sexual orientation, as those terms are defined in section 4112.01 2949
of the Revised Code; ~~national origin, disability as defined in~~ 2950
~~that section~~; or ancestry in the sale or rental of housing or 2951
residential lots, in advertising the sale or rental of housing, in 2952
the financing of housing, or in the provision of real estate 2953
brokerage services and that blockbusting also is illegal. The 2954
statement shall bear the United States department of housing and 2955
urban development equal housing logo, shall contain the 2956
information that the broker and the broker's salespersons are 2957
licensed by the division of real estate and that the division can 2958
assist with any consumer complaints or inquiries, and shall 2959
explain the provisions of section 4735.12 of the Revised Code. The 2960
statement shall provide the division's address and telephone 2961
number. The Ohio real estate commission shall provide by rule for 2962
the wording and size of the statement. The pamphlet required under 2963
section 4735.03 of the Revised Code shall contain the same 2964
statement that is required on the statement displayed as provided 2965
in this section and shall be made available by real estate brokers 2966
and salespersons to their clients. The commission shall provide 2967
the wording and size of the pamphlet. 2968

Sec. 4735.55. (A) Each written agency agreement shall contain 2969
all of the following: 2970

(1) An expiration date; 2971

(2) A statement that it is illegal, pursuant to the Ohio fair 2972
housing law, division (H) of section 4112.02 of the Revised Code, 2973
and the federal fair housing law, 42 U.S.C.A. 3601, to refuse to 2974
sell, transfer, assign, rent, lease, sublease, or finance housing 2975
accommodations, refuse to negotiate for the sale or rental of 2976
housing accommodations, or otherwise deny or make unavailable 2977
housing accommodations because of race, color, religion, or sex; 2978

familial status, disability, or sexual orientation, as those terms 2979
are defined in section 4112.01 of the Revised Code~~7,i~~ ancestry~~7~~ 2980
~~disability as defined in that section7,i~~ or national origin or to 2981
so discriminate in advertising the sale or rental of housing, in 2982
the financing of housing, or in the provision of real estate 2983
brokerage services; 2984

(3) A statement defining the practice known as "blockbusting" 2985
and stating that it is illegal; 2986

(4) A copy of the United States department of housing and 2987
urban development equal housing opportunity logotype, as set forth 2988
in 24 C.F.R. 109.30. 2989

(B) Each written agency agreement shall contain a place for 2990
the licensee and the client to sign and date the agreement. 2991

(C) A licensee shall furnish a copy of any written agency 2992
agreement to a client in a timely manner after the licensee and 2993
the client have signed and dated it. 2994

Sec. 4757.07. The counselor, social worker, and marriage and 2995
family therapist board and its professional standards committees 2996
shall not discriminate against any licensee, registrant, or 2997
applicant for a license or certificate of registration under this 2998
chapter because of the person's race, color, religion, sex, or 2999
national origin~~7,i~~ disability or sexual orientation, as those terms 3000
are defined in section 4112.01 of the Revised Code~~7,i~~ or age. The 3001
board or committee, as appropriate, shall afford a hearing to any 3002
person who files with the board or committee a statement alleging 3003
discrimination based on any of those reasons. 3004

Sec. 4758.16. The chemical dependency professionals board 3005
shall not discriminate against any licensee, certificate holder, 3006
or applicant for a license or certificate under this chapter 3007
because of the individual's race, color, religion, gender, or 3008

national origin; disability or sexual orientation, as those terms 3009
are defined in section 4112.01 of the Revised Code; or age. The 3010
board shall afford a hearing to any individual who files with the 3011
board a statement alleging discrimination based on any of those 3012
reasons. 3013

Sec. 4765.18. The state board of emergency medical services 3014
may suspend or revoke a certificate of accreditation or a 3015
certificate of approval issued under section 4765.17 of the 3016
Revised Code for any of the following reasons: 3017

(A) Violation of this chapter or any rule adopted under it; 3018

(B) Furnishing of false, misleading, or incomplete 3019
information to the board; 3020

(C) The signing of an application or the holding of a 3021
certificate of accreditation by a person who has pleaded guilty to 3022
or has been convicted of a felony, or has pleaded guilty to or 3023
been convicted of a crime involving moral turpitude; 3024

(D) The signing of an application or the holding of a 3025
certificate of accreditation by a person who is addicted to the 3026
use of any controlled substance or has been adjudicated 3027
incompetent for that purpose by a court, as provided in section 3028
5122.301 of the Revised Code; 3029

(E) Violation of any commitment made in an application for a 3030
certificate of accreditation or certificate of approval; 3031

(F) Presentation to prospective students of misleading, 3032
false, or fraudulent information relating to the emergency medical 3033
services training program or emergency medical services continuing 3034
education program, employment opportunities, or opportunities for 3035
enrollment in accredited institutions of higher education after 3036
entering or completing courses offered by the operator of a 3037
program; 3038

(G) Failure to maintain in a safe and sanitary condition	3039
premises and equipment used in conducting courses of study;	3040
(H) Failure to maintain financial resources adequate for the	3041
satisfactory conduct of courses of study or to retain a sufficient	3042
number of certified instructors;	3043
(I) Discrimination in the acceptance of students upon the	3044
basis of <u>sexual orientation as defined in section 4112.01 of the</u>	3045
<u>Revised Code</u> , race, color, religion, sex, or national origin.	3046
Sec. 5104.09. (A)(1) Except as provided in rules adopted	3047
pursuant to division (D) of this section:	3048
(a) No individual who has been convicted of or pleaded guilty	3049
to a violation of section 2903.01, 2903.02, 2903.03, 2903.04,	3050
2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34,	3051
2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 2907.02, 2907.03,	3052
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21,	3053
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,	3054
2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02,	3055
2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	3056
2919.24, 2919.25, 2921.03, 2921.34, 2921.35, 2923.12, 2923.13,	3057
2923.161, 2919.22, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	3058
3716.11 of the Revised Code, a violation of section 2925.11 of the	3059
Revised Code that is not a minor drug possession offense, as	3060
defined in section 2925.01 of the Revised Code, felonious sexual	3061
penetration in violation of former section 2907.12 of the Revised	3062
Code, or a violation of an existing or former law or ordinance of	3063
any municipal corporation, this state, any other state, or the	3064
United States that is substantially equivalent to any of those	3065
violations shall be certified as an in-home aide or be employed in	3066
any capacity in or own or operate a child day-care center, type A	3067
family day-care home, type B family day-care home, or certified	3068
type B family day-care home.	3069

(b) No individual who has been convicted of or pleaded guilty 3070
to a violation of section 2913.02, 2913.03, 2913.04, 2913.041, 3071
2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 3072
2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 3073
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 3074
2923.01 of the Revised Code, a violation of section 2923.02 or 3075
2923.03 of the Revised Code that relates to a crime specified in 3076
this division or division (A)(1)(a) of this section, a second 3077
violation of section 4511.19 of the Revised Code within five years 3078
of the date of operation of the child day-care center or family 3079
day-care home, or two violations of section 4511.19 of the Revised 3080
Code during operation of the center or home, or a violation of an 3081
existing or former law of this state, any other state, or the 3082
United States that is substantially equivalent to any of those 3083
violations shall own or operate a child day-care center, type A 3084
family day-care home, type B family day-care home, or certified 3085
type B family day-care home. 3086

(2) Each employee of a child day-care center and type A home 3087
and every person eighteen years of age or older residing in a type 3088
A home shall sign a statement on forms prescribed by the director 3089
of job and family services attesting to the fact that the employee 3090
or resident person has not been convicted of or pleaded guilty to 3091
any offense set forth in division (A)(1)(a) of this section and 3092
that no child has been removed from the employee's or resident 3093
person's home pursuant to section 2151.353 of the Revised Code. 3094
Each licensee of a type A home shall sign a statement on a form 3095
prescribed by the director attesting to the fact that no person 3096
who resides at the type A home and who is under the age of 3097
eighteen has been adjudicated a delinquent child for committing a 3098
violation of any section listed in division (A)(1)(a) of this 3099
section. The statements shall be kept on file at the center or 3100
type A home. 3101

(3) Each in-home aide and every person eighteen years of age 3102
or older residing in a certified type B home shall sign a 3103
statement on forms prescribed by the director of job and family 3104
services attesting that the aide or resident person has not been 3105
convicted of or pleaded guilty to any offense set forth in 3106
division (A)(1)(a) of this section and that no child has been 3107
removed from the aide's or resident person's home pursuant to 3108
section 2151.353 of the Revised Code. Each authorized provider 3109
shall sign a statement on forms prescribed by the director 3110
attesting that the provider has not been convicted of or pleaded 3111
guilty to any offense set forth in division (A)(1)(a) or (b) of 3112
this section and that no child has been removed from the 3113
provider's home pursuant to section 2151.353 of the Revised Code. 3114
Each authorized provider shall sign a statement on a form 3115
prescribed by the director attesting to the fact that no person 3116
who resides at the certified type B home and who is under the age 3117
of eighteen has been adjudicated a delinquent child for committing 3118
a violation of any section listed in division (A)(1)(a) of this 3119
section. The statements shall be kept on file at the county 3120
department of job and family services. 3121

(4) Each administrator and licensee of a center or type A 3122
home shall sign a statement on a form prescribed by the director 3123
of job and family services attesting that the administrator or 3124
licensee has not been convicted of or pleaded guilty to any 3125
offense set forth in division (A)(1)(a) or (b) of this section and 3126
that no child has been removed from the administrator's or 3127
licensee's home pursuant to section 2151.353 of the Revised Code. 3128
The statement shall be kept on file at the center or type A home. 3129

(B) No in-home aide, no administrator, licensee, authorized 3130
provider, or employee of a center, type A home, or certified type 3131
B home, and no person eighteen years of age or older residing in a 3132
type A home or certified type B home shall withhold information 3133

from, or falsify information on, any statement required pursuant 3134
to division (A)(2), (3), or (4) of this section. 3135

(C) No administrator, licensee, or child-care staff member 3136
shall discriminate in the enrollment of children in a child 3137
day-care center upon the basis of sexual orientation as defined in 3138
section 4112.01 of the Revised Code, race, color, religion, sex, 3139
or national origin. 3140

(D) The director of job and family services shall adopt rules 3141
pursuant to Chapter 119. of the Revised Code to implement this 3142
section, including rules specifying exceptions to the prohibition 3143
in division (A)(1) of this section for persons who have been 3144
convicted of an offense listed in that division but meet 3145
rehabilitation standards set by the department. 3146

Sec. 5107.26. (A) As used in this section: 3147

(1) "Transitional child care" means publicly funded child 3148
care provided under division (A)(3) of section 5104.34 of the 3149
Revised Code. 3150

(2) "Transitional medicaid" means the medical assistance 3151
provided under section 5111.0115 of the Revised Code. 3152

(B) Except as provided in division (C) of this section, each 3153
member of an assistance group participating in Ohio works first is 3154
ineligible to participate in the program for six payment months if 3155
a county department of job and family services determines that a 3156
member of the assistance group terminated the member's employment 3157
and each person who, on the day prior to the day a recipient 3158
begins to receive transitional child care or transitional 3159
medicaid, was a member of the recipient's assistance group is 3160
ineligible to participate in Ohio works first for six payment 3161
months if a county department determines that the recipient 3162
terminated the recipient's employment. 3163

(C) No assistance group member shall lose or be denied 3164
eligibility to participate in Ohio works first pursuant to 3165
division (B) of this section if the termination of employment was 3166
because an assistance group member or recipient of transitional 3167
child care or transitional medicaid secured comparable or better 3168
employment or the county department of job and family services 3169
certifies that the member or recipient terminated the employment 3170
with just cause. 3171

Just cause includes the following: 3172

(1) Discrimination by an employer based on sexual orientation 3173
as defined in section 4112.01 of the Revised Code, age, race, sex, 3174
color, handicap, religious beliefs, or national origin; 3175

(2) Work demands or conditions that render continued 3176
employment unreasonable, such as working without being paid on 3177
schedule; 3178

(3) Employment that has become unsuitable due to any of the 3179
following: 3180

(a) The wage is less than the federal minimum wage; 3181

(b) The work is at a site subject to a strike or lockout, 3182
unless the strike has been enjoined under section 208 of the 3183
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 3184
178, as amended, an injunction has been issued under section 10 of 3185
the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as 3186
amended, or an injunction has been issued under section 4117.16 of 3187
the Revised Code; 3188

(c) The documented degree of risk to the member or 3189
recipient's health and safety is unreasonable; 3190

(d) The member or recipient is physically or mentally unfit 3191
to perform the employment, as documented by medical evidence or by 3192
reliable information from other sources. 3193

(4) Documented illness of the member or recipient or of 3194
another assistance group member of the member or recipient 3195
requiring the presence of the member or recipient; 3196

(5) A documented household emergency; 3197

(6) Lack of adequate child care for children of the member or 3198
recipient who are under six years of age. 3199

Sec. 5111.31. (A) Every provider agreement with the provider 3200
of a nursing facility or intermediate care facility for the 3201
mentally retarded shall: 3202

(1) Prohibit the provider from failing or refusing to retain 3203
as a patient any person because the person is, becomes, or may, as 3204
a patient in the facility, become a medicaid recipient. For the 3205
purposes of this division, a medicaid recipient who is a patient 3206
in a facility shall be considered a patient in the facility during 3207
any hospital stays totaling less than twenty-five days during any 3208
twelve-month period. Recipients who have been identified by the 3209
department of job and family services or its designee as requiring 3210
the level of care of an intermediate care facility for the 3211
mentally retarded shall not be subject to a maximum period of 3212
absences during which they are considered patients if prior 3213
authorization of the department for visits with relatives and 3214
friends and participation in therapeutic programs is obtained 3215
under rules adopted under section 5111.02 of the Revised Code. 3216

(2) Except as provided by division (B)(1) of this section, 3217
include any part of the facility that meets standards for 3218
certification of compliance with federal and state laws and rules 3219
for participation in the medicaid program. 3220

(3) Prohibit the provider from discriminating against any 3221
patient on the basis of sexual orientation as defined in section 3222
4112.01 of the Revised Code, race, color, sex, creed, or national 3223

origin. 3224

(4) Except as otherwise prohibited under section 5111.55 of 3225
the Revised Code, prohibit the provider from failing or refusing 3226
to accept a patient because the patient is, becomes, or may, as a 3227
patient in the facility, become a medicaid recipient if less than 3228
eighty per cent of the patients in the facility are medicaid 3229
recipients. 3230

(B)(1) Except as provided by division (B)(2) of this section, 3231
the following are not required to be included in a provider 3232
agreement unless otherwise required by federal law: 3233

(a) Beds added during the period beginning July 1, 1987, and 3234
ending July 1, 1993, to a nursing home licensed under Chapter 3235
3721. of the Revised Code; 3236

(b) Beds in an intermediate care facility for the mentally 3237
retarded that are designated for respite care under a medicaid 3238
waiver component operated pursuant to a waiver sought under 3239
section 5111.87 of the Revised Code; 3240

(c) Beds that are converted to providing home and 3241
community-based services under the ICF/MR conversion pilot program 3242
authorized by a waiver sought under division (B)(1) of section 3243
5111.88 of the Revised Code. 3244

(2) If a provider chooses to include a bed specified in 3245
division (B)(1)(a) of this section in a provider agreement, the 3246
bed may not be removed from the provider agreement unless the 3247
provider withdraws the facility in which the bed is located from 3248
the medicaid program. 3249

(C) Nothing in this section shall bar a provider that is a 3250
religious organization operating a religious or denominational 3251
nursing facility or intermediate care facility for the mentally 3252
retarded from giving preference to persons of the same religion or 3253
denomination. Nothing in this section shall bar any provider from 3254

giving preference to persons with whom the provider has contracted 3255
to provide continuing care. 3256

(D) Nothing in this section shall bar the provider of a 3257
county home organized under Chapter 5155. of the Revised Code from 3258
admitting residents exclusively from the county in which the 3259
county home is located. 3260

(E) No provider of a nursing facility or intermediate care 3261
facility for the mentally retarded for which a provider agreement 3262
is in effect shall violate the provider contract obligations 3263
imposed under this section. 3264

(F) Nothing in divisions (A) and (C) of this section shall 3265
bar a provider from retaining patients who have resided in the 3266
provider's facility for not less than one year as private pay 3267
patients and who subsequently become medicaid recipients, but 3268
refusing to accept as a patient any person who is or may, as a 3269
patient in the facility, become a medicaid recipient, if all of 3270
the following apply: 3271

(1) The provider does not refuse to retain any patient who 3272
has resided in the provider's facility for not less than one year 3273
as a private pay patient because the patient becomes a medicaid 3274
recipient, except as necessary to comply with division (F)(2) of 3275
this section; 3276

(2) The number of medicaid recipients retained under this 3277
division does not at any time exceed ten per cent of all the 3278
patients in the facility; 3279

(3) On July 1, 1980, all the patients in the facility were 3280
private pay patients. 3281

Sec. 5119.61. Any provision in this chapter that refers to a 3282
board of alcohol, drug addiction, and mental health services also 3283
refers to the community mental health board in an alcohol, drug 3284

addiction, and mental health service district that has a community 3285
mental health board. 3286

The director of mental health with respect to all facilities 3287
and programs established and operated under Chapter 340. of the 3288
Revised Code for mentally ill and emotionally disturbed persons, 3289
shall do all of the following: 3290

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 3291
that may be necessary to carry out the purposes of Chapter 340. 3292
and sections 5119.61 to 5119.63 of the Revised Code. 3293

(1) The rules shall include all of the following: 3294

(a) Rules governing a community mental health agency's 3295
services under section 340.091 of the Revised Code to an 3296
individual referred to the agency under division (C)(2) of section 3297
173.35 of the Revised Code; 3298

(b) For the purpose of division (A)(16) of section 340.03 of 3299
the Revised Code, rules governing the duties of mental health 3300
agencies and boards of alcohol, drug addiction, and mental health 3301
services under section 3722.18 of the Revised Code regarding 3302
referrals of individuals with mental illness or severe mental 3303
disability to adult care facilities and effective arrangements for 3304
ongoing mental health services for the individuals. The rules 3305
shall do at least the following: 3306

(i) Provide for agencies and boards to participate fully in 3307
the procedures owners and managers of adult care facilities must 3308
follow under division (A)(2) of section 3722.18 of the Revised 3309
Code; 3310

(ii) Specify the manner in which boards are accountable for 3311
ensuring that ongoing mental health services are effectively 3312
arranged for individuals with mental illness or severe mental 3313
disability who are referred by the board or mental health agency 3314
under contract with the board to an adult care facility. 3315

(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of health under section 3722.17 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.

(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, approve and allocate funds to support community programs, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of noncompliance and the action necessary to achieve compliance. The director shall offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or to present its position that it is in compliance. Before withholding funds, a hearing shall be conducted

to determine if there are continuing violations and that either 3348
assistance is rejected or the board is unable to achieve 3349
compliance. Subsequent to the hearing process, if it is determined 3350
that compliance has not been achieved, the director may allocate 3351
all or part of the withheld funds to a public or private agency to 3352
provide the services not in compliance until the time that there 3353
is compliance. The director shall establish rules pursuant to 3354
Chapter 119. of the Revised Code to implement this division. 3355

(D) Withhold state or federal funds from a board of alcohol, 3356
drug addiction, and mental health services that denies available 3357
service on the basis of religion, race, color, creed, sex, 3358
national origin, or age⁷; disability or sexual orientation, as 3359
those terms are defined in section 4112.01 of the Revised Code⁷; 3360
developmental disability⁷; or the inability to pay⁷; 3361

(E) Provide consultative services to community mental health 3362
agencies with the knowledge and cooperation of the board of 3363
alcohol, drug addiction, and mental health services; 3364

(F) Provide to boards of alcohol, drug addiction, and mental 3365
health services state or federal funds, in addition to those 3366
allocated under section 5119.62 of the Revised Code, for special 3367
programs or projects the director considers necessary but for 3368
which local funds are not available; 3369

(G) Establish criteria by which a board of alcohol, drug 3370
addiction, and mental health services reviews and evaluates the 3371
quality, effectiveness, and efficiency of services provided 3372
through its community mental health plan. The criteria shall 3373
include requirements ensuring appropriate service utilization. The 3374
department shall assess a board's evaluation of services and the 3375
compliance of each board with this section, Chapter 340. or 3376
section 5119.62 of the Revised Code, and other state or federal 3377
law and regulations. The department, in cooperation with the 3378
board, periodically shall review and evaluate the quality, 3379

effectiveness, and efficiency of services provided through each 3380
board. The department shall collect information that is necessary 3381
to perform these functions. 3382

(H) Develop and operate a community mental health information 3383
system. 3384

Boards of alcohol, drug abuse, and mental health services 3385
shall submit information requested by the department in the form 3386
and manner prescribed by the department. Information collected by 3387
the department shall include, but not be limited to, all of the 3388
following: 3389

(1) Information regarding units of services provided in whole 3390
or in part under contract with a board, including diagnosis and 3391
special needs, demographic information, the number of units of 3392
service provided, past treatment, financial status, and service 3393
dates in accordance with rules adopted by the department in 3394
accordance with Chapter 119. of the Revised Code; 3395

(2) Financial information other than price or price-related 3396
data regarding expenditures of boards and community mental health 3397
agencies, including units of service provided, budgeted and actual 3398
expenses by type, and sources of funds. 3399

Boards shall submit the information specified in division 3400
(H)(1) of this section no less frequently than annually for each 3401
client, and each time the client's case is opened or closed. The 3402
department shall not collect any information for the purpose of 3403
identifying by name any person who receives a service through a 3404
board of alcohol, drug addiction, and mental health services, 3405
except as required by state or federal law to validate appropriate 3406
reimbursement. For the purposes of division (H)(1) of this 3407
section, the department shall use an identification system that is 3408
consistent with applicable nationally recognized standards. 3409

(I) Review each board's community mental health plan 3410

submitted pursuant to section 340.03 of the Revised Code and 3411
approve or disapprove it in whole or in part. Periodically, in 3412
consultation with representatives of boards and after considering 3413
the recommendations of the medical director, the director shall 3414
issue criteria for determining when a plan is complete, criteria 3415
for plan approval or disapproval, and provisions for conditional 3416
approval. The factors that the director considers may include, but 3417
are not limited to, the following: 3418

(1) The mental health needs of all persons residing within 3419
the board's service district, especially severely mentally 3420
disabled children, adolescents, and adults; 3421

(2) The demonstrated quality, effectiveness, efficiency, and 3422
cultural relevance of the services provided in each service 3423
district, the extent to which any services are duplicative of 3424
other available services, and whether the services meet the needs 3425
identified above; 3426

(3) The adequacy of the board's accounting for the 3427
expenditure of funds. 3428

If the director disapproves all or part of any plan, the 3429
director shall provide the board an opportunity to present its 3430
position. The director shall inform the board of the reasons for 3431
the disapproval and of the criteria that must be met before the 3432
plan may be approved. The director shall give the board a 3433
reasonable time within which to meet the criteria, and shall offer 3434
technical assistance to the board to help it meet the criteria. 3435

If the approval of a plan remains in dispute thirty days 3436
prior to the conclusion of the fiscal year in which the board's 3437
current plan is scheduled to expire, the board or the director may 3438
request that the dispute be submitted to a mutually agreed upon 3439
third-party mediator with the cost to be shared by the board and 3440
the department. The mediator shall issue to the board and the 3441

department recommendations for resolution of the dispute. Prior to 3442
the conclusion of the fiscal year in which the current plan is 3443
scheduled to expire, the director, taking into consideration the 3444
recommendations of the mediator, shall make a final determination 3445
and approve or disapprove the plan, in whole or in part. 3446

Sec. 5123.351. The director of mental retardation and 3447
developmental disabilities, with respect to the eligibility for 3448
state reimbursement of expenses incurred by facilities and 3449
programs established and operated under Chapter 5126. of the 3450
Revised Code for persons with mental retardation or a 3451
developmental disability, shall do all of the following: 3452

(A) Make rules that may be necessary to carry out the 3453
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3454
5123.36 of the Revised Code; 3455

(B) Define minimum standards for qualifications of personnel, 3456
professional services, and in-service training and educational 3457
leave programs; 3458

(C) Review and evaluate community programs and make 3459
recommendations for needed improvements to county boards of mental 3460
retardation and developmental disabilities and to program 3461
directors; 3462

(D) Withhold state reimbursement, in whole or in part, from 3463
any county or combination of counties for failure to comply with 3464
Chapter 5126. or section 5123.35 or 5123.351 of the Revised Code 3465
or rules of the department of mental retardation and developmental 3466
disabilities; 3467

(E) Withhold state funds from an agency, corporation, or 3468
association denying or rendering service on the basis of race, 3469
color, sex, religion, ancestry, or national origin, or disability or 3470
sexual orientation as those terms are defined in section 4112.01 3471

of the Revised Code, or inability to pay; 3472

(F) Provide consultative staff service to communities to 3473
assist in ascertaining needs and in planning and establishing 3474
programs. 3475

Sec. 5126.07. No county board of mental retardation and 3476
developmental disabilities or any agency, corporation, or 3477
association under contract with a county board of mental 3478
retardation and developmental disabilities shall discriminate in 3479
the provision of services under its authority or contract on the 3480
basis of sexual orientation as defined in section 4112.01 of the 3481
Revised Code, race, color, sex, creed, disability, national 3482
origin, or the inability to pay. 3483

Each county board of mental retardation and developmental 3484
disabilities shall provide a plan of affirmative action describing 3485
its goals and methods for the provision of equal employment 3486
opportunities for all persons under its authority and shall ensure 3487
nondiscrimination in employment under its authority or contract on 3488
the basis of sexual orientation as defined in section 4112.01 of 3489
the Revised Code, race, color, sex, creed, disability, or national 3490
origin. 3491

Sec. 5515.08. (A) The department of transportation may 3492
contract to sell commercial advertising space within or on the 3493
outside surfaces of any building located within a roadside rest 3494
area under its jurisdiction in exchange for cash payment. Money 3495
the department receives under this section shall be deposited in 3496
the state treasury to the credit of the roadside rest area 3497
improvement fund, which is hereby created. The department shall 3498
use the money in the fund only to improve roadside rest areas in 3499
accordance with section 5529.06 of the Revised Code. 3500

(B) Advertising placed under this section shall comply with 3501

all of the following: 3502

(1) It shall not be libelous or obscene and shall not promote 3503
any illegal product or service. 3504

(2) It shall not promote illegal discrimination on the basis 3505
of the sexual orientation as defined in section 4112.01 of the 3506
Revised Code, race, religion, national origin, handicap, age, or 3507
ancestry of any person. 3508

(3) It shall not support or oppose any candidate for 3509
political office or any political cause, issue, or organization. 3510

(4) It shall comply with any controlling federal or state 3511
regulations or restrictions. 3512

(5) To the extent physically and technically practical, it 3513
shall state that the advertisement is a paid commercial 3514
advertisement and that the state does not endorse the product or 3515
service promoted by the advertisement or make any representation 3516
about the accuracy of the advertisement or the quality or 3517
performance of the product or service promoted by the 3518
advertisement. 3519

(6) It shall conform to all applicable rules adopted by the 3520
director of transportation under division (E) of this section. 3521

(C) Contracts entered into under this section shall be 3522
awarded only to the qualified bidder who submits the highest 3523
responsive bid or according to uniformly applied rate classes. 3524

(D) No person, except an advertiser alleging a breach of 3525
contract or the improper awarding of a contract, has a cause of 3526
action against the state with respect to any contract or 3527
advertising authorized by this section. Under no circumstances is 3528
the state liable for consequential or noneconomic damages with 3529
respect to any contract or advertising authorized under this 3530
section. 3531

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

Sec. 5709.832. The legislative authority of a county, township, or municipal corporation that grants an exemption from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code shall develop policies to ensure that the recipient of the exemption practices nondiscriminatory hiring in its operations. As used in this section, "nondiscriminatory hiring" means that no individual may be denied employment solely on the basis of sexual orientation as defined in section 4112.01 of the Revised Code, race, religion, sex, disability, color, national origin, or ancestry.

Section 2. That existing sections 9.03, 124.93, 125.111, 153.59, 153.591, 176.04, 176.06, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2915.08, 2927.03, 3113.36, 3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5111.31, 5119.61, 5123.351, 5126.07, 5515.08, and 5709.832 of the Revised Code are hereby repealed.

Section 3. Section 125.111 of the Revised Code is presented in this act as a composite of the section as amended by both Am. H.B. 264 and Am. Sub. H.B. 283 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of

section 1.52 of the Revised Code that amendments are to be	3563
harmonized if reasonably capable of simultaneous operation, finds	3564
that the composite is the resulting version of the section in	3565
effect prior to the effective date of the section as presented in	3566
this act.	3567