

**As Introduced**

**127th General Assembly  
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**S. B. No. 305**

**Senator Miller, D.**

**Cosponsors: Senators Smith, Cafaro, Morano, Miller, R., Roberts, Kearney,  
Sawyer, Fedor, Goodman, Bocchieri**

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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 subdivision" means any body corporate and politic, except a municipal corporation that has adopted a charter under Section 7 of Article XVIII, Ohio Constitution, and except a county that has adopted a charter under Sections 3 and 4 of Article X, Ohio Constitution, to which both of the following apply:

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

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

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

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

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

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

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

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

(d) Supports or opposes any labor organization or any action

by, on behalf of, or against any labor organization; 50

(e) Supports or opposes the nomination or election of a 51  
candidate for public office, the investigation, prosecution, or 52  
recall of a public official, or the passage of a levy or bond 53  
issue. 54

(2) Compensate any employee of the political subdivision for 55  
time spent on any activity to influence the outcome of an election 56  
for any of the purposes described in division (C)(1)(e) of this 57  
section. Division (C)(2) of this section does not prohibit the use 58  
of public funds to compensate an employee of a political 59  
subdivision for attending a public meeting to present information 60  
about the political subdivision's finances, activities, and 61  
governmental actions in a manner that is not designed to influence 62  
the outcome of an election or the passage of a levy or bond issue, 63  
even though the election, levy, or bond issue is discussed or 64  
debated at the meeting. 65

(D) Nothing in this section prohibits or restricts any 66  
political subdivision from sponsoring, participating in, or doing 67  
any of the following: 68

(1) Charitable or public service advertising that is not 69  
commercial in nature; 70

(2) Advertising of exhibitions, performances, programs, 71  
products, or services that are provided by employees of a 72  
political subdivision or are provided at or through premises owned 73  
or operated by a political subdivision; 74

(3) Licensing an interest in a name or mark that is owned or 75  
controlled by the political subdivision. 76

(E) As used in this section, "cigarettes" and "tobacco 77  
product" have the same meanings as in section 5743.01 of the 78  
Revised Code. 79

Sec. 124.93. (A) As used in this section, "physician" means 80  
any person who holds a valid certificate to practice medicine and 81  
surgery or osteopathic medicine and surgery issued under Chapter 82  
4731. of the Revised Code. 83

(B) No health insuring corporation that, on or after July 1, 84  
1993, enters into or renews a contract with the department of 85  
administrative services under section 124.82 of the Revised Code, 86  
because of a physician's race, color, religion, sex, or national 87  
origin; disability or sexual orientation, as those terms are 88  
defined in section 4112.01 of the Revised Code; age or 89  
ancestry, shall refuse to contract with that physician for the 90  
provision of health care services under section 124.82 of the 91  
Revised Code. 92

Any health insuring corporation that violates this division 93  
is deemed to have engaged in an unlawful discriminatory practice 94  
as defined in section 4112.02 of the Revised Code and is subject 95  
to Chapter 4112. of the Revised Code. 96

(C) Each health insuring corporation that, on or after July 97  
1, 1993, enters into or renews a contract with the department of 98  
administrative services under section 124.82 of the Revised Code 99  
and that refuses to contract with a physician for the provision of 100  
health care services under that section shall provide that 101  
physician with a written notice that clearly explains the reason 102  
or reasons for the refusal. The notice shall be sent to the 103  
physician by regular mail within thirty days after the refusal. 104

Any health insuring corporation that fails to provide notice 105  
in compliance with this division is deemed to have engaged in an 106  
unfair and deceptive act or practice in the business of insurance 107  
as defined in section 3901.21 of the Revised Code and is subject 108  
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; 117  
disability or sexual orientation, as those terms are defined in 118  
section 4112.01 of the Revised Code; national origin; 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; disability or 127  
sexual orientation, as those terms are defined in section 4112.01 128  
of the Revised Code; national origin; 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  
business enterprise" means a business enterprise that is owned or  
controlled by one or more socially or economically disadvantaged  
persons who are residents of this state. "Socially or economically  
disadvantaged persons" means persons, regardless of marital  
status, who are members of groups whose disadvantage may arise  
from discrimination on the basis of race, religion, or sex;  
disability or sexual orientation, as those terms are defined in  
section 4112.01 of the Revised Code; national origin; ancestry;  
or other similar cause.

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

**Sec. 176.04.** (A) No municipal corporation, county, or  
township shall issue general obligations pursuant to section  
133.51 of the Revised Code or expend moneys raised by taxation to  
provide, or assist in providing, housing pursuant to Section 16 of  
Article VIII, Ohio Constitution, unless the municipal corporation,  
county, or township has done all of the following:

- (1) Established or designated a housing advisory board

pursuant to section 176.01 of the Revised Code, or entered into an agreement pursuant to section 176.02 of the Revised Code for the service of a housing advisory board established by one or more other subdivisions;

(2) At least thirty days prior to approval of it by the legislative authority of the municipal corporation, county, or township, submitted to the housing advisory board for review, comments, and recommendations, a comprehensive housing affordability strategy for the municipal corporation, county, or township developed under the "Cranston-Gonzalez National Affordable Housing Act," 104 Stat. 4079 (1990), Pub. Law No. 101-625, or other state or local comprehensive plan for the development and maintenance of affordable housing within the boundaries of the municipal corporation, county, or township.

Approval of the plan by the legislative authority may be effective for a period of one to five years. No submission of an amended plan is required unless the submitted description of the purposes for which any part of those moneys are proposed to be applied is intended to be, or raise a reasonable concern that it might be construed to be, inconsistent with the existing plan.

(3) Submitted to the housing advisory board a written description of the purposes to which the proceeds of the proposed general obligations or the moneys raised by taxation are proposed to be applied, and allowed at least fifteen days to elapse during which the housing advisory board may review the submitted description and advise the municipal corporation, county, or township in accordance with division (D) of this section. For purposes of this section, the written description of the purposes to which the moneys raised by taxation are proposed to be applied may be submitted annually to the housing advisory board prior to the adoption of the annual appropriation measure pursuant to section 5705.38 of the Revised Code.



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

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

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

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

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

(D) The matters on which a housing advisory board shall  
advise the subdivisions it serves shall include the following:

(1) The consistency of a project or program with the plan 266  
submitted under division (A)(2) of this section; 267

(2) The extent to which any project or program to which the 268  
proceeds of the proposed general obligations or the moneys raised 269  
by taxation are proposed to be applied may displace households 270  
that consequently may need relocation assistance; 271

(3) The length of time for which projects to which the 272  
proceeds of the proposed general obligations or the moneys raised 273  
by taxation are proposed to be applied will remain affordable to 274  
any targeted income group; 275

(4) The extent to which any lending program is available, in 276  
whole or in part, from private lenders upon reasonably equivalent 277  
terms and conditions. 278

**Sec. 176.06.** (A) Each municipal corporation, county, and 279  
township shall compile and make available, in accordance with this 280  
section, to the public for inspection and copying for a period of 281  
five years, the number and total dollar amount of mortgage loans 282  
that were originated, for which completed applications were 283  
received and applicants were rejected, and that were purchased by 284  
that municipal corporation, county, or township during each fiscal 285  
year. Information regarding each mortgage loan category described 286  
in this section shall be itemized to clearly and conspicuously 287  
disclose the following: 288

(1) The number and dollar amount of mortgage loans insured 289  
under Title II of the "National Housing Act," 48 Stat. 1246 290  
(1934), 12 U.S.C.A. 1707 et seq., or under Title V of the "Housing 291  
Act of 1949," 63 Stat. 413, 432, 42 U.S.C.A. 1471 et seq., or 292  
guaranteed under the "Veterans' Loan Act," 58 Stat. 284 (1944), 38 293  
U.S.C.A. 1801 et seq.; 294

(2) The number and dollar amount of mortgage loans made to 295

mortgagors who did not, at the time of execution of the mortgage, 296  
intend to reside in the property securing the mortgage loan; 297

(3) The number and dollar amount of home improvement loans; 298

(4) The number and dollar amount of mortgage loans involving 299  
mortgagors or mortgage applicants grouped according to census 300  
tract, income level, race, color, religion, sex, and ancestry; 301  
disability and sexual orientation, as those terms are defined in 302  
section 4112.01 of the Revised Code; and national origin. 303

(B) The information described in this section shall be made 304  
available to the public in raw data form and updated quarterly. 305  
Within four months after the end of each fiscal year, each 306  
municipal corporation, county, and township shall submit to the 307  
president of the senate and the speaker of the house of 308  
representatives a report containing the information described in 309  
this section for the immediately preceding fiscal year. 310

(C) As used in this section, "mortgage loan" means a loan 311  
secured by a mortgage, deed of trust, or other security interest 312  
to finance the acquisition, construction, improvement, or 313  
rehabilitation of single-family residential housing. 314

**Sec. 340.12.** No board of alcohol, drug addiction, and mental 315  
health services or any agency, corporation, or association under 316  
contract with such a board shall discriminate in the provision of 317  
services under its authority, in employment, or contract on the 318  
basis of sexual orientation as defined in section 4112.01 of the 319  
Revised Code, race, color, sex, creed, disability, national 320  
origin, or the inability to pay. 321

Each board, each community mental health agency, and each 322  
alcohol and drug addiction program shall have a written 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 without buildings on it, and easements or interests in real estate;	358 359 360
(B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a building or improvement that it is authorized to acquire or construct;	361 362 363
(C) Erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations;	364 365
(D) Purchase turnpike roads and make them free;	366
(E) Construct wharves and landings on navigable waters;	367
(F) Construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses, and warehouses;	368 369 370 371
(G) Construct or acquire waterworks for supplying water to the municipal corporation and its inhabitants and extend the waterworks system outside of the municipal corporation limits;	372 373 374
(H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants;	375 376 377 378
(I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories;	379 380
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	381 382
(K) Construct free public libraries and reading rooms, and free recreation centers;	383 384
(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, lease, or condemnation proceedings rights-of-way for connections	408 409 410 411 412 413 414

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
<b>Sec. 1751.18.</b> (A)(1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the 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, or the quality of health care services rendered, on the basis of	595 596 597 598 599 600

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

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 722



attorney general may require by rule adopted pursuant to section 723  
111.15 of the Revised Code; 724

(h) If the applicant is a charitable trust as defined in 725  
section 109.23 of the Revised Code, a statement as to whether it 726  
has registered with the attorney general pursuant to section 727  
109.26 of the Revised Code or filed annual reports pursuant to 728  
section 109.31 of the Revised Code, and, if it is not required to 729  
do either, the exemption in section 109.26 or 109.31 of the 730  
Revised Code that applies to it; 731

(i) If the applicant is a charitable organization as defined 732  
in section 1716.01 of the Revised Code, a statement as to whether 733  
it has filed with the attorney general a registration statement 734  
pursuant to section 1716.02 of the Revised Code and a financial 735  
report pursuant to section 1716.04 of the Revised Code, and, if it 736  
is not required to do both, the exemption in section 1716.03 of 737  
the Revised Code that applies to it; 738

(j) In the case of an applicant seeking to qualify as a youth 739  
athletic park organization, a statement issued by a board or body 740  
vested with authority under Chapter 755. of the Revised Code for 741  
the supervision and maintenance of recreation facilities in the 742  
territory in which the organization is located, certifying that 743  
the playing fields owned by the organization were used for at 744  
least one hundred days during the year in which the statement is 745  
issued, and were open for use to all residents of that territory, 746  
regardless of sexual orientation as defined in section 4112.01 of 747  
the Revised Code, race, color, creed, religion, sex, or national 748  
origin, for athletic activities by youth athletic organizations 749  
that do not discriminate on the basis of sexual orientation as 750  
defined in section 4112.01 of the Revised Code, race, color, 751  
creed, religion, sex, or national origin, and that the fields were 752  
not used for any profit-making activity at any time during the 753  
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,<sup>7,i</sup> 943  
familial status, disability, or sexual orientation, as those terms 944  
are defined in section 4112.01 of the Revised Code<sup>7,i</sup> national 945  
origin, ~~disability as defined in that section~~,<sup>7,i</sup> 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 the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract.

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

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

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

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

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

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

(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 deemed to have engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code.	1522 1523 1524 1525
(F) This section does not apply with respect to any expense fee charged by a surety bail bond agent to cover the costs incurred by the surety bail bond agent in executing the bail bond.	1526 1527 1528
<b>Sec. 4111.17.</b> (A) No employer, including the state and political subdivisions thereof, shall discriminate in the payment of wages on the basis of <u>sexual orientation as defined in section 4112.01 of the Revised Code</u> , race, color, religion, sex, age, national origin, or ancestry by paying wages to any employee at a rate less than the rate at which the employer pays wages to another employee for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar conditions.	1529 1530 1531 1532 1533 1534 1535 1536 1537
(B) Nothing in this section prohibits an employer from paying wages to one employee at a rate different from that at which the employer pays another employee for the performance of equal work under similar conditions on jobs requiring equal skill, effort, and responsibility, when the payment is made pursuant to any of the following:	1538 1539 1540 1541 1542 1543
(1) A seniority system;	1544
(2) A merit system;	1545
(3) A system which measures earnings by the quantity or quality of production;	1546 1547
(4) A wage rate differential determined by any factor other than <u>sexual orientation as defined in section 4112.01 of the Revised Code</u> , race, color, religion, sex, age, national origin, or	1548 1549 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, sexual 1624  
orientation, familial status, national origin, disability, or 1625  
ancestry, or any limitation based upon affiliation with or 1626  
approval by any person, directly or indirectly, employing race, 1627  
color, religion, sex, sexual orientation, familial status, 1628  
national origin, disability, or ancestry as a condition of 1629  
affiliation or approval. 1630

(12) "Burial lot" means any lot for the burial of deceased 1631  
persons within any public burial ground or cemetery, including, 1632  
but not limited to, cemeteries owned and operated by municipal 1633  
corporations, townships, or companies or associations incorporated 1634  
for cemetery purposes. 1635

(13) "Disability" means a physical or mental impairment that 1636  
substantially limits one or more major life activities, including 1637  
the functions of caring for one's self, performing manual tasks, 1638  
walking, seeing, hearing, speaking, breathing, learning, and 1639  
working; a record of a physical or mental impairment; or being 1640  
regarded as having a physical or mental impairment. 1641

(14) Except as otherwise provided in section 4112.021 of the 1642  
Revised Code, "age" means at least forty years old. 1643

(15) "Familial status" means either of the following: 1644

(a) One or more individuals who are under eighteen years of 1645  
age and who are domiciled with a parent or guardian having legal 1646  
custody of the individual or domiciled, with the written 1647  
permission of the parent or guardian having legal custody, with a 1648  
designee of the parent or guardian; 1649

(b) Any person who is pregnant or in the process of securing 1650  
legal custody of any individual who is under eighteen years of 1651  
age. 1652

(16)(a) Except as provided in division (A)(16)(b) of this 1653  
section, "physical or mental impairment" includes any of the 1654  
following: 1655

(i) Any physiological disorder or condition, cosmetic 1656  
disfigurement, or anatomical loss affecting one or more of the 1657  
following body systems: neurological; musculoskeletal; special 1658  
sense organs; respiratory, including speech organs; 1659  
cardiovascular; reproductive; digestive; genito-urinary; hemic and 1660  
lymphatic; skin; and endocrine; 1661

(ii) Any mental or psychological disorder, including, but not 1662  
limited to, mental retardation, organic brain syndrome, emotional 1663  
or mental illness, and specific learning disabilities; 1664

(iii) Diseases and conditions, including, but not limited to, 1665  
orthopedic, visual, speech, and hearing impairments, cerebral 1666  
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, 1667  
cancer, heart disease, diabetes, human immunodeficiency virus 1668  
infection, mental retardation, emotional illness, drug addiction, 1669  
and alcoholism. 1670

(b) "Physical or mental impairment" does not include any of 1671  
the following: 1672

(i) Homosexuality and bisexuality; 1673

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	1674 1675 1676
(iii) Compulsive gambling, kleptomania, or pyromania;	1677
(iv) Psychoactive substance use disorders resulting from current illegal use of a controlled substance.	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 heterosexuality, homosexuality, bisexuality, asexuality, or transgenderism, whether actual or perceived.</u>	1695 1696 1697
(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or	1698 1699 1700 1701 1702 1703



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

**Sec. 4112.02.** It shall be an unlawful discriminatory 1717  
practice: 1718

(A) For any employer, because of the race, color, religion, 1719  
sex, sexual orientation, national origin, disability, age, or 1720  
ancestry of any person, to discharge without just cause, to refuse 1721  
to hire, or otherwise to discriminate against that person with 1722  
respect to hire, tenure, terms, conditions, or privileges of 1723  
employment, or any matter directly or indirectly related to 1724  
employment. 1725

(B) For an employment agency or personnel placement service, 1726  
because of race, color, religion, sex, sexual orientation, 1727  
national origin, disability, age, or ancestry, to do any of the 1728  
following: 1729

(1) Refuse or fail to accept, register, classify properly, or 1730  
refer for employment, or otherwise discriminate against any 1731  
person; 1732

(2) Comply with a request from an employer for referral of 1733  
applicants for employment if the request directly or indirectly 1734

indicates that the employer fails to comply with the provisions of 1735  
sections 4112.01 to 4112.07 of the Revised Code. 1736

(C) For any labor organization to do any of the following: 1737

(1) Limit or classify its membership on the basis of race, 1738  
color, religion, sex, sexual orientation, national origin, 1739  
disability, age, or ancestry; 1740

(2) Discriminate against, limit the employment opportunities 1741  
of, or otherwise adversely affect the employment status, wages, 1742  
hours, or employment conditions of any person as an employee 1743  
because of race, color, religion, sex, sexual orientation, 1744  
national origin, disability, age, or ancestry. 1745

(D) For any employer, labor organization, or joint 1746  
labor-management committee controlling apprentice training 1747  
programs to discriminate against any person because of race, 1748  
color, religion, sex, sexual orientation, national origin, 1749  
disability, or ancestry in admission to, or employment in, any 1750  
program established to provide apprentice training. 1751

(E) Except where based on a bona fide occupational 1752  
qualification certified in advance by the commission, for any 1753  
employer, employment agency, personnel placement service, or labor 1754  
organization, prior to employment or admission to membership, to 1755  
do any of the following: 1756

(1) Elicit or attempt to elicit any information concerning 1757  
the race, color, religion, sex, sexual orientation, national 1758  
origin, disability, age, or ancestry of an applicant for 1759  
employment or membership; 1760

(2) Make or keep a record of the race, color, religion, sex, 1761  
sexual orientation, national origin, disability, age, or ancestry 1762  
of any applicant for employment or membership; 1763

(3) Use any form of application for employment, or personnel 1764

or membership blank, seeking to elicit information regarding race, 1765  
color, religion, sex, sexual orientation, national origin, 1766  
disability, age, or ancestry; but an employer holding a contract 1767  
containing a nondiscrimination clause with the government of the 1768  
United States, or any department or agency of that government, may 1769  
require an employee or applicant for employment to furnish 1770  
documentary proof of United States citizenship and may retain that 1771  
proof in the employer's personnel records and may use photographic 1772  
or fingerprint identification for security purposes; 1773

(4) Print or publish or cause to be printed or published any 1774  
notice or advertisement relating to employment or membership 1775  
indicating any preference, limitation, specification, or 1776  
discrimination, based upon race, color, religion, sex, sexual 1777  
orientation, national origin, disability, age, or ancestry; 1778

(5) Announce or follow a policy of denying or limiting, 1779  
through a quota system or otherwise, employment or membership 1780  
opportunities of any group because of the race, color, religion, 1781  
sex, sexual orientation, national origin, disability, age, or 1782  
ancestry of that group; 1783

(6) Utilize in the recruitment or hiring of persons any 1784  
employment agency, personnel placement service, training school or 1785  
center, labor organization, or any other employee-referring source 1786  
known to discriminate against persons because of their race, 1787  
color, religion, sex, sexual orientation, national origin, 1788  
disability, age, or ancestry. 1789

(F) For any person seeking employment to publish or cause to 1790  
be published any advertisement that specifies or in any manner 1791  
indicates that person's race, color, religion, sex, sexual 1792  
orientation, national origin, disability, age, or ancestry, or 1793  
expresses a limitation or preference as to the race, color, 1794  
religion, sex, sexual orientation, national origin, disability, 1795  
age, or ancestry of any prospective employer. 1796

(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 composition of the neighborhood in which the housing accommodations are located, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to the person's principal business and not only as a part of the purchase price of

an owner-occupied residence the person is selling nor merely 1829  
casually or occasionally to a relative or friend; 1830

(4) Discriminate against any person in the terms or 1831  
conditions of selling, transferring, assigning, renting, leasing, 1832  
or subleasing any housing accommodations or in furnishing 1833  
facilities, services, or privileges in connection with the 1834  
ownership, occupancy, or use of any housing accommodations, 1835  
including the sale of fire, extended coverage, or homeowners 1836  
insurance, because of race, color, religion, sex, sexual 1837  
orientation, familial status, ancestry, disability, or national 1838  
origin or because of the racial composition of the neighborhood in 1839  
which the housing accommodations are located; 1840

(5) Discriminate against any person in the terms or 1841  
conditions of any loan of money, whether or not secured by 1842  
mortgage or otherwise, for the acquisition, construction, 1843  
rehabilitation, repair, or maintenance of housing accommodations 1844  
because of race, color, religion, sex, sexual orientation, 1845  
familial status, ancestry, disability, or national origin or 1846  
because of the racial composition of the neighborhood in which the 1847  
housing accommodations are located; 1848

(6) Refuse to consider without prejudice the combined income 1849  
of both husband and wife for the purpose of extending mortgage 1850  
credit to a married couple or either member of a married couple; 1851

(7) Print, publish, or circulate any statement or 1852  
advertisement, or make or cause to be made any statement or 1853  
advertisement, relating to the sale, transfer, assignment, rental, 1854  
lease, sublease, or acquisition of any housing accommodations, or 1855  
relating to the loan of money, whether or not secured by mortgage 1856  
or otherwise, for the acquisition, construction, rehabilitation, 1857  
repair, or maintenance of housing accommodations, that indicates 1858  
any preference, limitation, specification, or discrimination based 1859  
upon race, color, religion, sex, sexual orientation, familial 1860

status, ancestry, disability, or national origin, or an intention 1861  
to make any such preference, limitation, specification, or 1862  
discrimination; 1863

(8) Except as otherwise provided in division (H)(8) or (17) 1864  
of this section, make any inquiry, elicit any information, make or 1865  
keep any record, or use any form of application containing 1866  
questions or entries concerning race, color, religion, sex, sexual 1867  
orientation, familial status, ancestry, disability, or national 1868  
origin in connection with the sale or lease of any housing 1869  
accommodations or the loan of any money, whether or not secured by 1870  
mortgage or otherwise, for the acquisition, construction, 1871  
rehabilitation, repair, or maintenance of housing accommodations. 1872  
Any person may make inquiries, and make and keep records, 1873  
concerning race, color, religion, sex, sexual orientation, 1874  
familial status, ancestry, disability, or national origin for the 1875  
purpose of monitoring compliance with this chapter. 1876

(9) Include in any transfer, rental, or lease of housing 1877  
accommodations any restrictive covenant, or honor or exercise, or 1878  
attempt to honor or exercise, any restrictive covenant; 1879

(10) Induce or solicit, or attempt to induce or solicit, a 1880  
housing accommodations listing, sale, or transaction by 1881  
representing that a change has occurred or may occur with respect 1882  
to the racial, religious, sexual, sexual orientation, familial 1883  
status, or ethnic composition of the block, neighborhood, or other 1884  
area in which the housing accommodations are located, or induce or 1885  
solicit, or attempt to induce or solicit, a housing accommodations 1886  
listing, sale, or transaction by representing that the presence or 1887  
anticipated presence of persons of any race, color, religion, sex, 1888  
sexual orientation, familial status, ancestry, disability, or 1889  
national origin, in the block, neighborhood, or other area will or 1890  
may have results including, but not limited to, the following: 1891

(a) The lowering of property values; 1892

(b) A change in the racial, religious, sexual, <u>sexual orientation</u> , familial status, or ethnic composition of the block, neighborhood, or other area;	1893 1894 1895
(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	1896 1897
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	1898 1899
(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, <u>sexual orientation</u> , familial status, national origin, disability, or ancestry;	1900 1901 1902 1903 1904 1905 1906 1907
(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;	1908 1909 1910 1911 1912
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, <u>sexual orientation</u> , familial status, or ethnic composition;	1913 1914 1915 1916 1917
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, <u>sexual orientation</u> , familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	1918 1919 1920 1921 1922
(15) Discriminate in the sale or rental of, or otherwise make	1923

unavailable or deny, housing accommodations to any buyer or renter	1924
because of a disability of any of the following:	1925
(a) The buyer or renter;	1926
(b) A person residing in or intending to reside in the	1927
housing accommodations after they are sold, rented, or made	1928
available;	1929
(c) Any individual associated with the person described in	1930
division (H)(15)(b) of this section.	1931
(16) Discriminate in the terms, conditions, or privileges of	1932
the sale or rental of housing accommodations to any person or in	1933
the provision of services or facilities to any person in	1934
connection with the housing accommodations because of a disability	1935
of any of the following:	1936
(a) That person;	1937
(b) A person residing in or intending to reside in the	1938
housing accommodations after they are sold, rented, or made	1939
available;	1940
(c) Any individual associated with the person described in	1941
division (H)(16)(b) of this section.	1942
(17) Except as otherwise provided in division (H)(17) of this	1943
section, make an inquiry to determine whether an applicant for the	1944
sale or rental of housing accommodations, a person residing in or	1945
intending to reside in the housing accommodations after they are	1946
sold, rented, or made available, or any individual associated with	1947
that person has a disability, or make an inquiry to determine the	1948
nature or severity of a disability of the applicant or such a	1949
person or individual. The following inquiries may be made of all	1950
applicants for the sale or rental of housing accommodations,	1951
regardless of whether they have disabilities:	1952
(a) An inquiry into an applicant's ability to meet the	1953



requirements of ownership or tenancy;	1954
(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;	1955 1956 1957
(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;	1958 1959 1960
(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;	1961 1962 1963
(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.	1964 1965 1966 1967 1968
(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:	1969 1970 1971 1972 1973 1974 1975 1976 1977 1978
(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification;	1979 1980 1981 1982 1983
(ii) Agreeing to restore at the end of the tenancy the	1984

interior of the housing accommodations to the condition they were 1985  
in prior to the proposed modification, but subject to reasonable 1986  
wear and tear during the period of occupancy, if it is reasonable 1987  
for the landlord to condition permission for the proposed 1988  
modification upon the agreement; 1989

(iii) Paying into an interest-bearing escrow account that is 1990  
in the landlord's name, over a reasonable period of time, a 1991  
reasonable amount of money not to exceed the projected costs at 1992  
the end of the tenancy of the restoration of the interior of the 1993  
housing accommodations to the condition they were in prior to the 1994  
proposed modification, but subject to reasonable wear and tear 1995  
during the period of occupancy, if the landlord finds the account 1996  
reasonably necessary to ensure the availability of funds for the 1997  
restoration work. The interest earned in connection with an escrow 1998  
account described in this division shall accrue to the benefit of 1999  
the disabled tenant who makes payments into the account. 2000

(b) A landlord shall not condition permission for a proposed 2001  
modification upon a disabled tenant's payment of a security 2002  
deposit that exceeds the customarily required security deposit of 2003  
all tenants of the particular housing accommodations. 2004

(19) Refuse to make reasonable accommodations in rules, 2005  
policies, practices, or services when necessary to afford a person 2006  
with a disability equal opportunity to use and enjoy a dwelling 2007  
unit, including associated public and common use areas; 2008

(20) Fail to comply with the standards and rules adopted 2009  
under division (A) of section 3781.111 of the Revised Code; 2010

(21) Discriminate against any person in the selling, 2011  
brokering, or appraising of real property because of race, color, 2012  
religion, sex, sexual orientation, familial status, ancestry, 2013  
disability, or national origin; 2014

(22) Fail to design and construct covered multifamily 2015

dwellings for first occupancy on or after June 30, 1992, in 2016  
 accordance with the following conditions: 2017

(a) The dwellings shall have at least one building entrance 2018  
 on an accessible route, unless it is impractical to do so because 2019  
 of the terrain or unusual characteristics of the site. 2020

(b) With respect to dwellings that have a building entrance 2021  
 on an accessible route, all of the following apply: 2022

(i) The public use areas and common use areas of the 2023  
 dwellings shall be readily accessible to and usable by persons 2024  
 with a disability. 2025

(ii) All the doors designed to allow passage into and within 2026  
 all premises shall be sufficiently wide to allow passage by 2027  
 persons with a disability who are in wheelchairs. 2028

(iii) All premises within covered multifamily dwelling units 2029  
 shall contain an accessible route into and through the dwelling; 2030  
 all light switches, electrical outlets, thermostats, and other 2031  
 environmental controls within such units shall be in accessible 2032  
 locations; the bathroom walls within such units shall contain 2033  
 reinforcements to allow later installation of grab bars; and the 2034  
 kitchens and bathrooms within such units shall be designed and 2035  
 constructed in a manner that enables an individual in a wheelchair 2036  
 to maneuver about such rooms. 2037

For purposes of division (H)(22) of this section, "covered 2038  
 multifamily dwellings" means buildings consisting of four or more 2039  
 units if such buildings have one or more elevators and ground 2040  
 floor units in other buildings consisting of four or more units. 2041

(I) For any person to discriminate in any manner against any 2042  
 other person because that person has opposed any unlawful 2043  
 discriminatory practice defined in this section or because that 2044  
 person has made a charge, testified, assisted, or participated in 2045  
 any manner in any investigation, proceeding, or hearing under 2046

sections 4112.01 to 4112.07 of the Revised Code. 2047

(J) For any person to aid, abet, incite, compel, or coerce 2048  
the doing of any act declared by this section to be an unlawful 2049  
discriminatory practice, to obstruct or prevent any person from 2050  
complying with this chapter or any order issued under it, or to 2051  
attempt directly or indirectly to commit any act declared by this 2052  
section to be an unlawful discriminatory practice. 2053

(K)(1) Nothing in division (H) of this section shall bar any 2054  
religious or denominational institution or organization, or any 2055  
nonprofit charitable or educational organization that is operated, 2056  
supervised, or controlled by or in connection with a religious 2057  
organization, from limiting the sale, rental, or occupancy of 2058  
housing accommodations that it owns or operates for other than a 2059  
commercial purpose to persons of the same religion, or from giving 2060  
preference in the sale, rental, or occupancy of such housing 2061  
accommodations to persons of the same religion, unless membership 2062  
in the religion is restricted on account of race, color, or 2063  
national origin. 2064

(2) Nothing in division (H) of this section shall bar any 2065  
bona fide private or fraternal organization that, incidental to 2066  
its primary purpose, owns or operates lodgings for other than a 2067  
commercial purpose, from limiting the rental or occupancy of the 2068  
lodgings to its members or from giving preference to its members. 2069

(3) Nothing in division (H) of this section limits the 2070  
applicability of any reasonable local, state, or federal 2071  
restrictions regarding the maximum number of occupants permitted 2072  
to occupy housing accommodations. Nothing in that division 2073  
prohibits the owners or managers of housing accommodations from 2074  
implementing reasonable occupancy standards based on the number 2075  
and size of sleeping areas or bedrooms and the overall size of a 2076  
dwelling unit, provided that the standards are not implemented to 2077  
circumvent the purposes of this chapter and are formulated, 2078

implemented, and interpreted in a manner consistent with this 2079  
chapter and any applicable local, state, or federal restrictions 2080  
regarding the maximum number of occupants permitted to occupy 2081  
housing accommodations. 2082

(4) Nothing in division (H) of this section requires that 2083  
housing accommodations be made available to an individual whose 2084  
tenancy would constitute a direct threat to the health or safety 2085  
of other individuals or whose tenancy would result in substantial 2086  
physical damage to the property of others. 2087

(5) Nothing in division (H) of this section pertaining to 2088  
discrimination on the basis of familial status shall be construed 2089  
to apply to any of the following: 2090

(a) Housing accommodations provided under any state or 2091  
federal program that have been determined under the "Fair Housing 2092  
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 2093  
amended, to be specifically designed and operated to assist 2094  
elderly persons; 2095

(b) Housing accommodations intended for and solely occupied 2096  
by persons who are sixty-two years of age or older; 2097

(c) Housing accommodations intended and operated for 2098  
occupancy by at least one person who is fifty-five years of age or 2099  
older per unit, as determined under the "Fair Housing Amendments 2100  
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 2101

(L) Nothing in divisions (A) to (E) of this section shall be 2102  
construed to require a person with a disability to be employed or 2103  
trained under circumstances that would significantly increase the 2104  
occupational hazards affecting either the person with a 2105  
disability, other employees, the general public, or the facilities 2106  
in which the work is to be performed, or to require the employment 2107  
or training of a person with a disability in a job that requires 2108  
the person with a disability routinely to undertake any task, the 2109

performance of which is substantially and inherently impaired by 2110  
the person's disability. 2111

(M) Nothing in divisions (H)(1) to (18) of this section shall 2112  
be construed to require any person selling or renting property to 2113  
modify the property in any way or to exercise a higher degree of 2114  
care for a person with a disability, to relieve any person with a 2115  
disability of any obligation generally imposed on all persons 2116  
regardless of disability in a written lease, rental agreement, or 2117  
contract of purchase or sale, or to forbid distinctions based on 2118  
the inability to fulfill the terms and conditions, including 2119  
financial obligations, of the lease, agreement, or contract. 2120

(N) An aggrieved individual may enforce the individual's 2121  
rights relative to discrimination on the basis of age as provided 2122  
for in this section by instituting a civil action, within one 2123  
hundred eighty days after the alleged unlawful discriminatory 2124  
practice occurred, in any court with jurisdiction for any legal or 2125  
equitable relief that will effectuate the individual's rights. 2126

A person who files a civil action under this division is 2127  
barred, with respect to the practices complained of, from 2128  
instituting a civil action under section 4112.14 of the Revised 2129  
Code and from filing a charge with the commission under section 2130  
4112.05 of the Revised Code. 2131

(O) With regard to age, it shall not be an unlawful 2132  
discriminatory practice and it shall not constitute a violation of 2133  
division (A) of section 4112.14 of the Revised Code for any 2134  
employer, employment agency, joint labor-management committee 2135  
controlling apprenticeship training programs, or labor 2136  
organization to do any of the following: 2137

(1) Establish bona fide employment qualifications reasonably 2138  
related to the particular business or occupation that may include 2139  
standards for skill, aptitude, physical capability, intelligence, 2140

education, maturation, and experience; 2141

(2) Observe the terms of a bona fide seniority system or any 2142  
bona fide employee benefit plan, including, but not limited to, a 2143  
retirement, pension, or insurance plan, that is not a subterfuge 2144  
to evade the purposes of this section. However, no such employee 2145  
benefit plan shall excuse the failure to hire any individual, and 2146  
no such seniority system or employee benefit plan shall require or 2147  
permit the involuntary retirement of any individual, because of 2148  
the individual's age except as provided for in the "Age 2149  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 2150  
29 U.S.C.A. 623, as amended by the "Age Discrimination in 2151  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 2152  
623, as amended. 2153

(3) Retire an employee who has attained sixty-five years of 2154  
age who, for the two-year period immediately before retirement, is 2155  
employed in a bona fide executive or a high policymaking position, 2156  
if the employee is entitled to an immediate nonforfeitable annual 2157  
retirement benefit from a pension, profit-sharing, savings, or 2158  
deferred compensation plan, or any combination of those plans, of 2159  
the employer of the employee, which equals, in the aggregate, at 2160  
least forty-four thousand dollars, in accordance with the 2161  
conditions of the "Age Discrimination in Employment Act Amendment 2162  
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 2163  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 2164  
3342, 29 U.S.C.A. 631, as amended; 2165

(4) Observe the terms of any bona fide apprenticeship program 2166  
if the program is registered with the Ohio apprenticeship council 2167  
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 2168  
approved by the federal committee on apprenticeship of the United 2169  
States department of labor. 2170

(P) Nothing in this chapter prohibiting age discrimination 2171  
and nothing in division (A) of section 4112.14 of the Revised Code 2172

shall be construed to prohibit the following: 2173

(1) The designation of uniform age the attainment of which is 2174  
necessary for public employees to receive pension or other 2175  
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 2176  
or 5505. of the Revised Code; 2177

(2) The mandatory retirement of uniformed patrol officers of 2178  
the state highway patrol as provided in section 5505.16 of the 2179  
Revised Code; 2180

(3) The maximum age requirements for appointment as a patrol 2181  
officer in the state highway patrol established by section 5503.01 2182  
of the Revised Code; 2183

(4) The maximum age requirements established for original 2184  
appointment to a police department or fire department in sections 2185  
124.41 and 124.42 of the Revised Code; 2186

(5) Any maximum age not in conflict with federal law that may 2187  
be established by a municipal charter, municipal ordinance, or 2188  
resolution of a board of township trustees for original 2189  
appointment as a police officer or firefighter; 2190

(6) Any mandatory retirement provision not in conflict with 2191  
federal law of a municipal charter, municipal ordinance, or 2192  
resolution of a board of township trustees pertaining to police 2193  
officers and firefighters; 2194

(7) Until January 1, 1994, the mandatory retirement of any 2195  
employee who has attained seventy years of age and who is serving 2196  
under a contract of unlimited tenure, or similar arrangement 2197  
providing for unlimited tenure, at an institution of higher 2198  
education as defined in the "Education Amendments of 1980," 94 2199  
Stat. 1503, 20 U.S.C.A. 1141(a). 2200

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 2201  
section, for purposes of divisions (A) to (E) of this section, a 2202



disability does not include any physiological disorder or 2203  
condition, mental or psychological disorder, or disease or 2204  
condition caused by an illegal use of any controlled substance by 2205  
an employee, applicant, or other person, if an employer, 2206  
employment agency, personnel placement service, labor 2207  
organization, or joint labor-management committee acts on the 2208  
basis of that illegal use. 2209

(b) Division (Q)(1)(a) of this section does not apply to an 2210  
employee, applicant, or other person who satisfies any of the 2211  
following: 2212

(i) The employee, applicant, or other person has successfully 2213  
completed a supervised drug rehabilitation program and no longer 2214  
is engaging in the illegal use of any controlled substance, or the 2215  
employee, applicant, or other person otherwise successfully has 2216  
been rehabilitated and no longer is engaging in that illegal use. 2217

(ii) The employee, applicant, or other person is 2218  
participating in a supervised drug rehabilitation program and no 2219  
longer is engaging in the illegal use of any controlled substance. 2220

(iii) The employee, applicant, or other person is erroneously 2221  
regarded as engaging in the illegal use of any controlled 2222  
substance, but the employee, applicant, or other person is not 2223  
engaging in that illegal use. 2224

(2) Divisions (A) to (E) of this section do not prohibit an 2225  
employer, employment agency, personnel placement service, labor 2226  
organization, or joint labor-management committee from doing any 2227  
of the following: 2228

(a) Adopting or administering reasonable policies or 2229  
procedures, including, but not limited to, testing for the illegal 2230  
use of any controlled substance, that are designed to ensure that 2231  
an individual described in division (Q)(1)(b)(i) or (ii) of this 2232  
section no longer is engaging in the illegal use of any controlled 2233

substance;	2234
(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees;	2235 2236
(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;	2237 2238 2239
(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;	2240 2241 2242
(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism;	2243 2244 2245 2246 2247 2248 2249 2250
(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards.	2251 2252 2253 2254
(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination.	2255 2256 2257
(4) Division (Q) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing.	2258 2259 2260 2261 2262 2263

Sec. 4112.021. (A) As used in this section:	2264
(1) "Credit" means the right granted by a creditor to a person to defer payment of a debt, to incur debt and defer its payment, or to purchase property or services and defer payment for the property or services.	2265 2266 2267 2268
(2) "Creditor" means any person who regularly extends, renews, or continues credit, any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit, whether or not any interest or finance charge is required.	2269 2270 2271 2272 2273 2274
(3) "Credit reporting agency" means any person who, for monetary fees or dues or on a cooperative nonprofit basis, regularly assembles or evaluates credit information for the purpose of furnishing credit reports to creditors.	2275 2276 2277 2278
(4) "Age" means any age of eighteen years or older.	2279
(B) It shall be an unlawful discriminatory practice:	2280
(1) For any creditor to do any of the following:	2281
(a) Discriminate against any applicant for credit in the granting, withholding, extending, or renewing of credit, or in the fixing of the rates, terms, or conditions of any form of credit, on the basis of race, color, religion, age, sex, <u>sexual orientation</u> , marital status, national origin, disability, or ancestry, except that this division shall not apply with respect to age in any real estate transaction between a financial institution, a dealer in intangibles, or an insurance company as defined in section 5725.01 of the Revised Code and its customers;	2282 2283 2284 2285 2286 2287 2288 2289 2290
(b) Use or make any inquiry as to race, color, religion, age, sex, <u>sexual orientation</u> , marital status, national origin, disability, or ancestry for the purpose of limiting or specifying	2291 2292 2293

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

(c) Refuse to consider the sources of income of an applicant 2306  
for credit, or disregard or ignore the income of an applicant, in 2307  
whole or in part, on the basis of race, color, religion, age, sex, 2308  
sexual orientation, marital status, disability, national origin, 2309  
or ancestry; 2310

(d) Refuse to grant credit to an individual in any name that 2311  
individual customarily uses, if it has been determined in the 2312  
normal course of business that the creditor will grant credit to 2313  
the individual; 2314

(e) Impose any special requirements or conditions, including, 2315  
but not limited to, a requirement for co-obligors or 2316  
reapplication, upon any applicant or class of applicants on the 2317  
basis of race, color, religion, age, sex, sexual orientation, 2318  
marital status, national origin, disability, or ancestry in 2319  
circumstances where similar requirements or conditions are not 2320  
imposed on other applicants similarly situated, unless the special 2321  
requirements or conditions that are imposed with respect to age 2322  
are the result of a real estate transaction exempted under 2323  
division (B)(1)(a) of this section or are the result of programs 2324  
that grant preferences to certain age groups administered by 2325

instrumentalities or agencies of the United States, a state, or a political subdivision of a state;

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

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

(h) Fail or refuse on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability, or ancestry to maintain, upon the request of the individual, a separate account for each individual to whom credit is extended;

(i) Fail or refuse on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, disability, or ancestry to maintain records on any account

established after November 1, 1976, to furnish information on the 2358  
accounts to credit reporting agencies in a manner that clearly 2359  
designates the contractual liability for repayment as indicated on 2360  
the application for the account, and, if more than one individual 2361  
is contractually liable for repayment, to maintain records and 2362  
furnish information in the name of each individual. This division 2363  
does not apply to individuals who are contractually liable only if 2364  
the primary party defaults on the account. 2365

(2) For any credit reporting agency to do any of the 2366  
following: 2367

(a) Fail or refuse on the basis of race, color, religion, 2368  
age, sex, sexual orientation, marital status, national origin, 2369  
disability, or ancestry to maintain, upon the request of the 2370  
individual, a separate file on each individual about whom 2371  
information is assembled or evaluated; 2372

(b) Fail or refuse on the basis of race, color, religion, 2373  
age, sex, sexual orientation, marital status, national origin, 2374  
disability, or ancestry to clearly note, maintain, and report any 2375  
information furnished it under division (B)(1)(i) of this section. 2376

(C) This section does not prohibit a creditor from requesting 2377  
the signature of both spouses to create a valid lien, pass clear 2378  
title, or waive inchoate rights to property. 2379

(D) The rights granted by this section may be enforced by 2380  
aggrieved individuals by filing a civil action in a court of 2381  
common pleas within one hundred eighty days after the alleged 2382  
unlawful discriminatory practice occurred. Upon application by the 2383  
plaintiff and in circumstances that the court considers just, the 2384  
court in which a civil action under this section is brought may 2385  
appoint an attorney for the plaintiff and may authorize the 2386  
commencement of a civil action upon proper showing without the 2387  
payment of costs. If the court finds that an unlawful 2388

discriminatory practice prohibited by this section occurred or is 2389  
about to occur, the court may grant relief that it considers 2390  
appropriate, including a permanent or temporary injunction, 2391  
temporary restraining order, or other order, and may award to the 2392  
plaintiff compensatory and punitive damages of not less than one 2393  
hundred dollars, together with attorney's fees and court costs. 2394

(E) Nothing contained in this section shall bar a creditor 2395  
from reviewing an application for credit on the basis of 2396  
established criteria used in the normal course of business for the 2397  
determination of the credit worthiness of the individual applicant 2398  
for credit, including the credit history of the applicant. 2399

**Sec. 4112.04.** (A) The commission shall do all of the 2400  
following: 2401

(1) Establish and maintain a principal office in the city of 2402  
Columbus and any other offices within the state that it considers 2403  
necessary; 2404

(2) Appoint an executive director who shall serve at the 2405  
pleasure of the commission and be its principal administrative 2406  
officer. The executive director shall be paid a salary fixed 2407  
pursuant to Chapter 124. of the Revised Code. 2408

(3) Appoint hearing examiners and other employees and agents 2409  
who it considers necessary and prescribe their duties subject to 2410  
Chapter 124. of the Revised Code; 2411

(4) Adopt, promulgate, amend, and rescind rules to effectuate 2412  
the provisions of this chapter and the policies and practice of 2413  
the commission in connection with this chapter; 2414

(5) Formulate policies to effectuate the purposes of this 2415  
chapter and make recommendations to agencies and officers of the 2416  
state or political subdivisions to effectuate the policies; 2417

(6) Receive, investigate, and pass upon written charges made 2418

under oath of unlawful discriminatory practices; 2419

(7) Make periodic surveys of the existence and effect of 2420  
discrimination because of race, color, religion, sex, sexual 2421  
orientation, familial status, national origin, disability, age, or 2422  
ancestry on the enjoyment of civil rights by persons within the 2423  
state; 2424

(8) Report, from time to time, but not less than once a year, 2425  
to the general assembly and the governor, describing in detail the 2426  
investigations, proceedings, and hearings it has conducted and 2427  
their outcome, the decisions it has rendered, and the other work 2428  
performed by it, which report shall include a copy of any surveys 2429  
prepared pursuant to division (A)(7) of this section and shall 2430  
include the recommendations of the commission as to legislative or 2431  
other remedial action; 2432

(9) Prepare a comprehensive educational program, in 2433  
cooperation with the department of education, for the students of 2434  
the public schools of this state and for all other residents of 2435  
this state that is designed to eliminate prejudice on the basis of 2436  
race, color, religion, sex, sexual orientation, familial status, 2437  
national origin, disability, age, or ancestry in this state, to 2438  
further good will among those groups, and to emphasize the origin 2439  
of prejudice against those groups, its harmful effects, and its 2440  
incompatibility with American principles of equality and fair 2441  
play; 2442

(10) Receive progress reports from agencies, 2443  
instrumentalities, institutions, boards, commissions, and other 2444  
entities of this state or any of its political subdivisions and 2445  
their agencies, instrumentalities, institutions, boards, 2446  
commissions, and other entities regarding affirmative action 2447  
programs for the employment of persons against whom discrimination 2448  
is prohibited by this chapter, or regarding any affirmative 2449  
housing accommodations programs developed to eliminate or reduce 2450



an imbalance of race, color, religion, sex, sexual orientation, 2451  
familial status, national origin, disability, or ancestry. All 2452  
agencies, instrumentalities, institutions, boards, commissions, 2453  
and other entities of this state or its political subdivisions, 2454  
and all political subdivisions, that have undertaken affirmative 2455  
action programs pursuant to a conciliation agreement with the 2456  
commission, an executive order of the governor, any federal 2457  
statute or rule, or an executive order of the president of the 2458  
United States shall file progress reports with the commission 2459  
annually on or before the first day of November. The commission 2460  
shall analyze and evaluate the progress reports and report its 2461  
findings annually to the general assembly on or before the 2462  
thirtieth day of January of the year immediately following the 2463  
receipt of the reports. 2464

(B) The commission may do any of the following: 2465

(1) Meet and function at any place within the state; 2466

(2) Initiate and undertake on its own motion investigations 2467  
of problems of employment or housing accommodations 2468  
discrimination; 2469

(3) Hold hearings, subpoena witnesses, compel their 2470  
attendance, administer oaths, take the testimony of any person 2471  
under oath, require the production for examination of any books 2472  
and papers relating to any matter under investigation or in 2473  
question before the commission, and make rules as to the issuance 2474  
of subpoenas by individual commissioners. 2475

(a) In conducting a hearing or investigation, the commission 2476  
shall have access at all reasonable times to premises, records, 2477  
documents, individuals, and other evidence or possible sources of 2478  
evidence and may examine, record, and copy the premises, records, 2479  
documents, and other evidence or possible sources of evidence and 2480  
take and record the testimony or statements of the individuals as 2481

reasonably necessary for the furtherance of the hearing or 2482  
investigation. In investigations, the commission shall comply with 2483  
the fourth amendment to the United States Constitution relating to 2484  
unreasonable searches and seizures. The commission or a member of 2485  
the commission may issue subpoenas to compel access to or the 2486  
production of premises, records, documents, and other evidence or 2487  
possible sources of evidence or the appearance of individuals, and 2488  
may issue interrogatories to a respondent, to the same extent and 2489  
subject to the same limitations as would apply if the subpoenas or 2490  
interrogatories were issued or served in aid of a civil action in 2491  
a court of common pleas. 2492

(b) Upon written application by a respondent, the commission 2493  
shall issue subpoenas in its name to the same extent and subject 2494  
to the same limitations as subpoenas issued by the commission. 2495  
Subpoenas issued at the request of a respondent shall show on 2496  
their face the name and address of the respondent and shall state 2497  
that they were issued at the respondent's request. 2498

(c) Witnesses summoned by subpoena of the commission are 2499  
entitled to the same witness and mileage fees as are witnesses in 2500  
proceedings in a court of common pleas. 2501

(d) Within five days after service of a subpoena upon any 2502  
person, the person may petition the commission to revoke or modify 2503  
the subpoena. The commission shall grant the petition if it finds 2504  
that the subpoena requires an appearance or attendance at an 2505  
unreasonable time or place, that it requires production of 2506  
evidence that does not relate to any matter before the commission, 2507  
that it does not describe with sufficient particularity the 2508  
evidence to be produced, that compliance would be unduly onerous, 2509  
or for other good reason. 2510

(e) In case of contumacy or refusal to obey a subpoena, the 2511  
commission or person at whose request it was issued may petition 2512  
for its enforcement in the court of common pleas in the county in 2513

which the person to whom the subpoena was addressed resides, was 2514  
served, or transacts business. 2515

(4) Create local or statewide advisory agencies and 2516  
conciliation councils to aid in effectuating the purposes of this 2517  
chapter. The commission may itself, or it may empower these 2518  
agencies and councils to, do either or both of the following: 2519

(a) Study the problems of discrimination in all or specific 2520  
fields of human relationships when based on race, color, religion, 2521  
sex, sexual orientation, familial status, national origin, 2522  
disability, age, or ancestry; 2523

(b) Foster through community effort, or otherwise, good will 2524  
among the groups and elements of the population of the state. 2525

The agencies and councils may make recommendations to the 2526  
commission for the development of policies and procedures in 2527  
general. They shall be composed of representative citizens who 2528  
shall serve without pay, except that reimbursement for actual and 2529  
necessary traveling expenses shall be made to citizens who serve 2530  
on a statewide agency or council. 2531

(5) Issue any publications and the results of investigations 2532  
and research that in its judgment will tend to promote good will 2533  
and minimize or eliminate discrimination because of race, color, 2534  
religion, sex, sexual orientation, familial status, national 2535  
origin, disability, age, or ancestry. 2536

**Sec. 4112.05.** (A) The commission, as provided in this 2537  
section, shall prevent any person from engaging in unlawful 2538  
discriminatory practices, provided that, before instituting the 2539  
formal hearing authorized by division (B) of this section, it 2540  
shall attempt, by informal methods of conference, conciliation, 2541  
and persuasion, to induce compliance with this chapter. 2542

(B)(1) Any person may file a charge with the commission 2543

alleging that another person has engaged or is engaging in an 2544  
unlawful discriminatory practice. In the case of a charge alleging 2545  
an unlawful discriminatory practice described in division (A), 2546  
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 2547  
section 4112.021 or 4112.022 of the Revised Code, the charge shall 2548  
be in writing and under oath and shall be filed with the 2549  
commission within six months after the alleged unlawful 2550  
discriminatory practice was committed. In the case of a charge 2551  
alleging an unlawful discriminatory practice described in division 2552  
(H) of section 4112.02 of the Revised Code, the charge shall be in 2553  
writing and under oath and shall be filed with the commission 2554  
within one year after the alleged unlawful discriminatory practice 2555  
was committed. 2556

(2) Upon receiving a charge, the commission may initiate a 2557  
preliminary investigation to determine whether it is probable that 2558  
an unlawful discriminatory practice has been or is being engaged 2559  
in. The commission also may conduct, upon its own initiative and 2560  
independent of the filing of any charges, a preliminary 2561  
investigation relating to any of the unlawful discriminatory 2562  
practices described in division (A), (B), (C), (D), (E), (F), (I), 2563  
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 2564  
the Revised Code. Prior to a notification of a complainant under 2565  
division (B)(4) of this section or prior to the commencement of 2566  
informal methods of conference, conciliation, and persuasion under 2567  
that division, the members of the commission and the officers and 2568  
employees of the commission shall not make public in any manner 2569  
and shall retain as confidential all information that was obtained 2570  
as a result of or that otherwise pertains to a preliminary 2571  
investigation other than one described in division (B)(3) of this 2572  
section. 2573

(3)(a) Unless it is impracticable to do so and subject to its 2574  
authority under division (B)(3)(d) of this section, the commission 2575

shall complete a preliminary investigation of a charge filed 2576  
pursuant to division (B)(1) of this section that alleges an 2577  
unlawful discriminatory practice described in division (H) of 2578  
section 4112.02 of the Revised Code, and shall take one of the 2579  
following actions, within one hundred days after the filing of the 2580  
charge: 2581

(i) Notify the complainant and the respondent that it is not 2582  
probable that an unlawful discriminatory practice described in 2583  
division (H) of section 4112.02 of the Revised Code has been or is 2584  
being engaged in and that the commission will not issue a 2585  
complaint in the matter; 2586

(ii) Initiate a complaint and schedule it for informal 2587  
methods of conference, conciliation, and persuasion; 2588

(iii) Initiate a complaint and refer it to the attorney 2589  
general with a recommendation to seek a temporary or permanent 2590  
injunction or a temporary restraining order. If this action is 2591  
taken, the attorney general shall apply, as expeditiously as 2592  
possible after receipt of the complaint, to the court of common 2593  
pleas of the county in which the unlawful discriminatory practice 2594  
allegedly occurred for the appropriate injunction or order, and 2595  
the court shall hear and determine the application as 2596  
expeditiously as possible. 2597

(b) If it is not practicable to comply with the requirements 2598  
of division (B)(3)(a) of this section within the one-hundred-day 2599  
period described in that division, the commission shall notify the 2600  
complainant and the respondent in writing of the reasons for the 2601  
noncompliance. 2602

(c) Prior to the issuance of a complaint under division 2603  
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 2604  
of the complainant and the respondent under division (B)(3)(a)(i) 2605  
of this section, the members of the commission and the officers 2606

and employees of the commission shall not make public in any 2607  
manner and shall retain as confidential all information that was 2608  
obtained as a result of or that otherwise pertains to a 2609  
preliminary investigation of a charge filed pursuant to division 2610  
(B)(1) of this section that alleges an unlawful discriminatory 2611  
practice described in division (H) of section 4112.05 of the 2612  
Revised Code. 2613

(d) Notwithstanding the types of action described in 2614  
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2615  
issuance of a complaint or the referral of a complaint to the 2616  
attorney general and prior to endeavoring to eliminate an unlawful 2617  
discriminatory practice described in division (H) of section 2618  
4112.02 of the Revised Code by informal methods of conference, 2619  
conciliation, and persuasion, the commission may seek a temporary 2620  
or permanent injunction or a temporary restraining order in the 2621  
court of common pleas of the county in which the unlawful 2622  
discriminatory practice allegedly occurred. 2623

(4) If the commission determines after a preliminary 2624  
investigation other than one described in division (B)(3) of this 2625  
section that it is not probable that an unlawful discriminatory 2626  
practice has been or is being engaged in, it shall notify any 2627  
complainant under division (B)(1) of this section that it has so 2628  
determined and that it will not issue a complaint in the matter. 2629  
If the commission determines after a preliminary investigation 2630  
other than the one described in division (B)(3) of this section 2631  
that it is probable that an unlawful discriminatory practice has 2632  
been or is being engaged in, it shall endeavor to eliminate the 2633  
practice by informal methods of conference, conciliation, and 2634  
persuasion. 2635

(5) Nothing said or done during informal methods of 2636  
conference, conciliation, and persuasion under this section shall 2637  
be disclosed by any member of the commission or its staff or be 2638

used as evidence in any subsequent hearing or other proceeding. 2639

If, after a preliminary investigation and the use of informal 2640

methods of conference, conciliation, and persuasion under this 2641

section, the commission is satisfied that any unlawful 2642

discriminatory practice will be eliminated, it may treat the 2643

charge involved as being conciliated and enter that disposition on 2644

the records of the commission. If the commission fails to effect 2645

the elimination of an unlawful discriminatory practice by informal 2646

methods of conference, conciliation, and persuasion under this 2647

section and to obtain voluntary compliance with this chapter, the 2648

commission shall issue and cause to be served upon any person, 2649

including the respondent against whom a complainant has filed a 2650

charge pursuant to division (B)(1) of this section, a complaint 2651

stating the charges involved and containing a notice of an 2652

opportunity for a hearing before the commission, a member of the 2653

commission, or a hearing examiner at a place that is stated in the 2654

notice and that is located within the county in which the alleged 2655

unlawful discriminatory practice has occurred or is occurring or 2656

in which the respondent resides or transacts business. The hearing 2657

shall be held not less than thirty days after the service of the 2658

complaint upon the complainant, the aggrieved persons other than 2659

the complainant on whose behalf the complaint is issued, and the 2660

respondent, unless the complainant, an aggrieved person, or the 2661

respondent elects to proceed under division (A)(2) of section 2662

4112.051 of the Revised Code when that division is applicable. If 2663

a complaint pertains to an alleged unlawful discriminatory 2664

practice described in division (H) of section 4112.02 of the 2665

Revised Code, the complaint shall notify the complainant, an 2666

aggrieved person, and the respondent of the right of the 2667

complainant, an aggrieved person, or the respondent to elect to 2668

proceed with the administrative hearing process under this section 2669

or to proceed under division (A)(2) of section 4112.051 of the 2670

Revised Code. 2671

(6) The attorney general shall represent the commission at 2672  
any hearing held pursuant to division (B)(5) of this section and 2673  
shall present the evidence in support of the complaint. 2674

(7) Any complaint issued pursuant to division (B)(5) of this 2675  
section after the filing of a charge under division (B)(1) of this 2676  
section shall be so issued within one year after the complainant 2677  
filed the charge with respect to an alleged unlawful 2678  
discriminatory practice. 2679

(C) Any complaint issued pursuant to division (B) of this 2680  
section may be amended by the commission, a member of the 2681  
commission, or the hearing examiner conducting a hearing under 2682  
division (B) of this section, at any time prior to or during the 2683  
hearing. The respondent has the right to file an answer or an 2684  
amended answer to the original and amended complaints and to 2685  
appear at the hearing in person, by attorney, or otherwise to 2686  
examine and cross-examine witnesses. 2687

(D) The complainant shall be a party to a hearing under 2688  
division (B) of this section, and any person who is an 2689  
indispensable party to a complete determination or settlement of a 2690  
question involved in the hearing shall be joined. Any person who 2691  
has or claims an interest in the subject of the hearing and in 2692  
obtaining or preventing relief against the unlawful discriminatory 2693  
practices complained of may be permitted, in the discretion of the 2694  
person or persons conducting the hearing, to appear for the 2695  
presentation of oral or written arguments. 2696

(E) In any hearing under division (B) of this section, the 2697  
commission, a member of the commission, or the hearing examiner 2698  
shall not be bound by the Rules of Evidence but, in ascertaining 2699  
the practices followed by the respondent, shall take into account 2700  
all reliable, probative, and substantial statistical or other 2701  
evidence produced at the hearing that may tend to prove the 2702  
existence of a predetermined pattern of employment or membership, 2703



provided that nothing contained in this section shall be construed 2704  
to authorize or require any person to observe the proportion that 2705  
persons of any race, color, religion, sex, sexual orientation, 2706  
familial status, national origin, disability, age, or ancestry 2707  
bear to the total population or in accordance with any criterion 2708  
other than the individual qualifications of the applicant. 2709

(F) The testimony taken at a hearing under division (B) of 2710  
this section shall be under oath and shall be reduced to writing 2711  
and filed with the commission. Thereafter, in its discretion, the 2712  
commission, upon the service of a notice upon the complainant and 2713  
the respondent that indicates an opportunity to be present, may 2714  
take further testimony or hear argument. 2715

(G)(1) If, upon all reliable, probative, and substantial 2716  
evidence presented at a hearing under division (B) of this 2717  
section, the commission determines that the respondent has engaged 2718  
in, or is engaging in, any unlawful discriminatory practice, 2719  
whether against the complainant or others, the commission shall 2720  
state its findings of fact and conclusions of law and shall issue 2721  
and, subject to the provisions of Chapter 119. of the Revised 2722  
Code, cause to be served on the respondent an order requiring the 2723  
respondent to cease and desist from the unlawful discriminatory 2724  
practice, requiring the respondent to take any further affirmative 2725  
or other action that will effectuate the purposes of this chapter, 2726  
including, but not limited to, hiring, reinstatement, or upgrading 2727  
of employees with or without back pay, or admission or restoration 2728  
to union membership, and requiring the respondent to report to the 2729  
commission the manner of compliance. If the commission directs 2730  
payment of back pay, it shall make allowance for interim earnings. 2731  
If it finds a violation of division (H) of section 4112.02 of the 2732  
Revised Code, the commission additionally shall require the 2733  
respondent to pay actual damages and reasonable attorney's fees, 2734  
and may award to the complainant punitive damages as follows: 2735

(a) If division (G)(1)(b) or (c) of this section does not 2736  
apply, punitive damages in an amount not to exceed ten thousand 2737  
dollars; 2738

(b) If division (G)(1)(c) of this section does not apply and 2739  
if the respondent has been determined by a final order of the 2740  
commission or by a final judgment of a court to have committed one 2741  
violation of division (H) of section 4112.02 of the Revised Code 2742  
during the five-year period immediately preceding the date on 2743  
which a complaint was issued pursuant to division (B) of this 2744  
section, punitive damages in an amount not to exceed twenty-five 2745  
thousand dollars; 2746

(c) If the respondent has been determined by a final order of 2747  
the commission or by a final judgment of a court to have committed 2748  
two or more violations of division (H) of section 4112.02 of the 2749  
Revised Code during the seven-year period immediately preceding 2750  
the date on which a complaint was issued pursuant to division (B) 2751  
of this section, punitive damages in an amount not to exceed fifty 2752  
thousand dollars. 2753

(2) Upon the submission of reports of compliance, the 2754  
commission may issue a declaratory order stating that the 2755  
respondent has ceased to engage in particular unlawful 2756  
discriminatory practices. 2757

(H) If the commission finds that no probable cause exists for 2758  
crediting charges of unlawful discriminatory practices or if, upon 2759  
all the evidence presented at a hearing under division (B) of this 2760  
section on a charge, the commission finds that a respondent has 2761  
not engaged in any unlawful discriminatory practice against the 2762  
complainant or others, it shall state its findings of fact and 2763  
shall issue and cause to be served on the complainant an order 2764  
dismissing the complaint as to the respondent. A copy of the order 2765  
shall be delivered in all cases to the attorney general and any 2766  
other public officers whom the commission considers proper. 2767

(I) Until the time period for appeal set forth in division 2768  
(H) of section 4112.06 of the Revised Code expires, the 2769  
commission, subject to the provisions of Chapter 119. of the 2770  
Revised Code, at any time, upon reasonable notice, and in the 2771  
manner it considers proper, may modify or set aside, in whole or 2772  
in part, any finding or order made by it under this section. 2773

**Sec. 4112.08.** This chapter shall be construed liberally for 2774  
the accomplishment of its purposes, and any law inconsistent with 2775  
any provision of this chapter shall not apply. Nothing contained 2776  
in this chapter shall be considered to repeal any of the 2777  
provisions of any law of this state relating to discrimination 2778  
because of race, color, religion, sex, sexual orientation, 2779  
familial status, disability, national origin, age, or ancestry, 2780  
except that any person filing a charge under division (B)(1) of 2781  
section 4112.05 of the Revised Code, with respect to the unlawful 2782  
discriminatory practices complained of, is barred from instituting 2783  
a civil action under section 4112.14 or division (N) of section 2784  
4112.02 of the Revised Code. 2785

**Sec. 4117.19.** (A) Every employee organization that is 2786  
certified or recognized as a representative of public employees 2787  
under Chapter 4117. of the Revised Code shall file with the state 2788  
employment relations board a registration report that is signed by 2789  
its president or other appropriate officer. The report shall be in 2790  
a form prescribed by the board and accompanied by two copies of 2791  
the employee organization's constitution and bylaws. The board 2792  
shall accept a filing by a statewide, national, or international 2793  
employee organization of its constitution and bylaws in lieu of a 2794  
filing of the documents by each subordinate organization. The 2795  
exclusive representative or other employee organization originally 2796  
filing its constitution and bylaws shall report, promptly, to the 2797  
board all changes or amendments to its constitution and bylaws. 2798

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

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

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

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

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

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

(6) A financial report.

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

(1) Require that the organization keep accurate accounts of all income and expenses, prepare an annual financial report, keep open for inspection by any member of the organization its accounts, and make loans to officers and agents only on terms and conditions available to all members;

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

(3) When specifically requested by the board, require every 2829  
official who is designated as a fiscal officer of an employee 2830  
organization and who is responsible for funds or other property of 2831  
the organization or trust in which an organization is interested, 2832  
or a subsidiary organization be bonded with the amount, scope, and 2833  
form of the bond determined by the board; 2834

(4) Require periodic elections of officers by secret ballot 2835  
subject to recognized safeguards concerning the equal right of all 2836  
members to nominate, seek office, and vote in the elections, the 2837  
right of individual members to participate in the affairs of the 2838  
organization, and fair and equitable procedures in disciplinary 2839  
actions. 2840

(D) The board shall prescribe rules necessary to govern the 2841  
establishment and reporting of trusteeships over employee 2842  
organizations. The establishment of trusteeships is permissible 2843  
only if the constitution or bylaws of the organization set forth 2844  
reasonable procedures. 2845

(E) The board may withhold certification of an employee 2846  
organization that willfully refuses to register or file an annual 2847  
report or that willfully refuses to comply with other provisions 2848  
of this section. The board may revoke a certification of an 2849  
employee organization for willfully failing to comply with this 2850  
section. The board may enforce the prohibitions contained in this 2851  
section by petitioning the court of common pleas of the county in 2852  
which the violation occurs for an injunction. Persons complaining 2853  
of a violation of this section shall file the complaint with the 2854  
board. 2855

(F) Upon the written request to the board of any member of a 2856  
certified employee organization and where the board determines the 2857  
necessity for an audit, the board may require the employee 2858  
organization to provide a certified audit of its financial 2859  
records. 2860

(G) Any employee organization subject to the 2861  
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 2862  
519, 29 U.S.C.A., 401, as amended, may file copies with the board 2863  
of all reports it is required to file under that act in lieu of 2864  
compliance with all parts of this section other than division (A) 2865  
of this section. The board shall accept a filing by a statewide, 2866  
national, or international employee organization of its reports in 2867  
lieu of a filing of such reports by each subordinate organization. 2868

**Sec. 4735.16.** (A) Every real estate broker licensed under 2869  
this chapter shall have and maintain a definite place of business 2870  
in this state and shall erect or maintain a sign on the premises 2871  
plainly stating that the licensee is a real estate broker. If the 2872  
real estate broker maintains one or more branch offices, the real 2873  
estate broker shall erect or maintain a sign at each branch office 2874  
plainly stating that the licensee is a real estate broker. 2875

(B)(1) Any licensed real estate broker or salesperson who 2876  
advertises to buy, sell, exchange, or lease real estate, or to 2877  
engage in any act regulated by this chapter, including, but not 2878  
limited to, any licensed real estate broker or salesperson who 2879  
advertises to sell, exchange, or lease real estate that the 2880  
licensee owns, shall be identified in the advertisement by name 2881  
and by indicating that the licensee is a real estate broker or 2882  
real estate salesperson. Except a real estate salesperson who 2883  
advertises the sale, exchange, or lease of real estate that the 2884  
salesperson owns and that is not listed for sale, exchange, or 2885  
lease with a real estate broker, any real estate salesperson who 2886  
advertises, as provided in this section, also shall indicate in 2887  
the advertisement the name of the broker under whom the 2888  
salesperson is licensed and the fact that the salesperson's broker 2889  
is a real estate broker. The name of the broker shall be displayed 2890  
in equal prominence with the name of the salesperson in the 2891  
advertisement. 2892

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

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

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

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

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

(C)(1) Every citation served under this section shall give notice to the licensee of the alleged violation or violations charged and inform the licensee of the opportunity to request a hearing in accordance with Chapter 119. of the Revised Code. The citation also shall contain a statement of a fine of two hundred dollars per violation, not to exceed two thousand five hundred dollars per citation. All fines collected pursuant to this section shall be credited to the real estate recovery fund, created in the state treasury under section 4735.12 of the Revised Code.

(2) If any licensee is cited three times within twelve consecutive months, the superintendent shall initiate disciplinary

action pursuant to section 4735.051 of the Revised Code for any 2924  
subsequent violation that occurs within the same twelve-month 2925  
period. 2926

(3) If a licensee fails to request a hearing within thirty 2927  
days of the date of service of the citation, or the licensee and 2928  
the superintendent fail to reach an alternative agreement, the 2929  
citation shall become final. 2930

(4) Unless otherwise indicated, the licensee named in a final 2931  
citation must meet all requirements contained in the final 2932  
citation within thirty days of the effective date of that 2933  
citation. 2934

(5) The superintendent shall suspend automatically a 2935  
licensee's license if the licensee fails to comply with division 2936  
(C)(4) of this section. 2937

(D) A real estate broker or salesperson obtaining the 2938  
signature of a party to a listing or other agreement involved in a 2939  
real estate transaction shall furnish a copy of the listing or 2940  
other agreement to the party immediately after obtaining the 2941  
party's signature. Every broker's office shall prominently display 2942  
in the same immediate area as licenses are displayed a statement 2943  
that it is illegal to discriminate against any person because of 2944  
race, color, religion, or sex; familial status, disability or 2945  
sexual orientation, as those terms are defined in section 4112.01 2946  
of the Revised Code; national origin, ~~disability as defined in~~ 2947  
~~that section~~; or ancestry in the sale or rental of housing or 2948  
residential lots, in advertising the sale or rental of housing, in 2949  
the financing of housing, or in the provision of real estate 2950  
brokerage services and that blockbusting also is illegal. The 2951  
statement shall bear the United States department of housing and 2952  
urban development equal housing logo, shall contain the 2953  
information that the broker and the broker's salespersons are 2954  
licensed by the division of real estate and that the division can 2955



assist with any consumer complaints or inquiries, and shall 2956  
explain the provisions of section 4735.12 of the Revised Code. The 2957  
statement shall provide the division's address and telephone 2958  
number. The Ohio real estate commission shall provide by rule for 2959  
the wording and size of the statement. The pamphlet required under 2960  
section 4735.03 of the Revised Code shall contain the same 2961  
statement that is required on the statement displayed as provided 2962  
in this section and shall be made available by real estate brokers 2963  
and salespersons to their clients. The commission shall provide 2964  
the wording and size of the pamphlet. 2965

**Sec. 4735.55.** (A) Each written agency agreement shall contain 2966  
all of the following: 2967

(1) An expiration date; 2968

(2) A statement that it is illegal, pursuant to the Ohio fair 2969  
housing law, division (H) of section 4112.02 of the Revised Code, 2970  
and the federal fair housing law, 42 U.S.C.A. 3601, to refuse to 2971  
sell, transfer, assign, rent, lease, sublease, or finance housing 2972  
accommodations, refuse to negotiate for the sale or rental of 2973  
housing accommodations, or otherwise deny or make unavailable 2974  
housing accommodations because of race, color, religion, or sex~~;~~<sub>i</sub> 2975  
familial status, disability, or sexual orientation, as those terms 2976  
are defined in section 4112.01 of the Revised Code~~;~~<sub>i</sub> ancestry~~;~~<sub>i</sub> 2977  
~~disability as defined in that section~~<sub>i</sub> or national origin or to 2978  
so discriminate in advertising the sale or rental of housing, in 2979  
the financing of housing, or in the provision of real estate 2980  
brokerage services; 2981

(3) A statement defining the practice known as "blockbusting" 2982  
and stating that it is illegal; 2983

(4) A copy of the United States department of housing and 2984  
urban development equal housing opportunity logotype, as set forth 2985  
in 24 C.F.R. 109.30. 2986

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

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

**Sec. 4757.07.** The counselor, social worker, and marriage and family therapist board and its professional standards committees shall not discriminate against any licensee, registrant, or applicant for a license or certificate of registration under this chapter because of the person'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; or age. The board or committee, as appropriate, shall afford a hearing to any person who files with the board or committee a statement alleging discrimination based on any of those reasons.

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

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

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

(B) Furnishing of false, misleading, or incomplete information to the board;	3016 3017
(C) The signing of an application or the holding of a certificate of accreditation by a person who has pleaded guilty to or has been convicted of a felony, or has pleaded guilty to or been convicted of a crime involving moral turpitude;	3018 3019 3020 3021
(D) The signing of an application or the holding of a certificate of accreditation by a person who is addicted to the use of any controlled substance or has been adjudicated incompetent for that purpose by a court, as provided in section 5122.301 of the Revised Code;	3022 3023 3024 3025 3026
(E) Violation of any commitment made in an application for a certificate of accreditation or certificate of approval;	3027 3028
(F) Presentation to prospective students of misleading, false, or fraudulent information relating to the emergency medical services training program or emergency medical services continuing education program, employment opportunities, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the operator of a program;	3029 3030 3031 3032 3033 3034 3035
(G) Failure to maintain in a safe and sanitary condition premises and equipment used in conducting courses of study;	3036 3037
(H) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study or to retain a sufficient number of certified instructors;	3038 3039 3040
(I) Discrimination in the acceptance of students upon the basis of <u>sexual orientation as defined in section 4112.01 of the Revised Code</u> , race, color, religion, sex, or national origin.	3041 3042 3043
<b>Sec. 5104.09.</b> (A)(1) Except as provided in rules adopted pursuant to division (D) of this section:	3044 3045

(a) No individual who has been convicted of or pleaded guilty 3046  
to a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 3047  
2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 3048  
2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 2907.02, 2907.03, 3049  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 3050  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 3051  
2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 3052  
2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 3053  
2919.24, 2919.25, 2921.03, 2921.34, 2921.35, 2923.12, 2923.13, 3054  
2923.161, 2919.22, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3055  
3716.11 of the Revised Code, a violation of section 2925.11 of the 3056  
Revised Code that is not a minor drug possession offense, as 3057  
defined in section 2925.01 of the Revised Code, felonious sexual 3058  
penetration in violation of former section 2907.12 of the Revised 3059  
Code, or a violation of an existing or former law or ordinance of 3060  
any municipal corporation, this state, any other state, or the 3061  
United States that is substantially equivalent to any of those 3062  
violations shall be certified as an in-home aide or be employed in 3063  
any capacity in or own or operate a child day-care center, type A 3064  
family day-care home, type B family day-care home, or certified 3065  
type B family day-care home. 3066

(b) No individual who has been convicted of or pleaded guilty 3067  
to a violation of section 2913.02, 2913.03, 2913.04, 2913.041, 3068  
2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 3069  
2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 3070  
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 3071  
2923.01 of the Revised Code, a violation of section 2923.02 or 3072  
2923.03 of the Revised Code that relates to a crime specified in 3073  
this division or division (A)(1)(a) of this section, a second 3074  
violation of section 4511.19 of the Revised Code within five years 3075  
of the date of operation of the child day-care center or family 3076  
day-care home, or two violations of section 4511.19 of the Revised 3077  
Code during operation of the center or home, or a violation of an 3078

existing or former law of this state, any other state, or the 3079  
United States that is substantially equivalent to any of those 3080  
violations shall own or operate a child day-care center, type A 3081  
family day-care home, type B family day-care home, or certified 3082  
type B family day-care home. 3083

(2) Each employee of a child day-care center and type A home 3084  
and every person eighteen years of age or older residing in a type 3085  
A home shall sign a statement on forms prescribed by the director 3086  
of job and family services attesting to the fact that the employee 3087  
or resident person has not been convicted of or pleaded guilty to 3088  
any offense set forth in division (A)(1)(a) of this section and 3089  
that no child has been removed from the employee's or resident 3090  
person's home pursuant to section 2151.353 of the Revised Code. 3091  
Each licensee of a type A home shall sign a statement on a form 3092  
prescribed by the director attesting to the fact that no person 3093  
who resides at the type A home and who is under the age of 3094  
eighteen has been adjudicated a delinquent child for committing a 3095  
violation of any section listed in division (A)(1)(a) of this 3096  
section. The statements shall be kept on file at the center or 3097  
type A home. 3098

(3) Each in-home aide and every person eighteen years of age 3099  
or older residing in a certified type B home shall sign a 3100  
statement on forms prescribed by the director of job and family 3101  
services attesting that the aide or resident person has not been 3102  
convicted of or pleaded guilty to any offense set forth in 3103  
division (A)(1)(a) of this section and that no child has been 3104  
removed from the aide's or resident person's home pursuant to 3105  
section 2151.353 of the Revised Code. Each authorized provider 3106  
shall sign a statement on forms prescribed by the director 3107  
attesting that the provider has not been convicted of or pleaded 3108  
guilty to any offense set forth in division (A)(1)(a) or (b) of 3109  
this section and that no child has been removed from the 3110

provider's home pursuant to section 2151.353 of the Revised Code. 3111  
Each authorized provider shall sign a statement on a form 3112  
prescribed by the director attesting to the fact that no person 3113  
who resides at the certified type B home and who is under the age 3114  
of eighteen has been adjudicated a delinquent child for committing 3115  
a violation of any section listed in division (A)(1)(a) of this 3116  
section. The statements shall be kept on file at the county 3117  
department of job and family services. 3118

(4) Each administrator and licensee of a center or type A 3119  
home shall sign a statement on a form prescribed by the director 3120  
of job and family services attesting that the administrator or 3121  
licensee has not been convicted of or pleaded guilty to any 3122  
offense set forth in division (A)(1)(a) or (b) of this section and 3123  
that no child has been removed from the administrator's or 3124  
licensee's home pursuant to section 2151.353 of the Revised Code. 3125  
The statement shall be kept on file at the center or type A home. 3126

(B) No in-home aide, no administrator, licensee, authorized 3127  
provider, or employee of a center, type A home, or certified type 3128  
B home, and no person eighteen years of age or older residing in a 3129  
type A home or certified type B home shall withhold information 3130  
from, or falsify information on, any statement required pursuant 3131  
to division (A)(2), (3), or (4) of this section. 3132

(C) No administrator, licensee, or child-care staff member 3133  
shall discriminate in the enrollment of children in a child 3134  
day-care center upon the basis of sexual orientation as defined in 3135  
section 4112.01 of the Revised Code, race, color, religion, sex, 3136  
or national origin. 3137

(D) The director of job and family services shall adopt rules 3138  
pursuant to Chapter 119. of the Revised Code to implement this 3139  
section, including rules specifying exceptions to the prohibition 3140  
in division (A)(1) of this section for persons who have been 3141  
convicted of an offense listed in that division but meet 3142

rehabilitation standards set by the department. 3143

**Sec. 5107.26.** (A) As used in this section: 3144

(1) "Transitional child care" means publicly funded child 3145  
care provided under division (A)(3) of section 5104.34 of the 3146  
Revised Code. 3147

(2) "Transitional medicaid" means the medical assistance 3148  
provided under section 5111.0115 of the Revised Code. 3149

(B) Except as provided in division (C) of this section, each 3150  
member of an assistance group participating in Ohio works first is 3151  
ineligible to participate in the program for six payment months if 3152  
a county department of job and family services determines that a 3153  
member of the assistance group terminated the member's employment 3154  
and each person who, on the day prior to the day a recipient 3155  
begins to receive transitional child care or transitional 3156  
medicaid, was a member of the recipient's assistance group is 3157  
ineligible to participate in Ohio works first for six payment 3158  
months if a county department determines that the recipient 3159  
terminated the recipient's employment. 3160

(C) No assistance group member shall lose or be denied 3161  
eligibility to participate in Ohio works first pursuant to 3162  
division (B) of this section if the termination of employment was 3163  
because an assistance group member or recipient of transitional 3164  
child care or transitional medicaid secured comparable or better 3165  
employment or the county department of job and family services 3166  
certifies that the member or recipient terminated the employment 3167  
with just cause. 3168

Just cause includes the following: 3169

(1) Discrimination by an employer based on sexual orientation 3170  
as defined in section 4112.01 of the Revised Code, age, race, sex, 3171  
color, handicap, religious beliefs, or national origin; 3172

(2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;	3173 3174 3175
(3) Employment that has become unsuitable due to any of the following:	3176 3177
(a) The wage is less than the federal minimum wage;	3178
(b) The work is at a site subject to a strike or lockout, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 178, as amended, an injunction has been issued under section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as amended, or an injunction has been issued under section 4117.16 of the Revised Code;	3179 3180 3181 3182 3183 3184 3185
(c) The documented degree of risk to the member or recipient's health and safety is unreasonable;	3186 3187
(d) The member or recipient is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.	3188 3189 3190
(4) Documented illness of the member or recipient or of another assistance group member of the member or recipient requiring the presence of the member or recipient;	3191 3192 3193
(5) A documented household emergency;	3194
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	3195 3196
<b>Sec. 5111.31.</b> (A) Every provider agreement with the provider of a nursing facility or intermediate care facility for the mentally retarded shall:	3197 3198 3199
(1) Prohibit the provider from failing or refusing to retain as a patient any person because the person is, becomes, or may, as	3200 3201



a patient in the facility, become a medicaid recipient. For the 3202  
purposes of this division, a medicaid recipient who is a patient 3203  
in a facility shall be considered a patient in the facility during 3204  
any hospital stays totaling less than twenty-five days during any 3205  
twelve-month period. Recipients who have been identified by the 3206  
department of job and family services or its designee as requiring 3207  
the level of care of an intermediate care facility for the 3208  
mentally retarded shall not be subject to a maximum period of 3209  
absences during which they are considered patients if prior 3210  
authorization of the department for visits with relatives and 3211  
friends and participation in therapeutic programs is obtained 3212  
under rules adopted under section 5111.02 of the Revised Code. 3213

(2) Except as provided by division (B)(1) of this section, 3214  
include any part of the facility that meets standards for 3215  
certification of compliance with federal and state laws and rules 3216  
for participation in the medicaid program. 3217

(3) Prohibit the provider from discriminating against any 3218  
patient on the basis of sexual orientation as defined in section 3219  
4112.01 of the Revised Code, race, color, sex, creed, or national 3220  
origin. 3221

(4) Except as otherwise prohibited under section 5111.55 of 3222  
the Revised Code, prohibit the provider from failing or refusing 3223  
to accept a patient because the patient is, becomes, or may, as a 3224  
patient in the facility, become a medicaid recipient if less than 3225  
eighty per cent of the patients in the facility are medicaid 3226  
recipients. 3227

(B)(1) Except as provided by division (B)(2) of this section, 3228  
the following are not required to be included in a provider 3229  
agreement unless otherwise required by federal law: 3230

(a) Beds added during the period beginning July 1, 1987, and 3231  
ending July 1, 1993, to a nursing home licensed under Chapter 3232

3721. of the Revised Code; 3233

(b) Beds in an intermediate care facility for the mentally 3234  
retarded that are designated for respite care under a medicaid 3235  
waiver component operated pursuant to a waiver sought under 3236  
section 5111.87 of the Revised Code; 3237

(c) Beds that are converted to providing home and 3238  
community-based services under the ICF/MR conversion pilot program 3239  
authorized by a waiver sought under division (B)(1) of section 3240  
5111.88 of the Revised Code. 3241

(2) If a provider chooses to include a bed specified in 3242  
division (B)(1)(a) of this section in a provider agreement, the 3243  
bed may not be removed from the provider agreement unless the 3244  
provider withdraws the facility in which the bed is located from 3245  
the medicaid program. 3246

(C) Nothing in this section shall bar a provider that is a 3247  
religious organization operating a religious or denominational 3248  
nursing facility or intermediate care facility for the mentally 3249  
retarded from giving preference to persons of the same religion or 3250  
denomination. Nothing in this section shall bar any provider from 3251  
giving preference to persons with whom the provider has contracted 3252  
to provide continuing care. 3253

(D) Nothing in this section shall bar the provider of a 3254  
county home organized under Chapter 5155. of the Revised Code from 3255  
admitting residents exclusively from the county in which the 3256  
county home is located. 3257

(E) No provider of a nursing facility or intermediate care 3258  
facility for the mentally retarded for which a provider agreement 3259  
is in effect shall violate the provider contract obligations 3260  
imposed under this section. 3261

(F) Nothing in divisions (A) and (C) of this section shall 3262  
bar a provider from retaining patients who have resided in the 3263

provider's facility for not less than one year as private pay 3264  
patients and who subsequently become medicaid recipients, but 3265  
refusing to accept as a patient any person who is or may, as a 3266  
patient in the facility, become a medicaid recipient, if all of 3267  
the following apply: 3268

(1) The provider does not refuse to retain any patient who 3269  
has resided in the provider's facility for not less than one year 3270  
as a private pay patient because the patient becomes a medicaid 3271  
recipient, except as necessary to comply with division (F)(2) of 3272  
this section; 3273

(2) The number of medicaid recipients retained under this 3274  
division does not at any time exceed ten per cent of all the 3275  
patients in the facility; 3276

(3) On July 1, 1980, all the patients in the facility were 3277  
private pay patients. 3278

**Sec. 5119.61.** Any provision in this chapter that refers to a 3279  
board of alcohol, drug addiction, and mental health services also 3280  
refers to the community mental health board in an alcohol, drug 3281  
addiction, and mental health service district that has a community 3282  
mental health board. 3283

The director of mental health with respect to all facilities 3284  
and programs established and operated under Chapter 340. of the 3285  
Revised Code for mentally ill and emotionally disturbed persons, 3286  
shall do all of the following: 3287

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 3288  
that may be necessary to carry out the purposes of Chapter 340. 3289  
and sections 5119.61 to 5119.63 of the Revised Code. 3290

(1) The rules shall include all of the following: 3291

(a) Rules governing a community mental health agency's 3292  
services under section 340.091 of the Revised Code to an 3293

individual referred to the agency under division (C)(2) of section 3294  
173.35 of the Revised Code; 3295

(b) For the purpose of division (A)(16) of section 340.03 of 3296  
the Revised Code, rules governing the duties of mental health 3297  
agencies and boards of alcohol, drug addiction, and mental health 3298  
services under section 3722.18 of the Revised Code regarding 3299  
referrals of individuals with mental illness or severe mental 3300  
disability to adult care facilities and effective arrangements for 3301  
ongoing mental health services for the individuals. The rules 3302  
shall do at least the following: 3303

(i) Provide for agencies and boards to participate fully in 3304  
the procedures owners and managers of adult care facilities must 3305  
follow under division (A)(2) of section 3722.18 of the Revised 3306  
Code; 3307

(ii) Specify the manner in which boards are accountable for 3308  
ensuring that ongoing mental health services are effectively 3309  
arranged for individuals with mental illness or severe mental 3310  
disability who are referred by the board or mental health agency 3311  
under contract with the board to an adult care facility. 3312

(c) Rules governing a board of alcohol, drug addiction, and 3313  
mental health services when making a report to the director of 3314  
health under section 3722.17 of the Revised Code regarding the 3315  
quality of care and services provided by an adult care facility to 3316  
a person with mental illness or a severe mental disability. 3317

(2) Rules may be adopted to govern the method of paying a 3318  
community mental health facility, as defined in section 5111.023 3319  
of the Revised Code, for providing services listed in division (B) 3320  
of that section. Such rules must be consistent with the contract 3321  
entered into between the departments of job and family services 3322  
and mental health under section 5111.91 of the Revised Code and 3323  
include requirements ensuring appropriate service utilization. 3324

(B) Review and evaluate, and, taking into account the 3325  
findings and recommendations of the board of alcohol, drug 3326  
addiction, and mental health services of the district served by 3327  
the program and the requirements and priorities of the state 3328  
mental health plan, including the needs of residents of the 3329  
district now residing in state mental institutions, approve and 3330  
allocate funds to support community programs, and make 3331  
recommendations for needed improvements to boards of alcohol, drug 3332  
addiction, and mental health services; 3333

(C) Withhold state and federal funds for any program, in 3334  
whole or in part, from a board of alcohol, drug addiction, and 3335  
mental health services in the event of failure of that program to 3336  
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 3337  
or 5119.62 of the Revised Code or rules of the department of 3338  
mental health. The director shall identify the areas of 3339  
noncompliance and the action necessary to achieve compliance. The 3340  
director shall offer technical assistance to the board to achieve 3341  
compliance. The director shall give the board a reasonable time 3342  
within which to comply or to present its position that it is in 3343  
compliance. Before withholding funds, a hearing shall be conducted 3344  
to determine if there are continuing violations and that either 3345  
assistance is rejected or the board is unable to achieve 3346  
compliance. Subsequent to the hearing process, if it is determined 3347  
that compliance has not been achieved, the director may allocate 3348  
all or part of the withheld funds to a public or private agency to 3349  
provide the services not in compliance until the time that there 3350  
is compliance. The director shall establish rules pursuant to 3351  
Chapter 119. of the Revised Code to implement this division. 3352

(D) Withhold state or federal funds from a board of alcohol, 3353  
drug addiction, and mental health services that denies available 3354  
service on the basis of religion, race, color, creed, sex, 3355  
national origin, or age; disability or sexual orientation, as 3356

those terms are defined in section 4112.01 of the Revised Code<sub>7i</sub> 3357  
developmental disability<sub>7i</sub> or the inability to pay; 3358

(E) Provide consultative services to community mental health 3359  
agencies with the knowledge and cooperation of the board of 3360  
alcohol, drug addiction, and mental health services; 3361

(F) Provide to boards of alcohol, drug addiction, and mental 3362  
health services state or federal funds, in addition to those 3363  
allocated under section 5119.62 of the Revised Code, for special 3364  
programs or projects the director considers necessary but for 3365  
which local funds are not available; 3366

(G) Establish criteria by which a board of alcohol, drug 3367  
addiction, and mental health services reviews and evaluates the 3368  
quality, effectiveness, and efficiency of services provided 3369  
through its community mental health plan. The criteria shall 3370  
include requirements ensuring appropriate service utilization. The 3371  
department shall assess a board's evaluation of services and the 3372  
compliance of each board with this section, Chapter 340. or 3373  
section 5119.62 of the Revised Code, and other state or federal 3374  
law and regulations. The department, in cooperation with the 3375  
board, periodically shall review and evaluate the quality, 3376  
effectiveness, and efficiency of services provided through each 3377  
board. The department shall collect information that is necessary 3378  
to perform these functions. 3379

(H) Develop and operate a community mental health information 3380  
system. 3381

Boards of alcohol, drug abuse, and mental health services 3382  
shall submit information requested by the department in the form 3383  
and manner prescribed by the department. Information collected by 3384  
the department shall include, but not be limited to, all of the 3385  
following: 3386

(1) Information regarding units of services provided in whole 3387

or in part under contract with a board, including diagnosis and 3388  
special needs, demographic information, the number of units of 3389  
service provided, past treatment, financial status, and service 3390  
dates in accordance with rules adopted by the department in 3391  
accordance with Chapter 119. of the Revised Code; 3392

(2) Financial information other than price or price-related 3393  
data regarding expenditures of boards and community mental health 3394  
agencies, including units of service provided, budgeted and actual 3395  
expenses by type, and sources of funds. 3396

Boards shall submit the information specified in division 3397  
(H)(1) of this section no less frequently than annually for each 3398  
client, and each time the client's case is opened or closed. The 3399  
department shall not collect any information for the purpose of 3400  
identifying by name any person who receives a service through a 3401  
board of alcohol, drug addiction, and mental health services, 3402  
except as required by state or federal law to validate appropriate 3403  
reimbursement. For the purposes of division (H)(1) of this 3404  
section, the department shall use an identification system that is 3405  
consistent with applicable nationally recognized standards. 3406

(I) Review each board's community mental health plan 3407  
submitted pursuant to section 340.03 of the Revised Code and 3408  
approve or disapprove it in whole or in part. Periodically, in 3409  
consultation with representatives of boards and after considering 3410  
the recommendations of the medical director, the director shall 3411  
issue criteria for determining when a plan is complete, criteria 3412  
for plan approval or disapproval, and provisions for conditional 3413  
approval. The factors that the director considers may include, but 3414  
are not limited to, the following: 3415

(1) The mental health needs of all persons residing within 3416  
the board's service district, especially severely mentally 3417  
disabled children, adolescents, and adults; 3418

(2) The demonstrated quality, effectiveness, efficiency, and 3419  
cultural relevance of the services provided in each service 3420  
district, the extent to which any services are duplicative of 3421  
other available services, and whether the services meet the needs 3422  
identified above; 3423

(3) The adequacy of the board's accounting for the 3424  
expenditure of funds. 3425

If the director disapproves all or part of any plan, the 3426  
director shall provide the board an opportunity to present its 3427  
position. The director shall inform the board of the reasons for 3428  
the disapproval and of the criteria that must be met before the 3429  
plan may be approved. The director shall give the board a 3430  
reasonable time within which to meet the criteria, and shall offer 3431  
technical assistance to the board to help it meet the criteria. 3432

If the approval of a plan remains in dispute thirty days 3433  
prior to the conclusion of the fiscal year in which the board's 3434  
current plan is scheduled to expire, the board or the director may 3435  
request that the dispute be submitted to a mutually agreed upon 3436  
third-party mediator with the cost to be shared by the board and 3437  
the department. The mediator shall issue to the board and the 3438  
department recommendations for resolution of the dispute. Prior to 3439  
the conclusion of the fiscal year in which the current plan is 3440  
scheduled to expire, the director, taking into consideration the 3441  
recommendations of the mediator, shall make a final determination 3442  
and approve or disapprove the plan, in whole or in part. 3443

**Sec. 5123.351.** The director of mental retardation and 3444  
developmental disabilities, with respect to the eligibility for 3445  
state reimbursement of expenses incurred by facilities and 3446  
programs established and operated under Chapter 5126. of the 3447  
Revised Code for persons with mental retardation or a 3448  
developmental disability, shall do all of the following: 3449



(A) Make rules that may be necessary to carry out the 3450  
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3451  
5123.36 of the Revised Code; 3452

(B) Define minimum standards for qualifications of personnel, 3453  
professional services, and in-service training and educational 3454  
leave programs; 3455

(C) Review and evaluate community programs and make 3456  
recommendations for needed improvements to county boards of mental 3457  
retardation and developmental disabilities and to program 3458  
directors; 3459

(D) Withhold state reimbursement, in whole or in part, from 3460  
any county or combination of counties for failure to comply with 3461  
Chapter 5126. or section 5123.35 or 5123.351 of the Revised Code 3462  
or rules of the department of mental retardation and developmental 3463  
disabilities; 3464

(E) Withhold state funds from an agency, corporation, or 3465  
association denying or rendering service on the basis of race, 3466  
color, sex, religion, ancestry, or national origin~~7i~~ disability or 3467  
sexual orientation as those terms are defined in section 4112.01 3468  
of the Revised Code~~7i~~ or inability to pay; 3469

(F) Provide consultative staff service to communities to 3470  
assist in ascertaining needs and in planning and establishing 3471  
programs. 3472

**Sec. 5126.07.** No county board of mental retardation and 3473  
developmental disabilities or any agency, corporation, or 3474  
association under contract with a county board of mental 3475  
retardation and developmental disabilities shall discriminate in 3476  
the provision of services under its authority or contract on the 3477  
basis of sexual orientation as defined in section 4112.01 of the 3478  
Revised Code, race, color, sex, creed, disability, national 3479

origin, or the inability to pay. 3480

Each county board of mental retardation and developmental 3481  
disabilities shall provide a plan of affirmative action describing 3482  
its goals and methods for the provision of equal employment 3483  
opportunities for all persons under its authority and shall ensure 3484  
nondiscrimination in employment under its authority or contract on 3485  
the basis of sexual orientation as defined in section 4112.01 of 3486  
the Revised Code, race, color, sex, creed, disability, or national 3487  
origin. 3488

**Sec. 5515.08.** (A) The department of transportation may 3489  
contract to sell commercial advertising space within or on the 3490  
outside surfaces of any building located within a roadside rest 3491  
area under its jurisdiction in exchange for cash payment. Money 3492  
the department receives under this section shall be deposited in 3493  
the state treasury to the credit of the roadside rest area 3494  
improvement fund, which is hereby created. The department shall 3495  
use the money in the fund only to improve roadside rest areas in 3496  
accordance with section 5529.06 of the Revised Code. 3497

(B) Advertising placed under this section shall comply with 3498  
all of the following: 3499

(1) It shall not be libelous or obscene and shall not promote 3500  
any illegal product or service. 3501

(2) It shall not promote illegal discrimination on the basis 3502  
of the sexual orientation as defined in section 4112.01 of the 3503  
Revised Code, race, religion, national origin, handicap, age, or 3504  
ancestry of any person. 3505

(3) It shall not support or oppose any candidate for 3506  
political office or any political cause, issue, or organization. 3507

(4) It shall comply with any controlling federal or state 3508  
regulations or restrictions. 3509

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

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

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

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

(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 3541  
of the exemption practices nondiscriminatory hiring in its 3542  
operations. As used in this section, "nondiscriminatory hiring" 3543  
means that no individual may be denied employment solely on the 3544  
basis of sexual orientation as defined in section 4112.01 of the 3545  
Revised Code, race, religion, sex, disability, color, national 3546  
origin, or ancestry. 3547

**Section 2.** That existing sections 9.03, 124.93, 125.111, 3548  
153.59, 153.591, 176.04, 176.06, 340.12, 511.03, 717.01, 1501.012, 3549  
1751.18, 2915.08, 2927.03, 3113.36, 3301.53, 3304.14, 3304.50, 3550  
3313.481, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 3551  
4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 3552  
4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5111.31, 3553  
5119.61, 5123.351, 5126.07, 5515.08, and 5709.832 of the Revised 3554  
Code are hereby repealed. 3555

**Section 3.** Section 125.111 of the Revised Code is presented 3556  
in this act as a composite of the section as amended by both Am. 3557  
H.B. 264 and Am. Sub. H.B. 283 of the 123rd General Assembly. The 3558  
General Assembly, applying the principle stated in division (B) of 3559  
section 1.52 of the Revised Code that amendments are to be 3560  
harmonized if reasonably capable of simultaneous operation, finds 3561  
that the composite is the resulting version of the section in 3562  
effect prior to the effective date of the section as presented in 3563  
this act. 3564