

**As Introduced**

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**H. B. No. 176**

**Representatives Stewart, McGregor**

**Cosponsors: Representatives Skindell, Celeste, Letson, Garland, Blair,  
Foley, Yuko, Heard, Williams, S., Harris, Harwood, Carney, Chandler, Boyd,  
Hagan, Ujvagi, Koziura, Winburn, Luckie, Williams, B., Mallory, Sykes, Yates,  
Brown, Driehaus**

—

**A B I L L**

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

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

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

5709.832 of the Revised Code be amended to read as follows: 18

**Sec. 9.03.** (A) As used in this section, "political 19  
subdivision" means any body corporate and politic, except a 20  
municipal corporation that has adopted a charter under Section 7 21  
of Article XVIII, Ohio Constitution, and except a county that has 22  
adopted a charter under Sections 3 and 4 of Article X, Ohio 23  
Constitution, to which both of the following apply: 24

(1) It is responsible for governmental activities only in a 25  
geographic area smaller than the state. 26

(2) It is subject to the sovereign immunity of the state. 27

(B) Except as otherwise provided in division (C) of this 28  
section, the governing body of a political subdivision may use 29  
public funds to publish and distribute newsletters, or to use any 30  
other means, to communicate information about the plans, policies, 31  
and operations of the political subdivision to members of the 32  
public within the political subdivision and to other persons who 33  
may be affected by the political subdivision. 34

(C) Except as otherwise provided in division (A)(7) of 35  
section 340.03 or division (A)(12) of section 340.033 of the 36  
Revised Code, no governing body of a political subdivision shall 37  
use public funds to do any of the following: 38

(1) Publish, distribute, or otherwise communicate information 39  
that does any of the following: 40

(a) Contains defamatory, libelous, or obscene matter; 41

(b) Promotes alcoholic beverages, cigarettes or other tobacco 42  
products, or any illegal product, service, or activity; 43

(c) Promotes illegal discrimination on the basis of sexual 44  
orientation or gender identity and expression as those terms are 45  
defined in section 4112.01 of the Revised Code, race, color, 46

religion, national origin, handicap, age, or ancestry; 47

(d) Supports or opposes any labor organization or any action 48  
by, on behalf of, or against any labor organization; 49

(e) Supports or opposes the nomination or election of a 50  
candidate for public office, the investigation, prosecution, or 51  
recall of a public official, or the passage of a levy or bond 52  
issue. 53

(2) Compensate any employee of the political subdivision for 54  
time spent on any activity to influence the outcome of an election 55  
for any of the purposes described in division (C)(1)(e) of this 56  
section. Division (C)(2) of this section does not prohibit the use 57  
of public funds to compensate an employee of a political 58  
subdivision for attending a public meeting to present information 59  
about the political subdivision's finances, activities, and 60  
governmental actions in a manner that is not designed to influence 61  
the outcome of an election or the passage of a levy or bond issue, 62  
even though the election, levy, or bond issue is discussed or 63  
debated at the meeting. 64

(D) Nothing in this section prohibits or restricts any 65  
political subdivision from sponsoring, participating in, or doing 66  
any of the following: 67

(1) Charitable or public service advertising that is not 68  
commercial in nature; 69

(2) Advertising of exhibitions, performances, programs, 70  
products, or services that are provided by employees of a 71  
political subdivision or are provided at or through premises owned 72  
or operated by a political subdivision; 73

(3) Licensing an interest in a name or mark that is owned or 74  
controlled by the political subdivision. 75

(E) As used in this section, "cigarettes" and "tobacco 76

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

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

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

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

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

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

to sections 3901.19 to 3901.26 of the Revised Code. 108

**Sec. 125.111.** (A) Every contract for or on behalf of the 109  
state or any of its political subdivisions for any purchase shall 110  
contain provisions similar to those required by section 153.59 of 111  
the Revised Code in the case of construction contracts by which 112  
the contractor agrees to both of the following: 113

(1) That, in the hiring of employees for the performance of 114  
work under the contract or any subcontract, no contractor or 115  
subcontractor, by reason of race, color, religion, sex, or age; 116  
disability, sexual orientation, gender identity and expression, or 117  
military status, as those terms are defined in section 4112.01 of 118  
the Revised Code; national origin; or ancestry, shall 119  
discriminate against any citizen of this state in the employment 120  
of a person qualified and available to perform the work to which 121  
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, sexual 127  
orientation, gender identity and expression, or military status, 128  
as those terms are defined in section 4112.01 of the Revised 129  
Code; national origin; or ancestry. 130

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

department of administrative services. 139

**Sec. 340.12.** No board of alcohol, drug addiction, and mental 140  
health services or any agency, corporation, or association under 141  
contract with such a board shall discriminate in the provision of 142  
services under its authority, in employment, or contract on the 143  
basis of sexual orientation or gender identity and expression as 144  
those terms are defined in section 4112.01 of the Revised Code, 145  
race, color, sex, creed, disability, or national origin. 146

Each board, each community mental health agency, and each 147  
alcohol and drug addiction program shall have a written 148  
affirmative action program. The affirmative action program shall 149  
include goals for the employment and effective utilization of, 150  
including contracts with, members of economically disadvantaged 151  
groups as defined in division (E)(1) of section 122.71 of the 152  
Revised Code in percentages reflecting as nearly as possible the 153  
composition of the alcohol, drug addiction, and mental health 154  
service district served by the board. Each board, agency, and 155  
program shall file a description of the affirmative action program 156  
and a progress report on its implementation with the department of 157  
mental health or the department of alcohol and drug addiction 158  
services. 159

**Sec. 511.03.** After an affirmative vote in an election held 160  
under sections 511.01 and 511.02 of the Revised Code, the board of 161  
township trustees may make all contracts necessary for the 162  
purchase of a site, and the erection, improvement, or enlargement 163  
of such building. The board shall have control of any town hall 164  
belonging to the township, and it may rent or lease all or part of 165  
any hall, lodge, or recreational facility belonging to the 166  
township, to any person or organization under terms the board 167  
considers proper, for which all rent shall be paid in advance or 168  
fully secured. In establishing the terms of any rental agreement 169

or lease pursuant to this section, the board of township trustees 170  
may give preference to persons who are residents of or 171  
organizations that are headquartered in the township or that are 172  
charitable or fraternal in nature. All persons or organizations 173  
shall be treated on a like or similar basis, and no 174  
differentiation shall be made on the basis of sexual orientation 175  
or gender identity and expression as those terms are defined in 176  
section 4112.01 of the Revised Code, race, color, religion, 177  
national origin, sex, or political affiliation. The rents received 178  
for such facilities may be used for their repair or improvement, 179  
and any balance shall be used for general township purposes. 180

**Sec. 717.01.** Each municipal corporation may do any of the 181  
following: 182

(A) Acquire by purchase or condemnation real estate with or 183  
without buildings on it, and easements or interests in real 184  
estate; 185

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or 186  
improve a building or improvement that it is authorized to acquire 187  
or construct; 188

(C) Erect a crematory or provide other means for disposing of 189  
garbage or refuse, and erect public comfort stations; 190

(D) Purchase turnpike roads and make them free; 191

(E) Construct wharves and landings on navigable waters; 192

(F) Construct infirmaries, workhouses, prisons, police 193  
stations, houses of refuge and correction, market houses, public 194  
halls, public offices, municipal garages, repair shops, storage 195  
houses, and warehouses; 196

(G) Construct or acquire waterworks for supplying water to 197  
the municipal corporation and its inhabitants and extend the 198  
waterworks system outside of the municipal corporation limits; 199

(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;	200 201 202 203
(I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories;	204 205
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	206 207
(K) Construct free public libraries and reading rooms, and free recreation centers;	208 209
(L) Establish free public baths and municipal lodging houses;	210
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	211 212 213
(N) Provide land for and improve parks, boulevards, and public playgrounds;	214 215
(O) Construct hospitals and pesthouses;	216
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	217 218
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	219 220 221
(R) Construct or improve viaducts, bridges, and culverts;	222
(S)(1) Construct any building necessary for the police or fire department;	223 224
(2) Purchase fire engines or fire boats;	225
(3) Construct water towers or fire cisterns;	226
(4) Place underground the wires or signal apparatus of any police or fire department.	227 228



(T) Construct any municipal ice plant for the purpose of	229
manufacturing ice for the citizens of a municipal corporation;	230
(U) Construct subways under any street or boulevard or	231
elsewhere;	232
(V) Acquire by purchase, gift, devise, bequest, lease,	233
condemnation proceedings, or otherwise, real or personal property,	234
and thereon and thereof to establish, construct, enlarge, improve,	235
equip, maintain, and operate airports, landing fields, or other	236
air navigation facilities, either within or outside the limits of	237
a municipal corporation, and acquire by purchase, gift, devise,	238
lease, or condemnation proceedings rights-of-way for connections	239
with highways, waterways, and electric, steam, and interurban	240
railroads, and improve and equip such facilities with structures	241
necessary or appropriate for such purposes. No municipal	242
corporation may take or disturb property or facilities belonging	243
to any public utility or to a common carrier engaged in interstate	244
commerce, which property or facilities are required for the proper	245
and convenient operation of the utility or carrier, unless	246
provision is made for the restoration, relocation, or duplication	247
of the property or facilities elsewhere at the sole cost of the	248
municipal corporation.	249
(W) Provide by agreement with any regional airport authority,	250
created under section 308.03 of the Revised Code, for the making	251
of necessary surveys, appraisals, and examinations preliminary to	252
the acquisition or construction of any airport or airport facility	253
and pay the portion of the expense of the surveys, appraisals, and	254
examinations as set forth in the agreement;	255
(X) Provide by agreement with any regional airport authority,	256
created under section 308.03 of the Revised Code, for the	257
acquisition, construction, maintenance, or operation of any	258
airport or airport facility owned or to be owned and operated by	259
the regional airport authority or owned or to be owned and	260

operated by the municipal corporation and pay the portion of the 261  
expense of it as set forth in the agreement; 262

(Y) Acquire by gift, purchase, lease, or condemnation, land, 263  
forest, and water rights necessary for conservation of forest 264  
reserves, water parks, or reservoirs, either within or without the 265  
limits of the municipal corporation, and improve and equip the 266  
forest and water parks with structures, equipment, and 267  
reforestation necessary or appropriate for any purpose for the 268  
utilization of any of the forest and water benefits that may 269  
properly accrue therefrom to the municipal corporation; 270

(Z) Acquire real property by purchase, gift, or devise and 271  
construct and maintain on it public swimming pools, either within 272  
or outside the limits of the municipal corporation; 273

(AA) Construct or rehabilitate, equip, maintain, operate, and 274  
lease facilities for housing of elderly persons and for persons of 275  
low and moderate income, and appurtenant facilities. No municipal 276  
corporation shall deny housing accommodations to or withhold 277  
housing accommodations from elderly persons or persons of low and 278  
moderate income because of race, color, religion, or sex; 279  
~~familial status as defined in section 4112.01 of the Revised Code,~~ 280  
~~military status as defined in that section,~~ disability as defined 281  
~~in that section, or sexual orientation, or gender identity and~~ 282  
expression, as those terms are defined in section 4112.01 of the 283  
Revised Code; ancestry; or national origin. Any elderly person or 284  
person of low or moderate income who is denied housing 285  
accommodations or has them withheld by a municipal corporation 286  
because of race, color, religion, or sex; ~~familial status as~~ 287  
~~defined in section 4112.01 of the Revised Code,~~ military status as 288  
~~defined in that section,~~ disability as defined in that section, 289  
sexual orientation, or gender identity and expression, as those 290  
terms are defined in section 4112.01 of the Revised Code; 291  
ancestry; or national origin may file a charge with the Ohio 292

civil rights commission as provided in Chapter 4112. of the Revised Code. 293  
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(BB) Acquire, rehabilitate, and develop rail property or rail service, and enter into agreements with the Ohio rail development commission, boards of county commissioners, boards of township trustees, legislative authorities of other municipal corporations, with other governmental agencies or organizations, and with private agencies or organizations in order to achieve those purposes; 295  
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(CC) Appropriate and contribute money to a soil and water conservation district for use under Chapter 1515. of the Revised Code; 302  
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(DD) Authorize the board of county commissioners, pursuant to a contract authorizing the action, to contract on the municipal corporation's behalf for the administration and enforcement within its jurisdiction of the state building code by another county or another municipal corporation located within or outside the county. The contract for administration and enforcement shall provide for obtaining certification pursuant to division (E) of section 3781.10 of the Revised Code for the exercise of administration and enforcement authority within the municipal corporation seeking those services and shall specify which political subdivision is responsible for securing that certification. 305  
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(EE) Expend money for providing and maintaining services and facilities for senior citizens. 317  
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"Airport," "landing field," and "air navigation facility," as defined in section 4561.01 of the Revised Code, apply to division (V) of this section. 319  
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As used in divisions (W) and (X) of this section, "airport" and "airport facility" have the same meanings as in section 308.01 322  
323

of the Revised Code. 324

As used in division (BB) of this section, "rail property" and 325  
"rail service" have the same meanings as in section 4981.01 of the 326  
Revised Code. 327

**Sec. 1501.012.** (A) The director of natural resources may 328  
lease lands in state parks, as defined in section 1501.07 of the 329  
Revised Code, and contract for the construction and operation of 330  
public service facilities, as mentioned in that section, and for 331  
major renovation or remodeling of existing public service 332  
facilities by the lessees on those lands. If the director 333  
determines that doing so would be consistent with long-range 334  
planning of the department of natural resources and in the best 335  
interests of the department and the division of parks and 336  
recreation in the department, the director shall negotiate and 337  
execute a lease and contract for those purposes in accordance with 338  
this chapter except as otherwise provided in this section. 339

(B) With the approval of the recreation and resources council 340  
created under section 1501.04 of the Revised Code, the director 341  
shall draft a statement of intent describing any public service 342  
facility that the department wishes to have constructed in 343  
accordance with this section and establishing a procedure for the 344  
submission of proposals for providing the facility, including, but 345  
not limited to, a requirement that each prospective bidder or 346  
lessee of land shall submit with the proposal a completed 347  
questionnaire and financial statement, on forms prescribed and 348  
furnished by the department, to enable the department to ascertain 349  
the person's financial worth and experience in maintaining and 350  
operating facilities similar or related to the public service 351  
facility in question. The completed questionnaire and financial 352  
statement shall be verified under oath by the prospective bidder 353  
or lessee. Questionnaires and financial statements submitted under 354

this division are confidential and are not open to public 355  
inspection. Nothing in this division shall be construed to prevent 356  
use of or reference to questionnaires and financial statements in 357  
a civil action or criminal prosecution commenced by the state. 358

The director shall publish the statement of intent in at 359  
least three daily newspapers of general circulation in the state 360  
at least once each week for four consecutive weeks. The director 361  
then shall accept proposals in response to the statement of intent 362  
for at least thirty days following the final publication of the 363  
statement. At the end of the period during which proposals may be 364  
submitted under this division, the director shall select the 365  
proposal that the director determines best complies with the 366  
statement of intent and may negotiate a lease and contract with 367  
the person that submitted that proposal. 368

(C) Any lease and contract negotiated under this section 369  
shall include in its terms and conditions all of the following: 370

(1) The legal description of the leasehold; 371

(2) The duration of the lease and contract, which shall not 372  
exceed forty years, and a requirement that the lease and contract 373  
be nonrenewable; 374

(3) A requirement that the lessee maintain in full force and 375  
effect during the term of the lease and contract comprehensive 376  
liability insurance for injury, death, or loss to persons or 377  
property and fire casualty insurance for the public service 378  
facility and all its structures in an amount established by the 379  
director and naming the department as an additional insured; 380

(4) A requirement that the lessee maintain in full force and 381  
effect suitable performance bonds or other adequate security 382  
pertaining to the construction and operation of the public service 383  
facility; 384

(5) Detailed plans and specifications controlling the 385

construction of the public service facility that shall include all	386
of the following:	387
(a) The size and capacity of the facility;	388
(b) The type and quality of construction;	389
(c) Other criteria that the department considers necessary	390
and advisable.	391
(6) The manner of rental payment;	392
(7) A stipulation that the director shall have control and	393
supervision over all of the following:	394
(a) The operating season of the public service facility;	395
(b) The facility's hours of operation;	396
(c) The maximum rates to be charged guests using the	397
facility;	398
(d) The facility's sanitary conditions;	399
(e) The quality of food and service furnished the guests of	400
the facility;	401
(f) The lessee's general and structural maintenance	402
responsibilities at the facility.	403
(8) The disposition of the leasehold and improvements at the	404
expiration of the lease and contract;	405
(9) A requirement that the public service facility be	406
available to all members of the public without regard to sex,	407
race, color, creed, ancestry, <u>or</u> national origin <del>;</del> or disability <del>,</del>	408
<u>sexual orientation, or gender identity and expression</u> , as <u>those</u>	409
<u>terms are</u> defined in section 4112.01 of the Revised Code;	410
(10) Other terms and conditions that the director considers	411
necessary and advisable to carry out the purposes of this section.	412
(D) The attorney general shall approve the form of the lease	413

and contract prior to its execution by the director. 414

(E) The authority granted in this section to the director is 415  
in addition and supplemental to any other authority granted the 416  
director under state law. 417

**Sec. 1751.18.** (A)(1) No health insuring corporation shall 418  
cancel or fail to renew the coverage of a subscriber or enrollee 419  
because of any health status-related factor in relation to the 420  
subscriber or enrollee, the subscriber's or enrollee's 421  
requirements for health care services, or for any other reason 422  
designated under rules adopted by the superintendent of insurance. 423

(2) Unless otherwise required by state or federal law, no 424  
health insuring corporation, or health care facility or provider 425  
through which the health insuring corporation has made 426  
arrangements to provide health care services, shall discriminate 427  
against any individual with regard to enrollment, disenrollment, 428  
or the quality of health care services rendered, on the basis of 429  
the individual's race, color, sex, age, religion, military status, 430  
sexual orientation, or gender identity and expression as those 431  
terms are defined in section 4112.01 of the Revised Code, or 432  
status as a recipient of medicare or medicaid, or any health 433  
status-related factor in relation to the individual. However, a 434  
health insuring corporation shall not be required to accept a 435  
recipient of medicare or medical assistance, if an agreement has 436  
not been reached on appropriate payment mechanisms between the 437  
health insuring corporation and the governmental agency 438  
administering these programs. Further, except during a period of 439  
open enrollment under section 1751.15 of the Revised Code, a 440  
health insuring corporation may reject an applicant for nongroup 441  
enrollment on the basis of any health status-related factor in 442  
relation to the applicant. 443

(B) A health insuring corporation may cancel or decide not to 444

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

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

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

(1) Health status;

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

(3) Claims experience;

(4) Receipt of health care;

(5) Medical history;

(6) Genetic information;

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

(8) Disability.

**Sec. 2927.03.** (A) No person, whether or not acting under



color of law, shall by force or threat of force willfully injure, 474  
intimidate, or interfere with, or attempt to injure, intimidate, 475  
or interfere with, any of the following: 476

(1) Any person because of race, color, religion, sex, 477  
~~national origin, or ancestry; or familial status as defined in~~ 478  
~~section 4112.01 of the Revised Code, national origin,~~ military 479  
~~status as defined in that section,~~ disability ~~as defined in that~~ 480  
~~section, gender identity and expression, or ancestry~~ sexual 481  
orientation, as those terms are defined in section 4112.01 of the 482  
Revised Code, and because that person is or has been selling, 483  
purchasing, renting, financing, occupying, contracting, or 484  
negotiating for the sale, purchase, rental, financing, or 485  
occupation of any housing accommodations, or applying for or 486  
participating in any service, organization, or facility relating 487  
to the business of selling or renting housing accommodations; 488

(2) Any person because that person is or has been doing, or 489  
in order to intimidate that person or any other person or any 490  
class of persons from doing, either of the following: 491

(a) Participating, without discrimination on account of race, 492  
color, religion, sex, national origin, or ancestry; or familial 493  
~~status as defined in section 4112.01 of the Revised Code, national~~ 494  
~~origin,~~ military status ~~as defined in that section,~~ disability ~~as~~ 495  
~~defined in that section,~~ gender identity and expression, or 496  
~~ancestry,~~ sexual orientation, as those terms are defined in 497  
section 4112.01 of the Revised Code, in any of the activities, 498  
services, organizations, or facilities described in division 499  
(A)(1) of this section; 500

(b) Affording another person or class of persons opportunity 501  
or protection so to participate. 502

(3) Any person because that person is or has been, or in 503  
order to discourage that person or any other person from, lawfully 504

aiding or encouraging other persons to participate, without 505  
discrimination on account of race, color, religion, sex, national 506  
origin, or ancestry; or familial status ~~as defined in section~~ 507  
~~4112.01 of the Revised Code, national origin,~~ military status ~~as~~ 508  
~~defined in that section,~~ disability ~~as defined in that section,~~ 509  
gender identity and expression, or ~~ancestry,~~ sexual orientation, 510  
as those terms are defined in section 4112.01 of the Revised Code, 511  
in any of the activities, services, organizations, or facilities 512  
described in division (A)(1) of this section, or participating 513  
lawfully in speech or peaceful assembly opposing any denial of the 514  
opportunity to so participate. 515

(B) Whoever violates division (A) of this section is guilty 516  
of a misdemeanor of the first degree. 517

**Sec. 3113.36.** (A) To qualify for funds under section 3113.35 518  
of the Revised Code, a shelter for victims of domestic violence 519  
shall meet all of the following requirements: 520

(1) Be incorporated in this state as a nonprofit corporation; 521

(2) Have trustees who represent the racial, ethnic, and 522  
socioeconomic diversity of the community to be served, including 523  
at least one person who is or has been a victim of domestic 524  
violence; 525

(3) Receive at least twenty-five per cent of its funds from 526  
sources other than funds distributed pursuant to section 3113.35 527  
of the Revised Code. These other sources may be public or private, 528  
and may include funds distributed pursuant to section 3113.37 of 529  
the Revised Code, and contributions of goods or services, 530  
including materials, commodities, transportation, office space, or 531  
other types of facilities or personal services. 532

(4) Provide residential service or facilities for children 533  
when accompanied by a parent, guardian, or custodian who is a 534

victim of domestic violence and who is receiving temporary 535  
residential service at the shelter; 536

(5) Require persons employed by or volunteering services to 537  
the shelter to maintain the confidentiality of any information 538  
that would identify individuals served by the shelter. 539

(B) A shelter for victims of domestic violence does not 540  
qualify for funds if it discriminates in its admissions or 541  
provision of services on the basis of sexual orientation or gender 542  
identity and expression as those terms are defined in section 543  
4112.01 of the Revised Code, race, religion, color, age, marital 544  
status, national origin, or ancestry. A shelter does not qualify 545  
for funds in the second half of any year if its application 546  
projects the provision of residential service and such service has 547  
not been provided in the first half of that year; such a shelter 548  
does not qualify for funds in the following year. 549

**Sec. 3301.53.** (A) The state board of education, in 550  
consultation with the director of job and family services, shall 551  
formulate and prescribe by rule adopted under Chapter 119. of the 552  
Revised Code minimum standards to be applied to preschool programs 553  
operated by school district boards of education, county MR/DD 554  
boards, or eligible nonpublic schools. The rules shall include the 555  
following: 556

(1) Standards ensuring that the preschool program is located 557  
in a safe and convenient facility that accommodates the enrollment 558  
of the program, is of the quality to support the growth and 559  
development of the children according to the program objectives, 560  
and meets the requirements of section 3301.55 of the Revised Code; 561

(2) Standards ensuring that supervision, discipline, and 562  
programs will be administered according to established objectives 563  
and procedures; 564

(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 or gender identity and expression as those terms are defined in section 4112.01 of the Revised Code, age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

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

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

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

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

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

**Sec. 3304.14.** The governor shall appoint an administrator of 596  
the rehabilitation services commission to serve at the pleasure of 597  
the governor and shall fix the administrator's compensation. The 598  
administrator shall devote the administrator's entire time to the 599  
duties of the administrator's office, shall hold no other office 600  
or position of trust and profit, and shall engage in no other 601  
business during the administrator's term of office. The governor 602  
may grant the administrator the authority to appoint, remove, and 603  
discipline without regard to sexual orientation or gender identity 604  
and expression as those terms are defined in section 4112.01 of 605  
the Revised Code, sex, race, creed, color, age, or national 606  
origin, such other professional, administrative, and clerical 607  
staff members as are necessary to carry out the functions and 608  
duties of the commission. 609

**Sec. 3304.50.** The Ohio independent living council established 610  
and appointed by the governor under the authority of section 611  
107.18 of the Revised Code and pursuant to the "Rehabilitation Act 612  
Amendments of 1992," 106 Stat. 4344, 29 U.S.C.A. 796d, shall 613  
appoint an executive director to serve at the pleasure of the 614  
council and shall fix ~~his~~ the executive director's compensation. 615  
The executive director shall not be considered a public employee 616  
for purposes of Chapter 4117. of the Revised Code. The council may 617  
delegate to the executive director the authority to appoint, 618  
remove, and discipline, without regard to sexual orientation or 619  
gender identity and expression as those terms are defined in 620  
section 4112.01 of the Revised Code, sex, race, creed, color, age, 621  
or national origin, such other professional, administrative, and 622  
clerical staff members as are necessary to carry out the functions 623  
and duties of the council. 624

**Sec. 3313.481.** (A) With the approval of the department of 625

education, a board of education of a city, exempted village, 626  
local, or joint vocational school district may operate any of its 627  
schools on a schedule other than that required by section 3313.48 628  
of the Revised Code in order to do any of the following: 629

(1) To provide a flexible school day during which may be held 630  
parent-teacher conferences and reporting periods involving time in 631  
excess of that permitted to be credited toward fulfillment of the 632  
minimum school year under section 3313.48 of the Revised Code; 633

(2) To establish and maintain a calendar of quarters, 634  
trimesters, or pentamesters; 635

(3) To provide staggered attendance schedules if it receives 636  
approval to do so from the department of education. 637

(B) A school district operating a school under this section 638  
shall have such school open for instruction for each pupil 639  
enrolled in that school for at least nine hundred ten hours during 640  
the school year. For purposes of determining whether a school that 641  
is on a staggered attendance schedule is in compliance with this 642  
section in any school year, the department of education may 643  
include days the school was open for instruction with pupils in 644  
attendance for not more than the first seventy days of the ensuing 645  
school year provided such days are not considered as days the 646  
school was open for instruction during such ensuing school year. 647  
The following shall be considered as time during which the schools 648  
are open for instruction for a pupil enrolled in such a school, or 649  
for a pupil enrolled in a school that is not on a staggered 650  
attendance schedule but that operates under this section: 651

(1) Morning and afternoon recess periods of not more than 652  
fifteen minutes duration per period for a pupil in grades one 653  
through six; 654

(2) Ten hours during which the pupil would otherwise be in 655  
attendance but ~~when~~ he is not required to attend school in order 656

to provide time for individualized parent-teacher conferences and 657  
reporting periods; 658

(3) Ten hours during which the pupil would otherwise be in 659  
attendance but is not required to attend school in order to 660  
provide time for teachers to attend professional meetings; 661

(4) The number of hours pupils would otherwise be in 662  
attendance but are not required to attend because school is closed 663  
as a result of a public calamity as provided in section 3317.01 of 664  
the Revised Code. 665

(C) No board of education shall discriminate on the basis of 666  
sexual orientation or gender identity and expression as those 667  
terms are defined in section 4112.01 of the Revised Code, sex, 668  
race, religion, or national origin when assigning pupils to 669  
attendance schedules pursuant to this section. 670

**Sec. 3314.06.** The governing authority of each community 671  
school established under this chapter shall adopt admission 672  
procedures that specify the following: 673

(A) That except as otherwise provided in this section, 674  
admission to the school shall be open to any individual age five 675  
to twenty-two entitled to attend school pursuant to section 676  
3313.64 or 3313.65 of the Revised Code in a school district in the 677  
state. 678

(B)(1) That admission to the school may be limited to 679  
students who have attained a specific grade level or are within a 680  
specific age group; to students that meet a definition of 681  
"at-risk," as defined in the contract; to residents of a specific 682  
geographic area within the district, as defined in the contract; 683  
or to separate groups of autistic students and nondisabled 684  
students, as authorized in section 3314.061 of the Revised Code 685  
and as defined in the contract. 686

(2) For purposes of division (B)(1) of this section, 687  
"at-risk" students may include those students identified as gifted 688  
students under section 3324.03 of the Revised Code. 689

(C) Whether enrollment is limited to students who reside in 690  
the district in which the school is located or is open to 691  
residents of other districts, as provided in the policy adopted 692  
pursuant to the contract. 693

(D)(1) That there will be no discrimination in the admission 694  
of students to the school on the basis of sexual orientation or 695  
gender identity and expression as those terms are defined in 696  
section 4112.01 of the Revised Code, race, creed, color, 697  
disability, or sex except that: 698

(a) The governing authority may establish single-gender 699  
schools for the purpose described in division (G) of this section 700  
provided comparable facilities and learning opportunities are 701  
offered for both boys and girls. Such comparable facilities and 702  
opportunities may be offered for each sex at separate locations. 703

(b) The governing authority may establish a school that 704  
simultaneously serves a group of students identified as autistic 705  
and a group of students who are not disabled, as authorized in 706  
section 3314.061 of the Revised Code. However, unless the total 707  
capacity established for the school has been filled, no student 708  
with any disability shall be denied admission on the basis of that 709  
disability. 710

(2) That upon admission of any student with a disability, the 711  
community school will comply with all federal and state laws 712  
regarding the education of students with disabilities. 713

(E) That the school may not limit admission to students on 714  
the basis of intellectual ability, measures of achievement or 715  
aptitude, or athletic ability, except that a school may limit its 716  
enrollment to students as described in division (B) of this 717



section. 718

(F) That the community school will admit the number of 719  
students that does not exceed the capacity of the school's 720  
programs, classes, grade levels, or facilities. 721

(G) That the purpose of single-gender schools that are 722  
established shall be to take advantage of the academic benefits 723  
some students realize from single-gender instruction and 724  
facilities and to offer students and parents residing in the 725  
district the option of a single-gender education. 726

(H) That, except as otherwise provided under division (B) of 727  
this section or section 3314.061 of the Revised Code, if the 728  
number of applicants exceeds the capacity restrictions of division 729  
(F) of this section, students shall be admitted by lot from all 730  
those submitting applications, except preference shall be given to 731  
students attending the school the previous year and to students 732  
who reside in the district in which the school is located. 733  
Preference may be given to siblings of students attending the 734  
school the previous year. 735

Notwithstanding divisions (A) to (H) of this section, in the 736  
event the racial composition of the enrollment of the community 737  
school is violative of a federal desegregation order, the 738  
community school shall take any and all corrective measures to 739  
comply with the desegregation order. 740

**Sec. 3332.09.** The state board of career colleges and schools 741  
may limit, suspend, revoke, or refuse to issue or renew a 742  
certificate of registration or program authorization or may impose 743  
a penalty pursuant to section 3332.091 of the Revised Code for any 744  
one or combination of the following causes: 745

(A) Violation of any provision of sections 3332.01 to 3332.09 746  
of the Revised Code, the board's minimum standards, or any rule 747

made by the board;	748
(B) Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the board;	749 750
(C) The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;	751 752 753 754
(D) The signing of an application or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;	755 756 757 758
(E) Violation of any commitment made in an application for a certificate of registration or program authorization;	759 760
(F) Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or phone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration;	761 762 763 764 765 766 767
(G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	768 769
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	770 771
(I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be licensed by the state board of education or to hold any type of post-high school degree;	772 773 774 775 776 777

(J) Offering training or programs other than those presented 778  
in the application, except that schools may offer special courses 779  
adapted to the needs of individual students when the special 780  
courses are in the subject field specified in the application; 781

(K) Discrimination in the acceptance of students upon the 782  
basis of sexual orientation or gender identity and expression as 783  
those terms are defined in section 4112.01 of the Revised Code, 784  
race, color, religion, sex, or national origin; 785

(L) Accepting the services of an agent not holding a valid 786  
permit issued under section 3332.10 or 3332.11 of the Revised 787  
Code; 788

(M) The use of monetary or other valuable consideration by 789  
the school's agents or representatives to induce prospective 790  
students to enroll in the school, or the practice of awarding 791  
monetary or other valuable considerations without board approval 792  
to students in exchange for procuring the enrollment of others; 793

(N) Failure to provide at the request of the board, any 794  
information, records, or files pertaining to the operation of the 795  
school or recruitment and enrollment of students. 796

If the board modifies or adopts additional minimum standards 797  
or rules pursuant to section 3332.031 of the Revised Code, all 798  
schools and agents shall have sixty days from the effective date 799  
of the modifications or additional standards or rules to comply 800  
with such modifications or additions. 801

**Sec. 3721.13.** (A) The rights of residents of a home shall 802  
include, but are not limited to, the following: 803

(1) The right to a safe and clean living environment pursuant 804  
to the medicare and medicaid programs and applicable state laws 805  
and regulations prescribed by the public health council; 806

(2) The right to be free from physical, verbal, mental, and 807

emotional abuse and to be treated at all times with courtesy, 808  
respect, and full recognition of dignity and individuality; 809

(3) Upon admission and thereafter, the right to adequate and 810  
appropriate medical treatment and nursing care and to other 811  
ancillary services that comprise necessary and appropriate care 812  
consistent with the program for which the resident contracted. 813  
This care shall be provided without regard to considerations such 814  
as sexual orientation or gender identity and expression as those 815  
terms are defined in section 4112.01 of the Revised Code, race, 816  
color, religion, national origin, age, or source of payment for 817  
care. 818

(4) The right to have all reasonable requests and inquiries 819  
responded to promptly; 820

(5) The right to have clothes and bed sheets changed as the 821  
need arises, to ensure the resident's comfort or sanitation; 822

(6) The right to obtain from the home, upon request, the name 823  
and any specialty of any physician or other person responsible for 824  
the resident's care or for the coordination of care; 825

(7) The right, upon request, to be assigned, within the 826  
capacity of the home to make the assignment, to the staff 827  
physician of the resident's choice, and the right, in accordance 828  
with the rules and written policies and procedures of the home, to 829  
select as the attending physician a physician who is not on the 830  
staff of the home. If the cost of a physician's services is to be 831  
met under a federally supported program, the physician shall meet 832  
the federal laws and regulations governing such services. 833

(8) The right to participate in decisions that affect the 834  
resident's life, including the right to communicate with the 835  
physician and employees of the home in planning the resident's 836  
treatment or care and to obtain from the attending physician 837  
complete and current information concerning medical condition, 838

prognosis, and treatment plan, in terms the resident can 839  
reasonably be expected to understand; the right of access to all 840  
information in the resident's medical record; and the right to 841  
give or withhold informed consent for treatment after the 842  
consequences of that choice have been carefully explained. When 843  
the attending physician finds that it is not medically advisable 844  
to give the information to the resident, the information shall be 845  
made available to the resident's sponsor on the resident's behalf, 846  
if the sponsor has a legal interest or is authorized by the 847  
resident to receive the information. The home is not liable for a 848  
violation of this division if the violation is found to be the 849  
result of an act or omission on the part of a physician selected 850  
by the resident who is not otherwise affiliated with the home. 851

(9) The right to withhold payment for physician visitation if 852  
the physician did not visit the resident; 853

(10) The right to confidential treatment of personal and 854  
medical records, and the right to approve or refuse the release of 855  
these records to any individual outside the home, except in case 856  
of transfer to another home, hospital, or health care system, as 857  
required by law or rule, or as required by a third-party payment 858  
contract; 859

(11) The right to privacy during medical examination or 860  
treatment and in the care of personal or bodily needs; 861

(12) The right to refuse, without jeopardizing access to 862  
appropriate medical care, to serve as a medical research subject; 863

(13) The right to be free from physical or chemical 864  
restraints or prolonged isolation except to the minimum extent 865  
necessary to protect the resident from injury to self, others, or 866  
to property and except as authorized in writing by the attending 867  
physician for a specified and limited period of time and 868  
documented in the resident's medical record. Prior to authorizing 869

the use of a physical or chemical restraint on any resident, the 870  
attending physician shall make a personal examination of the 871  
resident and an individualized determination of the need to use 872  
the restraint on that resident. 873

Physical or chemical restraints or isolation may be used in 874  
an emergency situation without authorization of the attending 875  
physician only to protect the resident from injury to self or 876  
others. Use of the physical or chemical restraints or isolation 877  
shall not be continued for more than twelve hours after the onset 878  
of the emergency without personal examination and authorization by 879  
the attending physician. The attending physician or a staff 880  
physician may authorize continued use of physical or chemical 881  
restraints for a period not to exceed thirty days, and at the end 882  
of this period and any subsequent period may extend the 883  
authorization for an additional period of not more than thirty 884  
days. The use of physical or chemical restraints shall not be 885  
continued without a personal examination of the resident and the 886  
written authorization of the attending physician stating the 887  
reasons for continuing the restraint. 888

If physical or chemical restraints are used under this 889  
division, the home shall ensure that the restrained resident 890  
receives a proper diet. In no event shall physical or chemical 891  
restraints or isolation be used for punishment, incentive, or 892  
convenience. 893

(14) The right to the pharmacist of the resident's choice and 894  
the right to receive pharmaceutical supplies and services at 895  
reasonable prices not exceeding applicable and normally accepted 896  
prices for comparably packaged pharmaceutical supplies and 897  
services within the community; 898

(15) The right to exercise all civil rights, unless the 899  
resident has been adjudicated incompetent pursuant to Chapter 900  
2111. of the Revised Code and has not been restored to legal 901

capacity, as well as the right to the cooperation of the home's administrator in making arrangements for the exercise of the right to vote;

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

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

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

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

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

(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as

documented in the resident's medical record by the attending 933  
physician, except that communications with public officials or 934  
with the resident's attorney or physician shall not be restricted. 935  
Private and unrestricted communications shall include, but are not 936  
limited to, the right to: 937

- (a) Receive, send, and mail sealed, unopened correspondence; 938
- (b) Reasonable access to a telephone for private 939  
communications; 940
- (c) Private visits at any reasonable hour. 941

(22) The right to assured privacy for visits by the spouse, 942  
or if both are residents of the same home, the right to share a 943  
room within the capacity of the home, unless not medically 944  
advisable as documented in the resident's medical record by the 945  
attending physician; 946

(23) The right upon reasonable request to have room doors 947  
closed and to have them not opened without knocking, except in the 948  
case of an emergency or unless not medically advisable as 949  
documented in the resident's medical record by the attending 950  
physician; 951

(24) The right to retain and use personal clothing and a 952  
reasonable amount of possessions, in a reasonably secure manner, 953  
unless to do so would infringe on the rights of other residents or 954  
would not be medically advisable as documented in the resident's 955  
medical record by the attending physician; 956

(25) The right to be fully informed, prior to or at the time 957  
of admission and during the resident's stay, in writing, of the 958  
basic rate charged by the home, of services available in the home, 959  
and of any additional charges related to such services, including 960  
charges for services not covered under the medicare or medicaid 961  
program. The basic rate shall not be changed unless thirty days 962  
notice is given to the resident or, if the resident is unable to 963



understand this information, to the resident's sponsor. 964

(26) The right of the resident and person paying for the care 965  
to examine and receive a bill at least monthly for the resident's 966  
care from the home that itemizes charges not included in the basic 967  
rates; 968

(27)(a) The right to be free from financial exploitation; 969

(b) The right to manage the resident's own personal financial 970  
affairs, or, if the resident has delegated this responsibility in 971  
writing to the home, to receive upon written request at least a 972  
quarterly accounting statement of financial transactions made on 973  
the resident's behalf. The statement shall include: 974

(i) A complete record of all funds, personal property, or 975  
possessions of a resident from any source whatsoever, that have 976  
been deposited for safekeeping with the home for use by the 977  
resident or the resident's sponsor; 978

(ii) A listing of all deposits and withdrawals transacted, 979  
which shall be substantiated by receipts which shall be available 980  
for inspection and copying by the resident or sponsor. 981

(28) The right of the resident to be allowed unrestricted 982  
access to the resident's property on deposit at reasonable hours, 983  
unless requests for access to property on deposit are so 984  
persistent, continuous, and unreasonable that they constitute a 985  
nuisance; 986

(29) The right to receive reasonable notice before the 987  
resident's room or roommate is changed, including an explanation 988  
of the reason for either change. 989

(30) The right not to be transferred or discharged from the 990  
home unless the transfer is necessary because of one of the 991  
following: 992

(a) The welfare and needs of the resident cannot be met in 993

the home.	994
(b) The resident's health has improved sufficiently so that	995
the resident no longer needs the services provided by the home.	996
(c) The safety of individuals in the home is endangered.	997
(d) The health of individuals in the home would otherwise be	998
endangered.	999
(e) The resident has failed, after reasonable and appropriate	1000
notice, to pay or to have the medicare or medicaid program pay on	1001
the resident's behalf, for the care provided by the home. A	1002
resident shall not be considered to have failed to have the	1003
resident's care paid for if the resident has applied for medicaid,	1004
unless both of the following are the case:	1005
(i) The resident's application, or a substantially similar	1006
previous application, has been denied by the county department of	1007
job and family services.	1008
(ii) If the resident appealed the denial pursuant to division	1009
(C) of section 5101.35 of the Revised Code, the director of job	1010
and family services has upheld the denial.	1011
(f) The home's license has been revoked, the home is being	1012
closed pursuant to section 3721.08, sections 5111.35 to 5111.62,	1013
or section 5155.31 of the Revised Code, or the home otherwise	1014
ceases to operate.	1015
(g) The resident is a recipient of medicaid, and the home's	1016
participation in the medicaid program is involuntarily terminated	1017
or denied.	1018
(h) The resident is a beneficiary under the medicare program,	1019
and the home's participation in the medicare program is	1020
involuntarily terminated or denied.	1021
(31) The right to voice grievances and recommend changes in	1022
policies and services to the home's staff, to employees of the	1023

department of health, or to other persons not associated with the 1024  
operation of the home, of the resident's choice, free from 1025  
restraint, interference, coercion, discrimination, or reprisal. 1026  
This right includes access to a residents' rights advocate, and 1027  
the right to be a member of, to be active in, and to associate 1028  
with persons who are active in organizations of relatives and 1029  
friends of nursing home residents and other organizations engaged 1030  
in assisting residents. 1031

(32) The right to have any significant change in the 1032  
resident's health status reported to the resident's sponsor. As 1033  
soon as such a change is known to the home's staff, the home shall 1034  
make a reasonable effort to notify the sponsor within twelve 1035  
hours. 1036

(B) A sponsor may act on a resident's behalf to assure that 1037  
the home does not deny the residents' rights under sections 1038  
3721.10 to 3721.17 of the Revised Code. 1039

(C) Any attempted waiver of the rights listed in division (A) 1040  
of this section is void. 1041

**Sec. 3905.55.** (A) Except as provided in division (B) of this 1042  
section, an agent may charge a consumer a fee if all of the 1043  
following conditions are met: 1044

(1) The fee is disclosed to the consumer in a manner that 1045  
separately identifies the fee and the premium. 1046

(2) The fee is not calculated as a percentage of the premium. 1047

(3) The fee is not refunded, forgiven, waived, offset, or 1048  
reduced by any commission earned or received for any policy or 1049  
coverage sold. 1050

(4) The amount of the fee, and the consumer's obligation to 1051  
pay the fee, are not conditioned upon the occurrence of a future 1052  
event or condition, such as the purchase, cancellation, lapse, 1053

declination, or nonrenewal of insurance. 1054

(5) The agent discloses to the consumer that the fee is being 1055  
charged by the agent and not by the insurance company, that 1056  
neither state law nor the insurance company requires the agent to 1057  
charge the fee, and that the fee is not refundable. 1058

(6) The consumer consents to the fee. 1059

(7) The agent, in charging the fee, does not discriminate on 1060  
the basis of race, sex, national origin, religion, disability, 1061  
health status, age, marital status, military status, gender 1062  
identity and expression, or sexual orientation as those terms are 1063  
defined in section 4112.01 of the Revised Code, or geographic 1064  
location, and does not unfairly discriminate between persons of 1065  
essentially the same class and of essentially the same hazard or 1066  
expectation of life. 1067

(B) A fee may not be charged for taking or submitting an 1068  
initial application for coverage with any one insurer or different 1069  
programs with the same insurer, or processing a change to an 1070  
existing policy, a cancellation, a claim, or a renewal, in 1071  
connection with any of the following personal lines policies: 1072

(1) Private passenger automobile; 1073

(2) Homeowners, including coverage for tenants or condominium 1074  
owners, owner-occupied fire or dwelling property coverage, 1075  
personal umbrella liability, or any other personal lines-related 1076  
coverage whether sold as a separate policy or as an endorsement to 1077  
another personal lines policy; 1078

(3) Individual life insurance; 1079

(4) Individual sickness or accident insurance; 1080

(5) Disability income policies; 1081

(6) Credit insurance products. 1082

(C) Notwithstanding any other provision of this section, an 1083

agent may charge a fee for agent services in connection with a 1084  
policy issued on a no-commission basis, if the agent provides the 1085  
consumer with prior disclosure of the fee and of the services to 1086  
be provided. 1087

(D) In the event of a dispute between an agent and a consumer 1088  
regarding any disclosure required by this section, the agent has 1089  
the burden of proving that the disclosure was made. 1090

(E)(1) No person shall fail to comply with this section. 1091

(2) Whoever violates division (E)(1) of this section is 1092  
deemed to have engaged in an unfair and deceptive act or practice 1093  
in the business of insurance under sections 3901.19 to 3901.26 of 1094  
the Revised Code. 1095

(F) This section does not apply with respect to any expense 1096  
fee charged by a surety bail bond agent to cover the costs 1097  
incurred by the surety bail bond agent in executing the bail bond. 1098

**Sec. 4111.17.** (A) No employer, including the state and 1099  
political subdivisions thereof, shall discriminate in the payment 1100  
of wages on the basis of sexual orientation or gender identity and 1101  
expression as those terms are defined in section 4112.01 of the 1102  
Revised Code, race, color, religion, sex, age, national origin, or 1103  
ancestry by paying wages to any employee at a rate less than the 1104  
rate at which the employer pays wages to another employee for 1105  
equal work on jobs the performance of which requires equal skill, 1106  
effort, and responsibility, and which are performed under similar 1107  
conditions. 1108

(B) Nothing in this section prohibits an employer from paying 1109  
wages to one employee at a rate different from that at which the 1110  
employer pays another employee for the performance of equal work 1111  
under similar conditions on jobs requiring equal skill, effort, 1112  
and responsibility, when the payment is made pursuant to any of 1113

the following:	1114
(1) A seniority system;	1115
(2) A merit system;	1116
(3) A system which measures earnings by the quantity or quality of production;	1117 1118
(4) A wage rate differential determined by any factor other than <u>sexual orientation or gender identity and expression as those terms are defined in section 4112.01 of the Revised Code</u> , race, color, religion, sex, age, national origin, or ancestry.	1119 1120 1121 1122
(C) No employer shall reduce the wage rate of any employee in order to comply with this section.	1123 1124
(D) The director of commerce shall carry out, administer, and enforce this section. Any employee discriminated against in violation of this section may sue in any court of competent jurisdiction to recover two times the amount of the difference between the wages actually received and the wages received by a person performing equal work for the employer, from the date of the commencement of the violation, and for costs, including attorney fees. The director may take an assignment of any such wage claim in trust for such employee and sue in the employee's behalf. In any civil action under this section, two or more employees of the same employer may join as co-plaintiffs in one action. The director may sue in one action for claims assigned to the director by two or more employees of the same employer. No agreement to work for a discriminatory wage constitutes a defense for any civil or criminal action to enforce this section. No employer shall discriminate against any employee because such employee makes a complaint or institutes, or testifies in, any proceeding under this section.	1125 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142
(E) Any action arising under this section shall be initiated within one year after the date of violation.	1143 1144

Sec. 4112.01. (A) As used in this chapter: 1145

(1) "Person" includes one or more individuals, partnerships, 1146  
associations, organizations, corporations, legal representatives, 1147  
trustees, trustees in bankruptcy, receivers, and other organized 1148  
groups of persons. "Person" also includes, but is not limited to, 1149  
any owner, lessor, assignor, builder, manager, broker, 1150  
salesperson, appraiser, agent, employee, lending institution, and 1151  
the state and all political subdivisions, authorities, agencies, 1152  
boards, and commissions of the state. 1153

(2) "Employer" includes the state, any political subdivision 1154  
of the state, any person employing four or more persons within the 1155  
state, and any person acting directly or indirectly in the 1156  
interest of an employer, except that for purposes of 1157  
discrimination based upon sexual orientation or gender identity 1158  
and expression, "employer" includes the state, any political 1159  
subdivision of the state, any person employing fifteen or more 1160  
persons within the state, and any person acting directly or 1161  
indirectly in the interest of an employer. 1162

(3) "Employee" means an individual employed by any employer 1163  
but does not include any individual employed in the domestic 1164  
service of any person. 1165

(4) "Labor organization" includes any organization that 1166  
exists, in whole or in part, for the purpose of collective 1167  
bargaining or of dealing with employers concerning grievances, 1168  
terms or conditions of employment, or other mutual aid or 1169  
protection in relation to employment. 1170

(5) "Employment agency" includes any person regularly 1171  
undertaking, with or without compensation, to procure 1172  
opportunities to work or to procure, recruit, refer, or place 1173  
employees. 1174

(6) "Commission" means the Ohio civil rights commission	1175
created by section 4112.03 of the Revised Code.	1176
(7) "Discriminate" includes segregate or separate.	1177
(8) "Unlawful discriminatory practice" means any act	1178
prohibited by section 4112.02, 4112.021, or 4112.022 of the	1179
Revised Code.	1180
(9) "Place of public accommodation" means any inn,	1181
restaurant, eating house, barbershop, public conveyance by air,	1182
land, or water, theater, store, other place for the sale of	1183
merchandise, or any other place of public accommodation or	1184
amusement of which the accommodations, advantages, facilities, or	1185
privileges are available to the public.	1186
(10) "Housing accommodations" includes any building or	1187
structure, or portion of a building or structure, that is used or	1188
occupied or is intended, arranged, or designed to be used or	1189
occupied as the home residence, dwelling, dwelling unit, or	1190
sleeping place of one or more individuals, groups, or families	1191
whether or not living independently of each other; and any vacant	1192
land offered for sale or lease. "Housing accommodations" also	1193
includes any housing accommodations held or offered for sale or	1194
rent by a real estate broker, salesperson, or agent, by any other	1195
person pursuant to authorization of the owner, by the owner, or by	1196
the owner's legal representative.	1197
(11) "Restrictive covenant" means any specification limiting	1198
the transfer, rental, lease, or other use of any housing	1199
accommodations because of race, color, religion, sex, military	1200
status, familial status, national origin, disability, or ancestry,	1201
or any limitation based upon affiliation with or approval by any	1202
person, directly or indirectly, employing race, color, religion,	1203
sex, military status, familial status, national origin,	1204
disability, or ancestry as a condition of affiliation or approval.	1205



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

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

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

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

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

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

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

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

(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;	1237 1238 1239
(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.	1240 1241 1242 1243 1244 1245
(b) "Physical or mental impairment" does not include any of the following:	1246 1247
(i) Homosexuality and bisexuality;	1248
(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	1249 1250 1251
(iii) Compulsive gambling, kleptomania, or pyromania;	1252
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	1253 1254 1255
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	1256 1257
(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.	1258 1259 1260 1261 1262 1263
(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.	1264 1265 1266

(20) "Controlled substance" has the same meaning as in	1267
section 3719.01 of the Revised Code.	1268
(21) "Disabled tenant" means a tenant or prospective tenant	1269
who is a person with a disability.	1270
(22) "Military status" means a person's status in "service in	1271
the uniformed services" as defined in section 5923.05 of the	1272
Revised Code.	1273
<u>(23) "Sexual orientation" means actual or perceived,</u>	1274
<u>heterosexuality, homosexuality, or bisexuality.</u>	1275
<u>(24) "Gender identity and expression" means the</u>	1276
<u>gender-related identity, appearance, or expression of an</u>	1277
<u>individual regardless of the individual's assigned sex at birth.</u>	1278
(B) For the purposes of divisions (A) to (F) of section	1279
4112.02 of the Revised Code, the terms "because of sex" and "on	1280
the basis of sex" include, but are not limited to, because of or	1281
on the basis of pregnancy, any illness arising out of and	1282
occurring during the course of a pregnancy, childbirth, or related	1283
medical conditions. Women affected by pregnancy, childbirth, or	1284
related medical conditions shall be treated the same for all	1285
employment-related purposes, including receipt of benefits under	1286
fringe benefit programs, as other persons not so affected but	1287
similar in their ability or inability to work, and nothing in	1288
division (B) of section 4111.17 of the Revised Code shall be	1289
interpreted to permit otherwise. This division shall not be	1290
construed to require an employer to pay for health insurance	1291
benefits for abortion, except where the life of the mother would	1292
be endangered if the fetus were carried to term or except where	1293
medical complications have arisen from the abortion, provided that	1294
nothing in this division precludes an employer from providing	1295
abortion benefits or otherwise affects bargaining agreements in	1296
regard to abortion.	1297

Sec. 4112.02. It shall be an unlawful discriminatory 1298  
practice: 1299

(A) For any employer, because of the race, color, religion, 1300  
sex, sexual orientation, gender identity and expression, military 1301  
status, national origin, disability, age, or ancestry of any 1302  
person, to discharge without just cause, to refuse to hire, or 1303  
otherwise to discriminate against that person with respect to 1304  
hire, tenure, terms, conditions, or privileges of employment, or 1305  
any matter directly or indirectly related to employment. 1306

(B) For an employment agency or personnel placement service, 1307  
because of race, color, religion, sex, sexual orientation, gender 1308  
identity and expression, military status, national origin, 1309  
disability, age, or ancestry, to do any of the following: 1310

(1) Refuse or fail to accept, register, classify properly, or 1311  
refer for employment, or otherwise discriminate against any 1312  
person; 1313

(2) Comply with a request from an employer for referral of 1314  
applicants for employment if the request directly or indirectly 1315  
indicates that the employer fails to comply with the provisions of 1316  
sections 4112.01 to 4112.07 of the Revised Code. 1317

(C) For any labor organization to do any of the following: 1318

(1) Limit or classify its membership on the basis of race, 1319  
color, religion, sex, sexual orientation, gender identity and 1320  
expression, military status, national origin, disability, age, or 1321  
ancestry; 1322

(2) Discriminate against, limit the employment opportunities 1323  
of, or otherwise adversely affect the employment status, wages, 1324  
hours, or employment conditions of any person as an employee 1325  
because of race, color, religion, sex, sexual orientation, gender 1326  
identity and expression, military status, national origin, 1327

disability, age, or ancestry. 1328

(D) For any employer, labor organization, or joint 1329  
labor-management committee controlling apprentice training 1330  
programs to discriminate against any person because of race, 1331  
color, religion, sex, sexual orientation, gender identity and 1332  
expression, military status, national origin, disability, or 1333  
ancestry in admission to, or employment in, any program 1334  
established to provide apprentice training. 1335

(E) Except where based on a bona fide occupational 1336  
qualification certified in advance by the commission, for any 1337  
employer, employment agency, personnel placement service, or labor 1338  
organization, prior to employment or admission to membership, to 1339  
do any of the following: 1340

(1) Elicit or attempt to elicit any information concerning 1341  
the race, color, religion, sex, sexual orientation, gender 1342  
identity and expression, military status, national origin, 1343  
disability, age, or ancestry of an applicant for employment or 1344  
membership; 1345

(2) Make or keep a record of the race, color, religion, sex, 1346  
sexual orientation, gender identity and expression, military 1347  
status, national origin, disability, age, or ancestry of any 1348  
applicant for employment or membership; 1349

(3) Use any form of application for employment, or personnel 1350  
or membership blank, seeking to elicit information regarding race, 1351  
color, religion, sex, sexual orientation, gender identity and 1352  
expression, military status, national origin, disability, age, or 1353  
ancestry; but an employer holding a contract containing a 1354  
nondiscrimination clause with the government of the United States, 1355  
or any department or agency of that government, may require an 1356  
employee or applicant for employment to furnish documentary proof 1357  
of United States citizenship and may retain that proof in the 1358

employer's personnel records and may use photographic or 1359  
fingerprint identification for security purposes; 1360

1361

(4) Print or publish or cause to be printed or published any 1362  
notice or advertisement relating to employment or membership 1363  
indicating any preference, limitation, specification, or 1364  
discrimination, based upon race, color, religion, sex, sexual 1365  
orientation, gender identity and expression, military status, 1366  
national origin, disability, age, or ancestry; 1367

(5) Announce or follow a policy of denying or limiting, 1368  
through a quota system or otherwise, employment or membership 1369  
opportunities of any group because of the race, color, religion, 1370  
sex, sexual orientation, gender identity and expression, military 1371  
status, national origin, disability, age, or ancestry of that 1372  
group; 1373

(6) Utilize in the recruitment or hiring of persons any 1374  
employment agency, personnel placement service, training school or 1375  
center, labor organization, or any other employee-referring source 1376  
known to discriminate against persons because of their race, 1377  
color, religion, sex, sexual orientation, gender identity and 1378  
expression, military status, national origin, disability, age, or 1379  
ancestry. 1380

(F) For any person seeking employment to publish or cause to 1381  
be published any advertisement that specifies or in any manner 1382  
indicates that person's race, color, religion, sex, sexual 1383  
orientation, gender identity and expression, military status, 1384  
national origin, disability, age, or ancestry, or expresses a 1385  
limitation or preference as to the race, color, religion, sex, 1386  
sexual orientation, gender identity and expression, military 1387  
status, national origin, disability, age, or ancestry of any 1388  
prospective employer. 1389

(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, gender identity and expression, military status, 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, gender identity and expression, military status, 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, gender identity and expression, military status, 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, gender identity and expression, military status, 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 1422  
principal business and not only as a part of the purchase price of 1423  
an owner-occupied residence the person is selling nor merely 1424  
casually or occasionally to a relative or friend; 1425

(4) Discriminate against any person in the terms or 1426  
conditions of selling, transferring, assigning, renting, leasing, 1427  
or subleasing any housing accommodations or in furnishing 1428  
facilities, services, or privileges in connection with the 1429  
ownership, occupancy, or use of any housing accommodations, 1430  
including the sale of fire, extended coverage, or homeowners 1431  
insurance, because of race, color, religion, sex, sexual 1432  
orientation, gender identity and expression, military status, 1433  
familial status, ancestry, disability, or national origin or 1434  
because of the racial composition of the neighborhood in which the 1435  
housing accommodations are located; 1436

(5) Discriminate against any person in the terms or 1437  
conditions of any loan of money, whether or not secured by 1438  
mortgage or otherwise, for the acquisition, construction, 1439  
rehabilitation, repair, or maintenance of housing accommodations 1440  
because of race, color, religion, sex, sexual orientation, gender 1441  
identity and expression, military status, familial status, 1442  
ancestry, disability, or national origin or because of the racial 1443  
composition of the neighborhood in which the housing 1444  
accommodations are located; 1445

(6) Refuse to consider without prejudice the combined income 1446  
of both husband and wife for the purpose of extending mortgage 1447  
credit to a married couple or either member of a married couple; 1448

(7) Print, publish, or circulate any statement or 1449  
advertisement, or make or cause to be made any statement or 1450  
advertisement, relating to the sale, transfer, assignment, rental, 1451  
lease, sublease, or acquisition of any housing accommodations, or 1452  
relating to the loan of money, whether or not secured by mortgage 1453



or otherwise, for the acquisition, construction, rehabilitation, 1454  
repair, or maintenance of housing accommodations, that indicates 1455  
any preference, limitation, specification, or discrimination based 1456  
upon race, color, religion, sex, sexual orientation, gender 1457  
identity and expression, military status, familial status, 1458  
ancestry, disability, or national origin, or an intention to make 1459  
any such preference, limitation, specification, or discrimination; 1460

(8) Except as otherwise provided in division (H)(8) or (17) 1461  
of this section, make any inquiry, elicit any information, make or 1462  
keep any record, or use any form of application containing 1463  
questions or entries concerning race, color, religion, sex, sexual 1464  
orientation, gender identity and expression, military status, 1465  
familial status, ancestry, disability, or national origin in 1466  
connection with the sale or lease of any housing accommodations or 1467  
the loan of any money, whether or not secured by mortgage or 1468  
otherwise, for the acquisition, construction, rehabilitation, 1469  
repair, or maintenance of housing accommodations. Any person may 1470  
make inquiries, and make and keep records, concerning race, color, 1471  
religion, sex, sexual orientation, gender identity and expression, 1472  
military status, familial status, ancestry, disability, or 1473  
national origin for the purpose of monitoring compliance with this 1474  
chapter. 1475

(9) Include in any transfer, rental, or lease of housing 1476  
accommodations any restrictive covenant, or honor or exercise, or 1477  
attempt to honor or exercise, any restrictive covenant; 1478

(10) Induce or solicit, or attempt to induce or solicit, a 1479  
housing accommodations listing, sale, or transaction by 1480  
representing that a change has occurred or may occur with respect 1481  
to the racial, religious, sexual, sexual orientation, gender 1482  
identity and expression, military status, familial status, or 1483  
ethnic composition of the block, neighborhood, or other area in 1484  
which the housing accommodations are located, or induce or 1485

solicit, or attempt to induce or solicit, a housing accommodations 1486  
listing, sale, or transaction by representing that the presence or 1487  
anticipated presence of persons of any race, color, religion, sex, 1488  
sexual orientation, gender identity and expression, military 1489  
status, familial status, ancestry, disability, or national origin, 1490  
in the block, neighborhood, or other area will or may have results 1491  
including, but not limited to, the following: 1492  
1493

(a) The lowering of property values; 1494

(b) A change in the racial, religious, sexual, sexual 1495  
orientation, gender identity and expression, military status, 1496  
familial status, or ethnic composition of the block, neighborhood, 1497  
or other area; 1498

(c) An increase in criminal or antisocial behavior in the 1499  
block, neighborhood, or other area; 1500

(d) A decline in the quality of the schools serving the 1501  
block, neighborhood, or other area. 1502

(11) Deny any person access to or membership or participation 1503  
in any multiple-listing service, real estate brokers' 1504  
organization, or other service, organization, or facility relating 1505  
to the business of selling or renting housing accommodations, or 1506  
discriminate against any person in the terms or conditions of that 1507  
access, membership, or participation, on account of race, color, 1508  
religion, sex, sexual orientation, gender identity and expression, 1509  
military status, familial status, national origin, disability, or 1510  
ancestry; 1511

(12) Coerce, intimidate, threaten, or interfere with any 1512  
person in the exercise or enjoyment of, or on account of that 1513  
person's having exercised or enjoyed or having aided or encouraged 1514  
any other person in the exercise or enjoyment of, any right 1515  
granted or protected by division (H) of this section; 1516

(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, sexual orientation, gender identity and expression, military status, familial status, or ethnic composition;

(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, sexual orientation, gender identity and expression, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;

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

(a) The buyer or renter;

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

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

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

(a) That person;

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

(c) Any individual associated with the person described in 1547  
division (H)(16)(b) of this section. 1548

(17) Except as otherwise provided in division (H)(17) of this 1549  
section, make an inquiry to determine whether an applicant for the 1550  
sale or rental of housing accommodations, a person residing in or 1551  
intending to reside in the housing accommodations after they are 1552  
sold, rented, or made available, or any individual associated with 1553  
that person has a disability, or make an inquiry to determine the 1554  
nature or severity of a disability of the applicant or such a 1555  
person or individual. The following inquiries may be made of all 1556  
applicants for the sale or rental of housing accommodations, 1557  
regardless of whether they have disabilities: 1558

(a) An inquiry into an applicant's ability to meet the 1559  
requirements of ownership or tenancy; 1560

(b) An inquiry to determine whether an applicant is qualified 1561  
for housing accommodations available only to persons with 1562  
disabilities or persons with a particular type of disability; 1563

(c) An inquiry to determine whether an applicant is qualified 1564  
for a priority available to persons with disabilities or persons 1565  
with a particular type of disability; 1566

(d) An inquiry to determine whether an applicant currently 1567  
uses a controlled substance in violation of section 2925.11 of the 1568  
Revised Code or a substantively comparable municipal ordinance; 1569

(e) An inquiry to determine whether an applicant at any time 1570  
has been convicted of or pleaded guilty to any offense, an element 1571  
of which is the illegal sale, offer to sell, cultivation, 1572  
manufacture, other production, shipment, transportation, delivery, 1573  
or other distribution of a controlled substance. 1574

(18)(a) Refuse to permit, at the expense of a person with a 1575  
disability, reasonable modifications of existing housing 1576  
accommodations that are occupied or to be occupied by the person 1577

with a disability, if the modifications may be necessary to afford 1578  
the person with a disability full enjoyment of the housing 1579  
accommodations. This division does not preclude a landlord of 1580  
housing accommodations that are rented or to be rented to a 1581  
disabled tenant from conditioning permission for a proposed 1582  
modification upon the disabled tenant's doing one or more of the 1583  
following: 1584

(i) Providing a reasonable description of the proposed 1585  
modification and reasonable assurances that the proposed 1586  
modification will be made in a workerlike manner and that any 1587  
required building permits will be obtained prior to the 1588  
commencement of the proposed modification; 1589

(ii) Agreeing to restore at the end of the tenancy the 1590  
interior of the housing accommodations to the condition they were 1591  
in prior to the proposed modification, but subject to reasonable 1592  
wear and tear during the period of occupancy, if it is reasonable 1593  
for the landlord to condition permission for the proposed 1594  
modification upon the agreement; 1595

(iii) Paying into an interest-bearing escrow account that is 1596  
in the landlord's name, over a reasonable period of time, a 1597  
reasonable amount of money not to exceed the projected costs at 1598  
the end of the tenancy of the restoration of the interior of the 1599  
housing accommodations to the condition they were in prior to the 1600  
proposed modification, but subject to reasonable wear and tear 1601  
during the period of occupancy, if the landlord finds the account 1602  
reasonably necessary to ensure the availability of funds for the 1603  
restoration work. The interest earned in connection with an escrow 1604  
account described in this division shall accrue to the benefit of 1605  
the disabled tenant who makes payments into the account. 1606

(b) A landlord shall not condition permission for a proposed 1607  
modification upon a disabled tenant's payment of a security 1608  
deposit that exceeds the customarily required security deposit of 1609

all tenants of the particular housing accommodations. 1610

(19) Refuse to make reasonable accommodations in rules, 1611  
policies, practices, or services when necessary to afford a person 1612  
with a disability equal opportunity to use and enjoy a dwelling 1613  
unit, including associated public and common use areas; 1614

(20) Fail to comply with the standards and rules adopted 1615  
under division (A) of section 3781.111 of the Revised Code; 1616

(21) Discriminate against any person in the selling, 1617  
brokering, or appraising of real property because of race, color, 1618  
religion, sex, sexual orientation, gender identity and expression, 1619  
military status, familial status, ancestry, disability, or 1620  
national origin; 1621

(22) Fail to design and construct covered multifamily 1622  
dwellings for first occupancy on or after June 30, 1992, in 1623  
accordance with the following conditions: 1624

(a) The dwellings shall have at least one building entrance 1625  
on an accessible route, unless it is impractical to do so because 1626  
of the terrain or unusual characteristics of the site. 1627

(b) With respect to dwellings that have a building entrance 1628  
on an accessible route, all of the following apply: 1629

(i) The public use areas and common use areas of the 1630  
dwellings shall be readily accessible to and usable by persons 1631  
with a disability. 1632

(ii) All the doors designed to allow passage into and within 1633  
all premises shall be sufficiently wide to allow passage by 1634  
persons with a disability who are in wheelchairs. 1635

(iii) All premises within covered multifamily dwelling units 1636  
shall contain an accessible route into and through the dwelling; 1637  
all light switches, electrical outlets, thermostats, and other 1638  
environmental controls within such units shall be in accessible 1639

locations; the bathroom walls within such units shall contain 1640  
reinforcements to allow later installation of grab bars; and the 1641  
kitchens and bathrooms within such units shall be designed and 1642  
constructed in a manner that enables an individual in a wheelchair 1643  
to maneuver about such rooms. 1644

For purposes of division (H)(22) of this section, "covered 1645  
multifamily dwellings" means buildings consisting of four or more 1646  
units if such buildings have one or more elevators and ground 1647  
floor units in other buildings consisting of four or more units. 1648

(I) For any person to discriminate in any manner against any 1649  
other person because that person has opposed any unlawful 1650  
discriminatory practice defined in this section or because that 1651  
person has made a charge, testified, assisted, or participated in 1652  
any manner in any investigation, proceeding, or hearing under 1653  
sections 4112.01 to 4112.07 of the Revised Code. 1654

(J) For any person to aid, abet, incite, compel, or coerce 1655  
the doing of any act declared by this section to be an unlawful 1656  
discriminatory practice, to obstruct or prevent any person from 1657  
complying with this chapter or any order issued under it, or to 1658  
attempt directly or indirectly to commit any act declared by this 1659  
section to be an unlawful discriminatory practice. 1660

(K)(1) Nothing in division (H) of this section shall bar any 1661  
religious or denominational institution or organization, or any 1662  
nonprofit charitable or educational organization that is operated, 1663  
supervised, or controlled by or in connection with a religious 1664  
organization, from limiting the sale, rental, or occupancy of 1665  
housing accommodations that it owns or operates for other than a 1666  
commercial purpose to persons of the same religion, or from giving 1667  
preference in the sale, rental, or occupancy of such housing 1668  
accommodations to persons of the same religion, unless membership 1669  
in the religion is restricted on account of race, color, or 1670  
national origin. 1671

(2) Nothing in division (H) of this section shall bar any 1672  
bona fide private or fraternal organization that, incidental to 1673  
its primary purpose, owns or operates lodgings for other than a 1674  
commercial purpose, from limiting the rental or occupancy of the 1675  
lodgings to its members or from giving preference to its members. 1676

(3) Nothing in division (H) of this section limits the 1677  
applicability of any reasonable local, state, or federal 1678  
restrictions regarding the maximum number of occupants permitted 1679  
to occupy housing accommodations. Nothing in that division 1680  
prohibits the owners or managers of housing accommodations from 1681  
implementing reasonable occupancy standards based on the number 1682  
and size of sleeping areas or bedrooms and the overall size of a 1683  
dwelling unit, provided that the standards are not implemented to 1684  
circumvent the purposes of this chapter and are formulated, 1685  
implemented, and interpreted in a manner consistent with this 1686  
chapter and any applicable local, state, or federal restrictions 1687  
regarding the maximum number of occupants permitted to occupy 1688  
housing accommodations. 1689

(4) Nothing in division (H) of this section requires that 1690  
housing accommodations be made available to an individual whose 1691  
tenancy would constitute a direct threat to the health or safety 1692  
of other individuals or whose tenancy would result in substantial 1693  
physical damage to the property of others. 1694

(5) Nothing in division (H) of this section pertaining to 1695  
discrimination on the basis of familial status shall be construed 1696  
to apply to any of the following: 1697

(a) Housing accommodations provided under any state or 1698  
federal program that have been determined under the "Fair Housing 1699  
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 1700  
amended, to be specifically designed and operated to assist 1701  
elderly persons; 1702



(b) Housing accommodations intended for and solely occupied 1703  
by persons who are sixty-two years of age or older; 1704

(c) Housing accommodations intended and operated for 1705  
occupancy by at least one person who is fifty-five years of age or 1706  
older per unit, as determined under the "Fair Housing Amendments 1707  
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 1708

(L) Nothing in divisions (A) to (E) of this section shall be 1709  
construed to require a person with a disability to be employed or 1710  
trained under circumstances that would significantly increase the 1711  
occupational hazards affecting either the person with a 1712  
disability, other employees, the general public, or the facilities 1713  
in which the work is to be performed, or to require the employment 1714  
or training of a person with a disability in a job that requires 1715  
the person with a disability routinely to undertake any task, the 1716  
performance of which is substantially and inherently impaired by 1717  
the person's disability. 1718

(M) Nothing in divisions (H)(1) to (18) of this section shall 1719  
be construed to require any person selling or renting property to 1720  
modify the property in any way or to exercise a higher degree of 1721  
care for a person with a disability, to relieve any person with a 1722  
disability of any obligation generally imposed on all persons 1723  
regardless of disability in a written lease, rental agreement, or 1724  
contract of purchase or sale, or to forbid distinctions based on 1725  
the inability to fulfill the terms and conditions, including 1726  
financial obligations, of the lease, agreement, or contract. 1727

(N) An aggrieved individual may enforce the individual's 1728  
rights relative to discrimination on the basis of age as provided 1729  
for in this section by instituting a civil action, within one 1730  
hundred eighty days after the alleged unlawful discriminatory 1731  
practice occurred, in any court with jurisdiction for any legal or 1732  
equitable relief that will effectuate the individual's rights. 1733

A person who files a civil action under this division is 1734  
barred, with respect to the practices complained of, from 1735  
instituting a civil action under section 4112.14 of the Revised 1736  
Code and from filing a charge with the commission under section 1737  
4112.05 of the Revised Code. 1738

(O) With regard to age, it shall not be an unlawful 1739  
discriminatory practice and it shall not constitute a violation of 1740  
division (A) of section 4112.14 of the Revised Code for any 1741  
employer, employment agency, joint labor-management committee 1742  
controlling apprenticeship training programs, or labor 1743  
organization to do any of the following: 1744

(1) Establish bona fide employment qualifications reasonably 1745  
related to the particular business or occupation that may include 1746  
standards for skill, aptitude, physical capability, intelligence, 1747  
education, maturation, and experience; 1748

(2) Observe the terms of a bona fide seniority system or any 1749  
bona fide employee benefit plan, including, but not limited to, a 1750  
retirement, pension, or insurance plan, that is not a subterfuge 1751  
to evade the purposes of this section. However, no such employee 1752  
benefit plan shall excuse the failure to hire any individual, and 1753  
no such seniority system or employee benefit plan shall require or 1754  
permit the involuntary retirement of any individual, because of 1755  
the individual's age except as provided for in the "Age 1756  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 1757  
29 U.S.C.A. 623, as amended by the "Age Discrimination in 1758  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1759  
623, as amended. 1760

(3) Retire an employee who has attained sixty-five years of 1761  
age who, for the two-year period immediately before retirement, is 1762  
employed in a bona fide executive or a high policymaking position, 1763  
if the employee is entitled to an immediate nonforfeitable annual 1764  
retirement benefit from a pension, profit-sharing, savings, or 1765

deferred compensation plan, or any combination of those plans, of 1766  
the employer of the employee, which equals, in the aggregate, at 1767  
least forty-four thousand dollars, in accordance with the 1768  
conditions of the "Age Discrimination in Employment Act Amendment 1769  
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 1770  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1771  
3342, 29 U.S.C.A. 631, as amended; 1772

(4) Observe the terms of any bona fide apprenticeship program 1773  
if the program is registered with the Ohio apprenticeship council 1774  
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 1775  
approved by the federal committee on apprenticeship of the United 1776  
States department of labor. 1777

(P) Nothing in this chapter prohibiting age discrimination 1778  
and nothing in division (A) of section 4112.14 of the Revised Code 1779  
shall be construed to prohibit the following: 1780

(1) The designation of uniform age the attainment of which is 1781  
necessary for public employees to receive pension or other 1782  
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 1783  
or 5505. of the Revised Code; 1784

(2) The mandatory retirement of uniformed patrol officers of 1785  
the state highway patrol as provided in section 5505.16 of the 1786  
Revised Code; 1787

(3) The maximum age requirements for appointment as a patrol 1788  
officer in the state highway patrol established by section 5503.01 1789  
of the Revised Code; 1790

(4) The maximum age requirements established for original 1791  
appointment to a police department or fire department in sections 1792  
124.41 and 124.42 of the Revised Code; 1793

(5) Any maximum age not in conflict with federal law that may 1794  
be established by a municipal charter, municipal ordinance, or 1795  
resolution of a board of township trustees for original 1796

appointment as a police officer or firefighter; 1797

(6) Any mandatory retirement provision not in conflict with 1798  
federal law of a municipal charter, municipal ordinance, or 1799  
resolution of a board of township trustees pertaining to police 1800  
officers and firefighters; 1801

(7) Until January 1, 1994, the mandatory retirement of any 1802  
employee who has attained seventy years of age and who is serving 1803  
under a contract of unlimited tenure, or similar arrangement 1804  
providing for unlimited tenure, at an institution of higher 1805  
education as defined in the "Education Amendments of 1980," 94 1806  
Stat. 1503, 20 U.S.C.A. 1141(a). 1807

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 1808  
section, for purposes of divisions (A) to (E) of this section, a 1809  
disability does not include any physiological disorder or 1810  
condition, mental or psychological disorder, or disease or 1811  
condition caused by an illegal use of any controlled substance by 1812  
an employee, applicant, or other person, if an employer, 1813  
employment agency, personnel placement service, labor 1814  
organization, or joint labor-management committee acts on the 1815  
basis of that illegal use. 1816

(b) Division (Q)(1)(a) of this section does not apply to an 1817  
employee, applicant, or other person who satisfies any of the 1818  
following: 1819

(i) The employee, applicant, or other person has successfully 1820  
completed a supervised drug rehabilitation program and no longer 1821  
is engaging in the illegal use of any controlled substance, or the 1822  
employee, applicant, or other person otherwise successfully has 1823  
been rehabilitated and no longer is engaging in that illegal use. 1824

(ii) The employee, applicant, or other person is 1825  
participating in a supervised drug rehabilitation program and no 1826  
longer is engaging in the illegal use of any controlled substance. 1827

(iii) The employee, applicant, or other person is erroneously 1828  
regarded as engaging in the illegal use of any controlled 1829  
substance, but the employee, applicant, or other person is not 1830  
engaging in that illegal use. 1831

(2) Divisions (A) to (E) of this section do not prohibit an 1832  
employer, employment agency, personnel placement service, labor 1833  
organization, or joint labor-management committee from doing any 1834  
of the following: 1835

(a) Adopting or administering reasonable policies or 1836  
procedures, including, but not limited to, testing for the illegal 1837  
use of any controlled substance, that are designed to ensure that 1838  
an individual described in division (Q)(1)(b)(i) or (ii) of this 1839  
section no longer is engaging in the illegal use of any controlled 1840  
substance; 1841

(b) Prohibiting the illegal use of controlled substances and 1842  
the use of alcohol at the workplace by all employees; 1843

(c) Requiring that employees not be under the influence of 1844  
alcohol or not be engaged in the illegal use of any controlled 1845  
substance at the workplace; 1846

(d) Requiring that employees behave in conformance with the 1847  
requirements established under "The Drug-Free Workplace Act of 1848  
1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 1849

(e) Holding an employee who engages in the illegal use of any 1850  
controlled substance or who is an alcoholic to the same 1851  
qualification standards for employment or job performance, and the 1852  
same behavior, to which the employer, employment agency, personnel 1853  
placement service, labor organization, or joint labor-management 1854  
committee holds other employees, even if any unsatisfactory 1855  
performance or behavior is related to an employee's illegal use of 1856  
a controlled substance or alcoholism; 1857

(f) Exercising other authority recognized in the "Americans 1858

with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 1859  
as amended, including, but not limited to, requiring employees to 1860  
comply with any applicable federal standards. 1861

(3) For purposes of this chapter, a test to determine the 1862  
illegal use of any controlled substance does not include a medical 1863  
examination. 1864

(4) Division (Q) of this section does not encourage, 1865  
prohibit, or authorize, and shall not be construed as encouraging, 1866  
prohibiting, or authorizing, the conduct of testing for the 1867  
illegal use of any controlled substance by employees, applicants, 1868  
or other persons, or the making of employment decisions based on 1869  
the results of that type of testing. 1870

(R)(1) Nothing in this section shall prohibit any religious 1871  
association, corporation, or society that is not organized for 1872  
private profit, or any institution organized for educational 1873  
purposes that is operated, supervised, or controlled by such a 1874  
religious association, corporation, or society, from doing either 1875  
of the following: 1876

(a) Limiting admission to or giving preference to persons of 1877  
the same religion or denomination; 1878

(b) In matters related to sexual orientation or gender 1879  
identity and expression, taking any action with respect to 1880  
education, employment, housing and real property, or use of 1881  
facilities. 1882

(2) Division (R)(1) of this section shall not apply to 1883  
secular business activities in which the religious association, 1884  
corporation, or society engages if the conduct of those activities 1885  
is unrelated to the religious and educational purposes for which 1886  
the association, corporation, or society is organized. 1887

**Sec. 4112.021.** (A) As used in this section: 1888

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

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

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

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

(B) It shall be an unlawful discriminatory practice:

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

(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, sexual orientation, gender identity and expression, military status, 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;

(b) Use or make any inquiry as to race, color, religion, age, sex, sexual orientation, gender identity and expression, military status, marital status, national origin, disability, or ancestry for the purpose of limiting or specifying those persons to whom

credit will be granted, except that an inquiry of marital status 1920  
does not constitute discrimination for the purposes of this 1921  
section if the inquiry is made for the purpose of ascertaining the 1922  
creditor's rights and remedies applicable to the particular 1923  
extension of credit, and except that creditors are excepted from 1924  
this division with respect to any inquiry, elicitation of 1925  
information, record, or form of application required of a 1926  
particular creditor by any instrumentality or agency of the United 1927  
States, or required of a particular creditor by any agency or 1928  
instrumentality to enforce the "Civil Rights Act of 1968," 82 1929  
Stat. 84, 85, 42 U.S.C.A. 3608(c); 1930

(c) Refuse to consider the sources of income of an applicant 1931  
for credit, or disregard or ignore the income of an applicant, in 1932  
whole or in part, on the basis of race, color, religion, age, sex, 1933  
sexual orientation, gender identity and expression, military 1934  
status, marital status, disability, national origin, or ancestry; 1935

(d) Refuse to grant credit to an individual in any name that 1936  
individual customarily uses, if it has been determined in the 1937  
normal course of business that the creditor will grant credit to 1938  
the individual; 1939

(e) Impose any special requirements or conditions, including, 1940  
but not limited to, a requirement for co-obligors or 1941  
reapplication, upon any applicant or class of applicants on the 1942  
basis of race, color, religion, age, sex, sexual orientation, 1943  
gender identity and expression, military status, marital status, 1944  
national origin, disability, or ancestry in circumstances where 1945  
similar requirements or conditions are not imposed on other 1946  
applicants similarly situated, unless the special requirements or 1947  
conditions that are imposed with respect to age are the result of 1948  
a real estate transaction exempted under division (B)(1)(a) of 1949  
this section or are the result of programs that grant preferences 1950  
to certain age groups administered by instrumentalities or 1951



agencies of the United States, a state, or a political subdivision 1952  
of a state; 1953

(f) Fail or refuse to provide an applicant for credit a 1954  
written statement of the specific reasons for rejection of the 1955  
application if requested in writing by the applicant within sixty 1956  
days of the rejection. The creditor shall provide the written 1957  
statement of the specific reason for rejection within thirty days 1958  
after receipt of a request of that nature. For purposes of this 1959  
section, a statement that the applicant was rejected solely on the 1960  
basis of information received from a credit reporting agency or 1961  
because the applicant failed to meet the standards required by the 1962  
creditor's credit scoring system, uniformly applied, shall 1963  
constitute a specific reason for rejection. 1964

(g) Fail or refuse to print on or firmly attach to each 1965  
application for credit, in a type size no smaller than that used 1966  
throughout most of the application form, the following notice: 1967  
"The Ohio laws against discrimination require that all creditors 1968  
make credit equally available to all credit worthy customers, and 1969  
that credit reporting agencies maintain separate credit histories 1970  
on each individual upon request. The Ohio civil rights commission 1971  
administers compliance with this law." This notice is not required 1972  
to be included in applications that have a multi-state 1973  
distribution if the notice is mailed to the applicant with the 1974  
notice of acceptance or rejection of the application. 1975

(h) Fail or refuse on the basis of race, color, religion, 1976  
age, sex, sexual orientation, gender identity and expression, 1977  
military status, marital status, national origin, disability, or 1978  
ancestry to maintain, upon the request of the individual, a 1979  
separate account for each individual to whom credit is extended; 1980

(i) Fail or refuse on the basis of race, color, religion, 1981  
age, sex, sexual orientation, gender identity and expression, 1982  
military status, marital status, national origin, disability, or 1983

ancestry to maintain records on any account established after 1984  
November 1, 1976, to furnish information on the accounts to credit 1985  
reporting agencies in a manner that clearly designates the 1986  
contractual liability for repayment as indicated on the 1987  
application for the account, and, if more than one individual is 1988  
contractually liable for repayment, to maintain records and 1989  
furnish information in the name of each individual. This division 1990  
does not apply to individuals who are contractually liable only if 1991  
the primary party defaults on the account. 1992

(2) For any credit reporting agency to do any of the 1993  
following: 1994

(a) Fail or refuse on the basis of race, color, religion, 1995  
age, sex, sexual orientation, gender identity and expression, 1996  
military status, marital status, national origin, disability, or 1997  
ancestry to maintain, upon the request of the individual, a 1998  
separate file on each individual about whom information is 1999  
assembled or evaluated; 2000

(b) Fail or refuse on the basis of race, color, religion, 2001  
age, sex, sexual orientation, gender identity and expression, 2002  
military status, marital status, national origin, disability, or 2003  
ancestry to clearly note, maintain, and report any information 2004  
furnished it under division (B)(1)(i) of this section. 2005

(C) This section does not prohibit a creditor from requesting 2006  
the signature of both spouses to create a valid lien, pass clear 2007  
title, or waive inchoate rights to property. 2008

(D) The rights granted by this section may be enforced by 2009  
aggrieved individuals by filing a civil action in a court of 2010  
common pleas within one hundred eighty days after the alleged 2011  
unlawful discriminatory practice occurred. Upon application by the 2012  
plaintiff and in circumstances that the court considers just, the 2013  
court in which a civil action under this section is brought may 2014

appoint an attorney for the plaintiff and may authorize the 2015  
commencement of a civil action upon proper showing without the 2016  
payment of costs. If the court finds that an unlawful 2017  
discriminatory practice prohibited by this section occurred or is 2018  
about to occur, the court may grant relief that it considers 2019  
appropriate, including a permanent or temporary injunction, 2020  
temporary restraining order, or other order, and may award to the 2021  
plaintiff compensatory and punitive damages of not less than one 2022  
hundred dollars, together with attorney's fees and court costs. 2023

(E) Nothing contained in this section shall bar a creditor 2024  
from reviewing an application for credit on the basis of 2025  
established criteria used in the normal course of business for the 2026  
determination of the credit worthiness of the individual applicant 2027  
for credit, including the credit history of the applicant. 2028

**Sec. 4112.04.** (A) The commission shall do all of the 2029  
following: 2030

(1) Establish and maintain a principal office in the city of 2031  
Columbus and any other offices within the state that it considers 2032  
necessary; 2033

(2) Appoint an executive director who shall serve at the 2034  
pleasure of the commission and be its principal administrative 2035  
officer. The executive director shall be paid a salary fixed 2036  
pursuant to Chapter 124. of the Revised Code. 2037

(3) Appoint hearing examiners and other employees and agents 2038  
who it considers necessary and prescribe their duties subject to 2039  
Chapter 124. of the Revised Code; 2040

(4) Adopt, promulgate, amend, and rescind rules to effectuate 2041  
the provisions of this chapter and the policies and practice of 2042  
the commission in connection with this chapter; 2043

(5) Formulate policies to effectuate the purposes of this 2044

chapter and make recommendations to agencies and officers of the 2045  
state or political subdivisions to effectuate the policies; 2046

(6) Receive, investigate, and pass upon written charges made 2047  
under oath of unlawful discriminatory practices; 2048

(7) Make periodic surveys of the existence and effect of 2049  
discrimination because of race, color, religion, sex, sexual 2050  
orientation, gender identity and expression, military status, 2051  
familial status, national origin, disability, age, or ancestry on 2052  
the enjoyment of civil rights by persons within the state; 2053

(8) Report, from time to time, but not less than once a year, 2054  
to the general assembly and the governor, describing in detail the 2055  
investigations, proceedings, and hearings it has conducted and 2056  
their outcome, the decisions it has rendered, and the other work 2057  
performed by it, which report shall include a copy of any surveys 2058  
prepared pursuant to division (A)(7) of this section and shall 2059  
include the recommendations of the commission as to legislative or 2060  
other remedial action; 2061

(9) Prepare a comprehensive educational program, in 2062  
cooperation with the department of education, for the students of 2063  
the public schools of this state and for all other residents of 2064  
this state that is designed to eliminate prejudice on the basis of 2065  
race, color, religion, sex, sexual orientation, gender identity 2066  
and expression, military status, familial status, national origin, 2067  
disability, age, or ancestry in this state, to further good will 2068  
among those groups, and to emphasize the origin of prejudice 2069  
against those groups, its harmful effects, and its incompatibility 2070  
with American principles of equality and fair play; 2071  
2072

(10) Receive progress reports from agencies, 2073  
instrumentalities, institutions, boards, commissions, and other 2074  
entities of this state or any of its political subdivisions and 2075

their agencies, instrumentalities, institutions, boards, 2076  
commissions, and other entities regarding affirmative action 2077  
programs for the employment of persons against whom discrimination 2078  
is prohibited by this chapter, or regarding any affirmative 2079  
housing accommodations programs developed to eliminate or reduce 2080  
an imbalance of race, color, religion, sex, sexual orientation, 2081  
gender identity and expression, military status, familial status, 2082  
national origin, disability, or ancestry. All agencies, 2083  
instrumentalities, institutions, boards, commissions, and other 2084  
entities of this state or its political subdivisions, and all 2085  
political subdivisions, that have undertaken affirmative action 2086  
programs pursuant to a conciliation agreement with the commission, 2087  
an executive order of the governor, any federal statute or rule, 2088  
or an executive order of the president of the United States shall 2089  
file progress reports with the commission annually on or before 2090  
the first day of November. The commission shall analyze and 2091  
evaluate the progress reports and report its findings annually to 2092  
the general assembly on or before the thirtieth day of January of 2093  
the year immediately following the receipt of the reports. 2094

2095

(B) The commission may do any of the following: 2096

(1) Meet and function at any place within the state; 2097

(2) Initiate and undertake on its own motion investigations 2098  
of problems of employment or housing accommodations 2099  
discrimination; 2100

(3) Hold hearings, subpoena witnesses, compel their 2101  
attendance, administer oaths, take the testimony of any person 2102  
under oath, require the production for examination of any books 2103  
and papers relating to any matter under investigation or in 2104  
question before the commission, and make rules as to the issuance 2105  
of subpoenas by individual commissioners. 2106

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

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

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

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

that it does not describe with sufficient particularity the 2139  
evidence to be produced, that compliance would be unduly onerous, 2140  
or for other good reason. 2141

(e) In case of contumacy or refusal to obey a subpoena, the 2142  
commission or person at whose request it was issued may petition 2143  
for its enforcement in the court of common pleas in the county in 2144  
which the person to whom the subpoena was addressed resides, was 2145  
served, or transacts business. 2146

(4) Create local or statewide advisory agencies and 2147  
conciliation councils to aid in effectuating the purposes of this 2148  
chapter. The commission may itself, or it may empower these 2149  
agencies and councils to, do either or both of the following: 2150

(a) Study the problems of discrimination in all or specific 2151  
fields of human relationships when based on race, color, religion, 2152  
sex, sexual orientation, gender identity and expression, military 2153  
status, familial status, national origin, disability, age, or 2154  
ancestry; 2155

(b) Foster through community effort, or otherwise, good will 2156  
among the groups and elements of the population of the state. 2157

The agencies and councils may make recommendations to the 2158  
commission for the development of policies and procedures in 2159  
general. They shall be composed of representative citizens who 2160  
shall serve without pay, except that reimbursement for actual and 2161  
necessary traveling expenses shall be made to citizens who serve 2162  
on a statewide agency or council. 2163

(5) Issue any publications and the results of investigations 2164  
and research that in its judgment will tend to promote good will 2165  
and minimize or eliminate discrimination because of race, color, 2166  
religion, sex, sexual orientation, gender identity and expression, 2167  
military status, familial status, national origin, disability, 2168  
age, or ancestry. 2169

**Sec. 4112.05.** (A) The commission, as provided in this 2170  
section, shall prevent any person from engaging in unlawful 2171  
discriminatory practices, provided that, before instituting the 2172  
formal hearing authorized by division (B) of this section, it 2173  
shall attempt, by informal methods of conference, conciliation, 2174  
and persuasion, to induce compliance with this chapter. 2175

(B)(1) Any person may file a charge with the commission 2176  
alleging that another person has engaged or is engaging in an 2177  
unlawful discriminatory practice. In the case of a charge alleging 2178  
an unlawful discriminatory practice described in division (A), 2179  
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 2180  
section 4112.021 or 4112.022 of the Revised Code, the charge shall 2181  
be in writing and under oath and shall be filed with the 2182  
commission within six months after the alleged unlawful 2183  
discriminatory practice was committed. In the case of a charge 2184  
alleging an unlawful discriminatory practice described in division 2185  
(H) of section 4112.02 of the Revised Code, the charge shall be in 2186  
writing and under oath and shall be filed with the commission 2187  
within one year after the alleged unlawful discriminatory practice 2188  
was committed. 2189

(2) Upon receiving a charge, the commission may initiate a 2190  
preliminary investigation to determine whether it is probable that 2191  
an unlawful discriminatory practice has been or is being engaged 2192  
in. The commission also may conduct, upon its own initiative and 2193  
independent of the filing of any charges, a preliminary 2194  
investigation relating to any of the unlawful discriminatory 2195  
practices described in division (A), (B), (C), (D), (E), (F), (I), 2196  
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 2197  
the Revised Code. Prior to a notification of a complainant under 2198  
division (B)(4) of this section or prior to the commencement of 2199  
informal methods of conference, conciliation, and persuasion under 2200  
that division, the members of the commission and the officers and 2201



employees of the commission shall not make public in any manner 2202  
and shall retain as confidential all information that was obtained 2203  
as a result of or that otherwise pertains to a preliminary 2204  
investigation other than one described in division (B)(3) of this 2205  
section. 2206

(3)(a) Unless it is impracticable to do so and subject to its 2207  
authority under division (B)(3)(d) of this section, the commission 2208  
shall complete a preliminary investigation of a charge filed 2209  
pursuant to division (B)(1) of this section that alleges an 2210  
unlawful discriminatory practice described in division (H) of 2211  
section 4112.02 of the Revised Code, and shall take one of the 2212  
following actions, within one hundred days after the filing of the 2213  
charge: 2214

(i) Notify the complainant and the respondent that it is not 2215  
probable that an unlawful discriminatory practice described in 2216  
division (H) of section 4112.02 of the Revised Code has been or is 2217  
being engaged in and that the commission will not issue a 2218  
complaint in the matter; 2219

(ii) Initiate a complaint and schedule it for informal 2220  
methods of conference, conciliation, and persuasion; 2221

(iii) Initiate a complaint and refer it to the attorney 2222  
general with a recommendation to seek a temporary or permanent 2223  
injunction or a temporary restraining order. If this action is 2224  
taken, the attorney general shall apply, as expeditiously as 2225  
possible after receipt of the complaint, to the court of common 2226  
pleas of the county in which the unlawful discriminatory practice 2227  
allegedly occurred for the appropriate injunction or order, and 2228  
the court shall hear and determine the application as 2229  
expeditiously as possible. 2230

(b) If it is not practicable to comply with the requirements 2231  
of division (B)(3)(a) of this section within the one-hundred-day 2232

period described in that division, the commission shall notify the complainant and the respondent in writing of the reasons for the noncompliance.

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

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

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

that it is probable that an unlawful discriminatory practice has 2265  
been or is being engaged in, it shall endeavor to eliminate the 2266  
practice by informal methods of conference, conciliation, and 2267  
persuasion. 2268

(5) Nothing said or done during informal methods of 2269  
conference, conciliation, and persuasion under this section shall 2270  
be disclosed by any member of the commission or its staff or be 2271  
used as evidence in any subsequent hearing or other proceeding. 2272  
If, after a preliminary investigation and the use of informal 2273  
methods of conference, conciliation, and persuasion under this 2274  
section, the commission is satisfied that any unlawful 2275  
discriminatory practice will be eliminated, it may treat the 2276  
charge involved as being conciliated and enter that disposition on 2277  
the records of the commission. If the commission fails to effect 2278  
the elimination of an unlawful discriminatory practice by informal 2279  
methods of conference, conciliation, and persuasion under this 2280  
section and to obtain voluntary compliance with this chapter, the 2281  
commission shall issue and cause to be served upon any person, 2282  
including the respondent against whom a complainant has filed a 2283  
charge pursuant to division (B)(1) of this section, a complaint 2284  
stating the charges involved and containing a notice of an 2285  
opportunity for a hearing before the commission, a member of the 2286  
commission, or a hearing examiner at a place that is stated in the 2287  
notice and that is located within the county in which the alleged 2288  
unlawful discriminatory practice has occurred or is occurring or 2289  
in which the respondent resides or transacts business. The hearing 2290  
shall be held not less than thirty days after the service of the 2291  
complaint upon the complainant, the aggrieved persons other than 2292  
the complainant on whose behalf the complaint is issued, and the 2293  
respondent, unless the complainant, an aggrieved person, or the 2294  
respondent elects to proceed under division (A)(2) of section 2295  
4112.051 of the Revised Code when that division is applicable. If 2296  
a complaint pertains to an alleged unlawful discriminatory 2297

practice described in division (H) of section 4112.02 of the Revised Code, the complainant shall notify the complainant, an aggrieved person, and the respondent of the right of the complainant, an aggrieved person, or the respondent to elect to proceed with the administrative hearing process under this section or to proceed under division (A)(2) of section 4112.051 of the Revised Code.

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

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

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

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

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

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

(G)(1) If, upon all reliable, probative, and substantial evidence presented at a hearing under division (B) of this section, the commission determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice, whether against the complainant or others, the commission shall state its findings of fact and conclusions of law and shall issue and, subject to the provisions of Chapter 119. of the Revised Code, cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory practice, requiring the respondent to take any further affirmative or other action that will effectuate the purposes of this chapter, including, but not limited to, hiring, reinstatement, or upgrading

of employees with or without back pay, or admission or restoration 2362  
to union membership, and requiring the respondent to report to the 2363  
commission the manner of compliance. If the commission directs 2364  
payment of back pay, it shall make allowance for interim earnings. 2365  
If it finds a violation of division (H) of section 4112.02 of the 2366  
Revised Code, the commission additionally shall require the 2367  
respondent to pay actual damages and reasonable attorney's fees, 2368  
and may award to the complainant punitive damages as follows: 2369

(a) If division (G)(1)(b) or (c) of this section does not 2370  
apply, punitive damages in an amount not to exceed ten thousand 2371  
dollars; 2372

(b) If division (G)(1)(c) of this section does not apply and 2373  
if the respondent has been determined by a final order of the 2374  
commission or by a final judgment of a court to have committed one 2375  
violation of division (H) of section 4112.02 of the Revised Code 2376  
during the five-year period immediately preceding the date on 2377  
which a complaint was issued pursuant to division (B) of this 2378  
section, punitive damages in an amount not to exceed twenty-five 2379  
thousand dollars; 2380

(c) If the respondent has been determined by a final order of 2381  
the commission or by a final judgment of a court to have committed 2382  
two or more violations of division (H) of section 4112.02 of the 2383  
Revised Code during the seven-year period immediately preceding 2384  
the date on which a complaint was issued pursuant to division (B) 2385  
of this section, punitive damages in an amount not to exceed fifty 2386  
thousand dollars. 2387

(2) Upon the submission of reports of compliance, the 2388  
commission may issue a declaratory order stating that the 2389  
respondent has ceased to engage in particular unlawful 2390  
discriminatory practices. 2391

(H) If the commission finds that no probable cause exists for 2392

crediting charges of unlawful discriminatory practices or if, upon 2393  
all the evidence presented at a hearing under division (B) of this 2394  
section on a charge, the commission finds that a respondent has 2395  
not engaged in any unlawful discriminatory practice against the 2396  
complainant or others, it shall state its findings of fact and 2397  
shall issue and cause to be served on the complainant an order 2398  
dismissing the complaint as to the respondent. A copy of the order 2399  
shall be delivered in all cases to the attorney general and any 2400  
other public officers whom the commission considers proper. 2401

(I) Until the time period for appeal set forth in division 2402  
(H) of section 4112.06 of the Revised Code expires, the 2403  
commission, subject to the provisions of Chapter 119. of the 2404  
Revised Code, at any time, upon reasonable notice, and in the 2405  
manner it considers proper, may modify or set aside, in whole or 2406  
in part, any finding or order made by it under this section. 2407

**Sec. 4112.08.** This chapter shall be construed liberally for 2408  
the accomplishment of its purposes, and any law inconsistent with 2409  
any provision of this chapter shall not apply. Nothing contained 2410  
in this chapter shall be considered to repeal any of the 2411  
provisions of any law of this state relating to discrimination 2412  
because of race, color, religion, sex, sexual orientation, gender 2413  
identity and expression, military status, familial status, 2414  
disability, national origin, age, or ancestry, except that any 2415  
person filing a charge under division (B)(1) of section 4112.05 of 2416  
the Revised Code, with respect to the unlawful discriminatory 2417  
practices complained of, is barred from instituting a civil action 2418  
under section 4112.14 or division (N) of section 4112.02 of the 2419  
Revised Code. 2420

**Sec. 4117.19.** (A) Every employee organization that is 2421  
certified or recognized as a representative of public employees 2422  
under this chapter shall file with the state employment relations 2423

board a registration report that is signed by its president or 2424  
other appropriate officer. The report shall be in a form 2425  
prescribed by the board and accompanied by two copies of the 2426  
employee organization's constitution and bylaws. The board shall 2427  
accept a filing by a statewide, national, or international 2428  
employee organization of its constitution and bylaws in lieu of a 2429  
filing of the documents by each subordinate organization. The 2430  
exclusive representative or other employee organization originally 2431  
filing its constitution and bylaws shall report, promptly, to the 2432  
board all changes or amendments to its constitution and bylaws. 2433

2434

(B) Every employee organization shall file with the board an 2435  
annual report. The report shall be in a form prescribed by the 2436  
board and shall contain the following information: 2437

(1) The names and addresses of the organization, any parent 2438  
organization or organizations with which it is affiliated, and all 2439  
organizationwide officers; 2440

(2) The name and address of its local agent for service of 2441  
process; 2442

(3) A general description of the public employees the 2443  
organization represents or seeks to represent; 2444

(4) The amounts of the initiation fee and monthly dues 2445  
members must pay; 2446

(5) A pledge, in a form prescribed by the board, that the 2447  
organization will comply with the laws of the state and that it 2448  
will accept members without regard to age, race, color, sex, 2449  
creed, religion, ancestry, or national origin; disability, sexual 2450  
orientation, gender identity and expression, or military status, 2451  
as those terms are defined in section 4112.01 of the Revised Code; 2452  
~~military status as defined in that section,~~ i or physical 2453  
disability as provided by law; i 2454



(6) A financial report.	2455
(C) The constitution or bylaws of every employee organization shall do all of the following:	2456 2457
(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;	2458 2459 2460 2461 2462
(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;	2463 2464 2465 2466
(3) When specifically requested by the board, require every official who is designated as a fiscal officer of an employee organization and who is responsible for funds or other property of the organization or trust in which an organization is interested, or a subsidiary organization be bonded with the amount, scope, and form of the bond determined by the board;	2467 2468 2469 2470 2471 2472
(4) Require periodic elections of officers by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in the elections, the right of individual members to participate in the affairs of the organization, and fair and equitable procedures in disciplinary actions.	2473 2474 2475 2476 2477 2478
(D) The board shall prescribe rules necessary to govern the establishment and reporting of trusteeships over employee organizations. The establishment of trusteeships is permissible only if the constitution or bylaws of the organization set forth reasonable procedures.	2479 2480 2481 2482 2483
(E) The board may withhold certification of an employee organization that willfully refuses to register or file an annual	2484 2485

report or that willfully refuses to comply with other provisions 2486  
of this section. The board may revoke a certification of an 2487  
employee organization for willfully failing to comply with this 2488  
section. The board may enforce the prohibitions contained in this 2489  
section by petitioning the court of common pleas of the county in 2490  
which the violation occurs for an injunction. Persons complaining 2491  
of a violation of this section shall file the complaint with the 2492  
board. 2493

(F) Upon the written request to the board of any member of a 2494  
certified employee organization and where the board determines the 2495  
necessity for an audit, the board may require the employee 2496  
organization to provide a certified audit of its financial 2497  
records. 2498

(G) Any employee organization subject to the 2499  
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 2500  
519, 29 U.S.C.A., 401, as amended, may file copies with the board 2501  
of all reports it is required to file under that act in lieu of 2502  
compliance with all parts of this section other than division (A) 2503  
of this section. The board shall accept a filing by a statewide, 2504  
national, or international employee organization of its reports in 2505  
lieu of a filing of such reports by each subordinate organization. 2506

**Sec. 4735.16.** (A) Every real estate broker licensed under 2507  
this chapter shall have and maintain a definite place of business 2508  
in this state and shall erect or maintain a sign on the premises 2509  
plainly stating that the licensee is a real estate broker. If the 2510  
real estate broker maintains one or more branch offices, the real 2511  
estate broker shall erect or maintain a sign at each branch office 2512  
plainly stating that the licensee is a real estate broker. 2513

(B)(1) Any licensed real estate broker or salesperson who 2514  
advertises to buy, sell, exchange, or lease real estate, or to 2515  
engage in any act regulated by this chapter, including, but not 2516

limited to, any licensed real estate broker or salesperson who 2517  
advertises to sell, exchange, or lease real estate that the 2518  
licensee owns, shall be identified in the advertisement by name 2519  
and by indicating that the licensee is a real estate broker or 2520  
real estate salesperson. Except a real estate salesperson who 2521  
advertises the sale, exchange, or lease of real estate that the 2522  
salesperson owns and that is not listed for sale, exchange, or 2523  
lease with a real estate broker, any real estate salesperson who 2524  
advertises, as provided in this section, also shall indicate in 2525  
the advertisement the name of the broker under whom the 2526  
salesperson is licensed and the fact that the salesperson's broker 2527  
is a real estate broker. The name of the broker shall be displayed 2528  
in equal prominence with the name of the salesperson in the 2529  
advertisement. 2530

(2) A real estate broker who is representing a seller under 2531  
an exclusive right to sell or lease listing agreement shall not 2532  
advertise such property to the public as "for sale by owner" or 2533  
otherwise mislead the public to believe that the seller is not 2534  
represented by a real estate broker. 2535

(3) If any real estate broker or real estate salesperson 2536  
advertises in a manner other than as provided in this section or 2537  
the rules adopted under this section, that advertisement is 2538  
prima-facie evidence of a violation under division (A)(21) of 2539  
section 4735.18 of the Revised Code. 2540

When the superintendent determines that prima-facie evidence 2541  
of a violation of division (A)(21) of section 4735.18 of the 2542  
Revised Code or any of the rules adopted thereunder exists, the 2543  
superintendent may do either of the following: 2544

(a) Initiate disciplinary action under section 4735.051 of 2545  
the Revised Code for a violation of division (A)(21) of section 2546  
4735.18 of the Revised Code, in accordance with Chapter 119. of 2547  
the Revised Code; 2548

(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 subsequent violation that occurs within the same twelve-month period.

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

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

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

(D) A real estate broker or salesperson obtaining the signature of a party to a listing or other agreement involved in a real estate transaction shall furnish a copy of the listing or other agreement to the party immediately after obtaining the

party's signature. Every broker's office shall prominently display 2580  
in the same immediate area as licenses are displayed a statement 2581  
that it is illegal to discriminate against any person because of 2582  
race, color, religion, sex, national origin, or ancestry; or 2583  
familial status ~~as defined in section 4112.01 of the Revised Code,~~ 2584  
~~national origin,~~ military status ~~as defined in that section,~~ 2585  
~~disability as defined in that section,~~ gender identity and 2586  
expression, or ancestry sexual orientation, as those terms are 2587  
defined in section 4112.01 of the Revised Code, in the sale or 2588  
rental of housing or residential lots, in advertising the sale or 2589  
rental of housing, in the financing of housing, or in the 2590  
provision of real estate brokerage services and that blockbusting 2591  
also is illegal. The statement shall bear the United States 2592  
department of housing and urban development equal housing logo, 2593  
shall contain the information that the broker and the broker's 2594  
salespersons are licensed by the division of real estate and 2595  
professional licensing and that the division can assist with any 2596  
consumer complaints or inquiries, and shall explain the provisions 2597  
of section 4735.12 of the Revised Code. The statement shall 2598  
provide the division's address and telephone number. The Ohio real 2599  
estate commission shall provide by rule for the wording and size 2600  
of the statement. The pamphlet required under section 4735.03 of 2601  
the Revised Code shall contain the same statement that is required 2602  
on the statement displayed as provided in this section and shall 2603  
be made available by real estate brokers and salespersons to their 2604  
clients. The commission shall provide the wording and size of the 2605  
pamphlet. 2606

**Sec. 4735.55.** (A) Each written agency agreement shall contain 2607  
all of the following: 2608

(1) An expiration date; 2609

(2) A statement that it is illegal, pursuant to the Ohio fair 2610

housing law, division (H) of section 4112.02 of the Revised Code, 2611  
and the federal fair housing law, 42 U.S.C.A. 3601, to refuse to 2612  
sell, transfer, assign, rent, lease, sublease, or finance housing 2613  
accommodations, refuse to negotiate for the sale or rental of 2614  
housing accommodations, or otherwise deny or make unavailable 2615  
housing accommodations because of race, color, religion, sex, 2616  
national origin, or ancestry; or familial status as defined in 2617  
~~section 4112.01 of the Revised Code, ancestry, military status as~~ 2618  
~~defined in that section, disability as defined in that section,~~ 2619  
gender identity and expression, or national origin sexual 2620  
orientation, as those terms are defined in section 4112.01 of the 2621  
Revised Code, or to so discriminate in advertising the sale or 2622  
rental of housing, in the financing of housing, or in the 2623  
provision of real estate brokerage services; 2624

(3) A statement defining the practice known as "blockbusting" 2625  
and stating that it is illegal; 2626

(4) A copy of the United States department of housing and 2627  
urban development equal housing opportunity logotype, as set forth 2628  
in 24 C.F.R. 109.30. 2629

(B) Each written agency agreement shall contain a place for 2630  
the licensee and the client to sign and date the agreement. 2631

(C) A licensee shall furnish a copy of any written agency 2632  
agreement to a client in a timely manner after the licensee and 2633  
the client have signed and dated it. 2634

**Sec. 4757.07.** The counselor, social worker, and marriage and 2635  
family therapist board and its professional standards committees 2636  
shall not discriminate against any licensee, registrant, or 2637  
applicant for a license or certificate of registration under this 2638  
chapter because of the person's race, color, religion, sex, or 2639  
national origin; disability, sexual orientation, or gender 2640  
identity and expression, as those terms are defined in section 2641

4112.01 of the Revised Code 7i or age. The board or committee, as 2642  
appropriate, shall afford a hearing to any person who files with 2643  
the board or committee a statement alleging discrimination based 2644  
on any of those reasons. 2645

**Sec. 4758.16.** The chemical dependency professionals board 2646  
shall not discriminate against any licensee, certificate holder, 2647  
or applicant for a license or certificate under this chapter 2648  
because of the individual's race, color, religion, gender, or 2649  
national origin 7i disability, sexual orientation, or gender 2650  
identity and expression, as those terms are defined in section 2651  
4112.01 of the Revised Code 7i or age. The board shall afford a 2652  
hearing to any individual who files with the board a statement 2653  
alleging discrimination based on any of those reasons. 2654

**Sec. 4765.18.** The state board of emergency medical services 2655  
may suspend or revoke a certificate of accreditation or a 2656  
certificate of approval issued under section 4765.17 of the 2657  
Revised Code for any of the following reasons: 2658

(A) Violation of this chapter or any rule adopted under it; 2659

(B) Furnishing of false, misleading, or incomplete 2660  
information to the board; 2661

(C) The signing of an application or the holding of a 2662  
certificate of accreditation by a person who has pleaded guilty to 2663  
or has been convicted of a felony, or has pleaded guilty to or 2664  
been convicted of a crime involving moral turpitude; 2665

(D) The signing of an application or the holding of a 2666  
certificate of accreditation by a person who is addicted to the 2667  
use of any controlled substance or has been adjudicated 2668  
incompetent for that purpose by a court, as provided in section 2669  
5122.301 of the Revised Code; 2670

(E) Violation of any commitment made in an application for a 2671

certificate of accreditation or certificate of approval; 2672

(F) Presentation to prospective students of misleading, 2673  
false, or fraudulent information relating to the emergency medical 2674  
services training program or emergency medical services continuing 2675  
education program, employment opportunities, or opportunities for 2676  
enrollment in accredited institutions of higher education after 2677  
entering or completing courses offered by the operator of a 2678  
program; 2679

(G) Failure to maintain in a safe and sanitary condition 2680  
premises and equipment used in conducting courses of study; 2681

(H) Failure to maintain financial resources adequate for the 2682  
satisfactory conduct of courses of study or to retain a sufficient 2683  
number of certified instructors; 2684

(I) Discrimination in the acceptance of students upon the 2685  
basis of sexual orientation or gender identity and expression as 2686  
those terms are defined in section 4112.01 of the Revised Code, 2687  
race, color, religion, sex, or national origin. 2688

**Sec. 5104.09.** (A)(1) Except as provided in rules adopted 2689  
pursuant to division (D) of this section, no individual who has 2690  
been convicted of or pleaded guilty to a violation described in 2691  
division (A)(9) of section 109.572 of the Revised Code, a 2692  
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2693  
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 2694  
of the Revised Code or a violation of an existing or former law or 2695  
ordinance of any municipal corporation, this state, any other 2696  
state, or the United States that is substantially equivalent to 2697  
any of those violations, or two violations of section 4511.19 of 2698  
the Revised Code during operation of the center or home shall be 2699  
certified as an in-home aide or be employed in any capacity in or 2700  
own or operate a child day-care center, type A family day-care 2701  
home, type B family day-care home, or certified type B family 2702



day-care home. 2703

(2) Each employee of a child day-care center and type A home 2704  
and every person eighteen years of age or older residing in a type 2705  
A home shall sign a statement on forms prescribed by the director 2706  
of job and family services attesting to the fact that the employee 2707  
or resident person has not been convicted of or pleaded guilty to 2708  
any offense set forth in division (A)(1) of this section and that 2709  
no child has been removed from the employee's or resident person's 2710  
home pursuant to section 2151.353 of the Revised Code. Each 2711  
licensee of a type A home shall sign a statement on a form 2712  
prescribed by the director attesting to the fact that no person 2713  
who resides at the type A home and who is under the age of 2714  
eighteen has been adjudicated a delinquent child for committing a 2715  
violation of any section listed in division (A)(1) of this 2716  
section. The statements shall be kept on file at the center or 2717  
type A home. 2718

(3) Each in-home aide and every person eighteen years of age 2719  
or older residing in a certified type B home shall sign a 2720  
statement on forms prescribed by the director of job and family 2721  
services attesting that the aide or resident person has not been 2722  
convicted of or pleaded guilty to any offense set forth in 2723  
division (A)(1) of this section and that no child has been removed 2724  
from the aide's or resident person's home pursuant to section 2725  
2151.353 of the Revised Code. Each authorized provider shall sign 2726  
a statement on forms prescribed by the director attesting that the 2727  
provider has not been convicted of or pleaded guilty to any 2728  
offense set forth in division (A)(1) of this section and that no 2729  
child has been removed from the provider's home pursuant to 2730  
section 2151.353 of the Revised Code. Each authorized provider 2731  
shall sign a statement on a form prescribed by the director 2732  
attesting to the fact that no person who resides at the certified 2733  
type B home and who is under the age of eighteen has been 2734

adjudicated a delinquent child for committing a violation of any section listed in division (A)(1) of this section. The statements shall be kept on file at the county department of job and family services.

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

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

(C) No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of sexual orientation or gender identity and expression as those terms are defined in section 4112.01 of the Revised Code, race, color, religion, sex, or national origin.

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

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

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

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

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

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

Just cause includes the following:

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

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

schedule;	2797
(3) Employment that has become unsuitable due to any of the following:	2798
(a) The wage is less than the federal minimum wage;	2799
(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;	2800
(c) The documented degree of risk to the member or recipient's health and safety is unreasonable;	2801
(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.	2802
(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;	2803
(5) A documented household emergency;	2804
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	2805
<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:	2806
(1) Prohibit the provider from failing or refusing to retain as a patient any person because the person is, becomes, or may, as a patient in the facility, become a medicaid recipient. For the purposes of this division, a medicaid recipient who is a patient	2807
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in a facility shall be considered a patient in the facility during 2826  
any hospital stays totaling less than twenty-five days during any 2827  
twelve-month period. Recipients who have been identified by the 2828  
department of job and family services or its designee as requiring 2829  
the level of care of an intermediate care facility for the 2830  
mentally retarded shall not be subject to a maximum period of 2831  
absences during which they are considered patients if prior 2832  
authorization of the department for visits with relatives and 2833  
friends and participation in therapeutic programs is obtained 2834  
under rules adopted under section 5111.02 of the Revised Code. 2835

(2) Except as provided by division (B)(1) of this section, 2836  
include any part of the facility that meets standards for 2837  
certification of compliance with federal and state laws and rules 2838  
for participation in the medicaid program. 2839

(3) Prohibit the provider from discriminating against any 2840  
patient on the basis of sexual orientation or gender identity and 2841  
expression as those terms are defined in section 4112.01 of the 2842  
Revised Code, race, color, sex, creed, or national origin. 2843

(4) Except as otherwise prohibited under section 5111.55 of 2844  
the Revised Code, prohibit the provider from failing or refusing 2845  
to accept a patient because the patient is, becomes, or may, as a 2846  
patient in the facility, become a medicaid recipient if less than 2847  
eighty per cent of the patients in the facility are medicaid 2848  
recipients. 2849

(B)(1) Except as provided by division (B)(2) of this section, 2850  
the following are not required to be included in a provider 2851  
agreement unless otherwise required by federal law: 2852

(a) Beds added during the period beginning July 1, 1987, and 2853  
ending July 1, 1993, to a nursing home licensed under Chapter 2854  
3721. of the Revised Code; 2855

(b) Beds in an intermediate care facility for the mentally 2856

retarded that are designated for respite care under a medicaid 2857  
waiver component operated pursuant to a waiver sought under 2858  
section 5111.87 of the Revised Code. 2859

(2) If a provider chooses to include a bed specified in 2860  
division (B)(1)(a) of this section in a provider agreement, the 2861  
bed may not be removed from the provider agreement unless the 2862  
provider withdraws the facility in which the bed is located from 2863  
the medicaid program. 2864

(C) Nothing in this section shall bar a provider that is a 2865  
religious organization operating a religious or denominational 2866  
nursing facility or intermediate care facility for the mentally 2867  
retarded from giving preference to persons of the same religion or 2868  
denomination. Nothing in this section shall bar any provider from 2869  
giving preference to persons with whom the provider has contracted 2870  
to provide continuing care. 2871

(D) Nothing in this section shall bar the provider of a 2872  
county home organized under Chapter 5155. of the Revised Code from 2873  
admitting residents exclusively from the county in which the 2874  
county home is located. 2875

(E) No provider of a nursing facility or intermediate care 2876  
facility for the mentally retarded for which a provider agreement 2877  
is in effect shall violate the provider contract obligations 2878  
imposed under this section. 2879

(F) Nothing in divisions (A) and (C) of this section shall 2880  
bar a provider from retaining patients who have resided in the 2881  
provider's facility for not less than one year as private pay 2882  
patients and who subsequently become medicaid recipients, but 2883  
refusing to accept as a patient any person who is or may, as a 2884  
patient in the facility, become a medicaid recipient, if all of 2885  
the following apply: 2886

(1) The provider does not refuse to retain any patient who 2887

has resided in the provider's facility for not less than one year 2888  
as a private pay patient because the patient becomes a medicaid 2889  
recipient, except as necessary to comply with division (F)(2) of 2890  
this section; 2891

(2) The number of medicaid recipients retained under this 2892  
division does not at any time exceed ten per cent of all the 2893  
patients in the facility; 2894

(3) On July 1, 1980, all the patients in the facility were 2895  
private pay patients. 2896

**Sec. 5119.61.** Any provision in this chapter that refers to a 2897  
board of alcohol, drug addiction, and mental health services also 2898  
refers to the community mental health board in an alcohol, drug 2899  
addiction, and mental health service district that has a community 2900  
mental health board. 2901

The director of mental health with respect to all facilities 2902  
and programs established and operated under Chapter 340. of the 2903  
Revised Code for mentally ill and emotionally disturbed persons, 2904  
shall do all of the following: 2905

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 2906  
that may be necessary to carry out the purposes of Chapter 340. 2907  
and sections 5119.61 to 5119.63 of the Revised Code. 2908

(1) The rules shall include all of the following: 2909

(a) Rules governing a community mental health agency's 2910  
services under section 340.091 of the Revised Code to an 2911  
individual referred to the agency under division (C)(2) of section 2912  
173.35 of the Revised Code; 2913

(b) For the purpose of division (A)(16) of section 340.03 of 2914  
the Revised Code, rules governing the duties of mental health 2915  
agencies and boards of alcohol, drug addiction, and mental health 2916  
services under section 3722.18 of the Revised Code regarding 2917

referrals of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The rules shall do at least the following:

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

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

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

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

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, approve and



allocate funds to support community programs, and make 2949  
recommendations for needed improvements to boards of alcohol, drug 2950  
addiction, and mental health services; 2951

(C) Withhold state and federal funds for any program, in 2952  
whole or in part, from a board of alcohol, drug addiction, and 2953  
mental health services in the event of failure of that program to 2954  
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 2955  
or 5119.62 of the Revised Code or rules of the department of 2956  
mental health. The director shall identify the areas of 2957  
noncompliance and the action necessary to achieve compliance. The 2958  
director shall offer technical assistance to the board to achieve 2959  
compliance. The director shall give the board a reasonable time 2960  
within which to comply or to present its position that it is in 2961  
compliance. Before withholding funds, a hearing shall be conducted 2962  
to determine if there are continuing violations and that either 2963  
assistance is rejected or the board is unable to achieve 2964  
compliance. Subsequent to the hearing process, if it is determined 2965  
that compliance has not been achieved, the director may allocate 2966  
all or part of the withheld funds to a public or private agency to 2967  
provide the services not in compliance until the time that there 2968  
is compliance. The director shall establish rules pursuant to 2969  
Chapter 119. of the Revised Code to implement this division. 2970

(D) Withhold state or federal funds from a board of alcohol, 2971  
drug addiction, and mental health services that denies available 2972  
service on the basis of religion, race, color, creed, sex, 2973  
national origin, or age; disability, sexual orientation, or 2974  
gender identity and expression, as those terms are defined in 2975  
section 4112.01 of the Revised Code; developmental disability; 2976  
or the inability to pay; 2977

(E) Provide consultative services to community mental health 2978  
agencies with the knowledge and cooperation of the board of 2979  
alcohol, drug addiction, and mental health services; 2980

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

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

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

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

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

(2) Financial information other than price or price-related 3012  
data regarding expenditures of boards and community mental health 3013  
agencies, including units of service provided, budgeted and actual 3014  
expenses by type, and sources of funds. 3015

Boards shall submit the information specified in division 3016  
(H)(1) of this section no less frequently than annually for each 3017  
client, and each time the client's case is opened or closed. The 3018  
department shall not collect any information for the purpose of 3019  
identifying by name any person who receives a service through a 3020  
board of alcohol, drug addiction, and mental health services, 3021  
except as required by state or federal law to validate appropriate 3022  
reimbursement. For the purposes of division (H)(1) of this 3023  
section, the department shall use an identification system that is 3024  
consistent with applicable nationally recognized standards. 3025

(I) Review each board's community mental health plan 3026  
submitted pursuant to section 340.03 of the Revised Code and 3027  
approve or disapprove it in whole or in part. Periodically, in 3028  
consultation with representatives of boards and after considering 3029  
the recommendations of the medical director, the director shall 3030  
issue criteria for determining when a plan is complete, criteria 3031  
for plan approval or disapproval, and provisions for conditional 3032  
approval. The factors that the director considers may include, but 3033  
are not limited to, the following: 3034

(1) The mental health needs of all persons residing within 3035  
the board's service district, especially severely mentally 3036  
disabled children, adolescents, and adults; 3037

(2) The demonstrated quality, effectiveness, efficiency, and 3038  
cultural relevance of the services provided in each service 3039  
district, the extent to which any services are duplicative of 3040  
other available services, and whether the services meet the needs 3041  
identified above; 3042

(3) The adequacy of the board's accounting for the 3043  
expenditure of funds. 3044

If the director disapproves all or part of any plan, the 3045  
director shall provide the board an opportunity to present its 3046  
position. The director shall inform the board of the reasons for 3047  
the disapproval and of the criteria that must be met before the 3048  
plan may be approved. The director shall give the board a 3049  
reasonable time within which to meet the criteria, and shall offer 3050  
technical assistance to the board to help it meet the criteria. 3051

If the approval of a plan remains in dispute thirty days 3052  
prior to the conclusion of the fiscal year in which the board's 3053  
current plan is scheduled to expire, the board or the director may 3054  
request that the dispute be submitted to a mutually agreed upon 3055  
third-party mediator with the cost to be shared by the board and 3056  
the department. The mediator shall issue to the board and the 3057  
department recommendations for resolution of the dispute. Prior to 3058  
the conclusion of the fiscal year in which the current plan is 3059  
scheduled to expire, the director, taking into consideration the 3060  
recommendations of the mediator, shall make a final determination 3061  
and approve or disapprove the plan, in whole or in part. 3062

**Sec. 5123.351.** The director of mental retardation and 3063  
developmental disabilities, with respect to the eligibility for 3064  
state reimbursement of expenses incurred by facilities and 3065  
programs established and operated under Chapter 5126. of the 3066  
Revised Code for persons with mental retardation or a 3067  
developmental disability, shall do all of the following: 3068

(A) Make rules that may be necessary to carry out the 3069  
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3070  
5123.36 of the Revised Code; 3071

(B) Define minimum standards for qualifications of personnel, 3072  
professional services, and in-service training and educational 3073

leave programs; 3074

(C) Review and evaluate community programs and make 3075  
recommendations for needed improvements to county boards of mental 3076  
retardation and developmental disabilities and to program 3077  
directors; 3078

(D) Withhold state reimbursement, in whole or in part, from 3079  
any county or combination of counties for failure to comply with 3080  
Chapter 5126. or section 5123.35 or 5123.351 of the Revised Code 3081  
or rules of the department of mental retardation and developmental 3082  
disabilities; 3083

(E) Withhold state funds from an agency, corporation, or 3084  
association denying or rendering service on the basis of race, 3085  
color, sex, religion, ancestry, or national origin; disability, 3086  
sexual orientation, or gender identity and expression, as those 3087  
terms are defined in section 4112.01 of the Revised Code; or 3088  
inability to pay; 3089

(F) Provide consultative staff service to communities to 3090  
assist in ascertaining needs and in planning and establishing 3091  
programs. 3092

**Sec. 5126.07.** No county board of mental retardation and 3093  
developmental disabilities or any agency, corporation, or 3094  
association under contract with a county board of mental 3095  
retardation and developmental disabilities shall discriminate in 3096  
the provision of services under its authority or contract on the 3097  
basis of sexual orientation or gender identity and expression as 3098  
those terms are defined in section 4112.01 of the Revised Code, 3099  
race, color, sex, creed, disability, national origin, or the 3100  
inability to pay. 3101

Each county board of mental retardation and developmental 3102  
disabilities shall provide a plan of affirmative action describing 3103

its goals and methods for the provision of equal employment 3104  
opportunities for all persons under its authority and shall ensure 3105  
nondiscrimination in employment under its authority or contract on 3106  
the basis of sexual orientation or gender identity and expression 3107  
as those terms are defined in section 4112.01 of the Revised Code, 3108  
race, color, sex, creed, disability, or national origin. 3109

**Sec. 5515.08.** (A) The department of transportation may 3110  
contract to sell commercial advertising space within or on the 3111  
outside surfaces of any building located within a roadside rest 3112  
area under its jurisdiction in exchange for cash payment. Money 3113  
the department receives under this section shall be deposited in 3114  
the state treasury to the credit of the roadside rest area 3115  
improvement fund, which is hereby created. The department shall 3116  
use the money in the fund only to improve roadside rest areas in 3117  
accordance with section 5529.06 of the Revised Code. 3118

(B) Advertising placed under this section shall comply with 3119  
all of the following: 3120

(1) It shall not be libelous or obscene and shall not promote 3121  
any illegal product or service. 3122

(2) It shall not promote illegal discrimination on the basis 3123  
of the sexual orientation or gender identity and expression as 3124  
those terms are defined in section 4112.01 of the Revised Code, 3125  
race, religion, national origin, handicap, age, or ancestry of any 3126  
person. 3127

(3) It shall not support or oppose any candidate for 3128  
political office or any political cause, issue, or organization. 3129

(4) It shall comply with any controlling federal or state 3130  
regulations or restrictions. 3131

(5) To the extent physically and technically practical, it 3132  
shall state that the advertisement is a paid commercial 3133

advertisement and that the state does not endorse the product or 3134  
service promoted by the advertisement or make any representation 3135  
about the accuracy of the advertisement or the quality or 3136  
performance of the product or service promoted by the 3137  
advertisement. 3138

(6) It shall conform to all applicable rules adopted by the 3139  
director of transportation under division (E) of this section. 3140

(C) Contracts entered into under this section shall be 3141  
awarded only to the qualified bidder who submits the highest 3142  
responsive bid or according to uniformly applied rate classes. 3143

(D) No person, except an advertiser alleging a breach of 3144  
contract or the improper awarding of a contract, has a cause of 3145  
action against the state with respect to any contract or 3146  
advertising authorized by this section. Under no circumstances is 3147  
the state liable for consequential or noneconomic damages with 3148  
respect to any contract or advertising authorized under this 3149  
section. 3150

(E) The director, in accordance with Chapter 119. of the 3151  
Revised Code, shall adopt rules to implement this section. The 3152  
rules shall be consistent with the policy of protecting the safety 3153  
of the traveling public and consistent with the national policy 3154  
governing the use and control of such roadside rest areas. The 3155  
rules shall regulate the awarding of contracts and may regulate 3156  
the content, display, and other aspects of the commercial 3157  
advertising authorized by this section. 3158

**Sec. 5709.832.** The legislative authority of a county, 3159  
township, or municipal corporation that grants an exemption from 3160  
taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 3161  
5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 3162  
Revised Code shall develop policies to ensure that the recipient 3163  
of the exemption practices nondiscriminatory hiring in its 3164

operations. As used in this section, "nondiscriminatory hiring" 3165  
means that no individual may be denied employment solely on the 3166  
basis of sexual orientation or gender identity and expression as 3167  
those terms are defined in section 4112.01 of the Revised Code, 3168  
race, religion, sex, disability, color, national origin, or 3169  
ancestry. 3170

**Section 2.** That existing sections 9.03, 124.93, 125.111, 3171  
340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3172  
3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3332.09, 3721.13, 3173  
3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 3174  
4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 3175  
5104.09, 5107.26, 5111.31, 5119.61, 5123.351, 5126.07, 5515.08, 3176  
and 5709.832 of the Revised Code are hereby repealed. 3177