

As Reported by the House State Government Committee

128th General Assembly

Regular Session

2009-2010

Sub. 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, Gerberry, Lundy**

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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 10
identity. 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 as those terms are defined in 45
section 4112.01 of the Revised Code, race, color, religion, 46

national origin, handicap, age, or ancestry;	47
(d) Supports or opposes any labor organization or any action by, on behalf of, or against any labor organization;	48 49
(e) Supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue.	50 51 52 53
(2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C)(1)(e) of this section. Division (C)(2) of this section does not prohibit the use of public funds to compensate an employee of a political subdivision for attending a public meeting to present information about the political subdivision's finances, activities, and governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting.	54 55 56 57 58 59 60 61 62 63 64
(D) Nothing in this section prohibits or restricts any political subdivision from sponsoring, participating in, or doing any of the following:	65 66 67
(1) Charitable or public service advertising that is not commercial in nature;	68 69
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	70 71 72 73
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	74 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, 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, i 116
disability, sexual orientation, gender identity, or military 117
status, as those terms are defined in section 4112.01 of the 118
Revised Code, i national origin, i or ancestry, shall discriminate 119
against any citizen of this state in the employment of a person 120
qualified and available to perform the work to which the contract 121
relates; 122

(2) That no contractor, subcontractor, or person acting on 123
behalf of any contractor or subcontractor, in any manner, shall 124
discriminate against, intimidate, or retaliate against any 125
employee hired for the performance of work under the contract on 126
account of race, color, religion, sex, or age, i disability, sexual 127
orientation, gender identity, or military status, as those terms 128
are defined in section 4112.01 of the Revised Code, i national 129
origin, i 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 as those terms are 144
defined in section 4112.01 of the Revised Code, race, color, sex, 145
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 as those terms are defined in section 4112.01 176
of the Revised Code, race, color, religion, national origin, sex, 177
or political affiliation. The rents received for such facilities 178
may be used for their repair or improvement, and any balance shall 179
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, as~~ 282
those terms are defined in section 4112.01 of the Revised Code; 283
ancestry; or national origin. Any elderly person or person of low 284
or moderate income who is denied housing accommodations or has 285
them withheld by a municipal corporation because of race, color, 286
religion, or sex; ~~familial status as defined in section 4112.01~~ 287
~~of the Revised Code, military status as defined in that section,~~ 288
~~disability as defined in that section, sexual orientation, or~~ 289
gender identity, as those terms are defined in section 4112.01 of 290
the Revised Code; ancestry; or national origin may file a charge 291
with the Ohio civil rights commission as provided in Chapter 4112. 292

of the Revised Code.	293
(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;	294 295 296 297 298 299 300
(CC) Appropriate and contribute money to a soil and water conservation district for use under Chapter 1515. of the Revised Code;	301 302 303
(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.	304 305 306 307 308 309 310 311 312 313 314 315
(EE) Expend money for providing and maintaining services and facilities for senior citizens.	316 317
"Airport," "landing field," and "air navigation facility," as defined in section 4561.01 of the Revised Code, apply to division (V) of this section.	318 319 320
As used in divisions (W) and (X) of this section, "airport" and "airport facility" have the same meanings as in section 308.01 of the Revised Code.	321 322 323

As used in division (BB) of this section, "rail property" and 324
"rail service" have the same meanings as in section 4981.01 of the 325
Revised Code. 326

Sec. 1501.012. (A) The director of natural resources may 327
lease lands in state parks, as defined in section 1501.07 of the 328
Revised Code, and contract for the construction and operation of 329
public service facilities, as mentioned in that section, and for 330
major renovation or remodeling of existing public service 331
facilities by the lessees on those lands. If the director 332
determines that doing so would be consistent with long-range 333
planning of the department of natural resources and in the best 334
interests of the department and the division of parks and 335
recreation in the department, the director shall negotiate and 336
execute a lease and contract for those purposes in accordance with 337
this chapter except as otherwise provided in this section. 338

(B) With the approval of the recreation and resources council 339
created under section 1501.04 of the Revised Code, the director 340
shall draft a statement of intent describing any public service 341
facility that the department wishes to have constructed in 342
accordance with this section and establishing a procedure for the 343
submission of proposals for providing the facility, including, but 344
not limited to, a requirement that each prospective bidder or 345
lessee of land shall submit with the proposal a completed 346
questionnaire and financial statement, on forms prescribed and 347
furnished by the department, to enable the department to ascertain 348
the person's financial worth and experience in maintaining and 349
operating facilities similar or related to the public service 350
facility in question. The completed questionnaire and financial 351
statement shall be verified under oath by the prospective bidder 352
or lessee. Questionnaires and financial statements submitted under 353
this division are confidential and are not open to public 354
inspection. Nothing in this division shall be construed to prevent 355

use of or reference to questionnaires and financial statements in 356
a civil action or criminal prosecution commenced by the state. 357

The director shall publish the statement of intent in at 358
least three daily newspapers of general circulation in the state 359
at least once each week for four consecutive weeks. The director 360
then shall accept proposals in response to the statement of intent 361
for at least thirty days following the final publication of the 362
statement. At the end of the period during which proposals may be 363
submitted under this division, the director shall select the 364
proposal that the director determines best complies with the 365
statement of intent and may negotiate a lease and contract with 366
the person that submitted that proposal. 367

(C) Any lease and contract negotiated under this section 368
shall include in its terms and conditions all of the following: 369

(1) The legal description of the leasehold; 370

(2) The duration of the lease and contract, which shall not 371
exceed forty years, and a requirement that the lease and contract 372
be nonrenewable; 373

(3) A requirement that the lessee maintain in full force and 374
effect during the term of the lease and contract comprehensive 375
liability insurance for injury, death, or loss to persons or 376
property and fire casualty insurance for the public service 377
facility and all its structures in an amount established by the 378
director and naming the department as an additional insured; 379

(4) A requirement that the lessee maintain in full force and 380
effect suitable performance bonds or other adequate security 381
pertaining to the construction and operation of the public service 382
facility; 383

(5) Detailed plans and specifications controlling the 384
construction of the public service facility that shall include all 385
of the following: 386

(a) The size and capacity of the facility;	387
(b) The type and quality of construction;	388
(c) Other criteria that the department considers necessary and advisable.	389 390
(6) The manner of rental payment;	391
(7) A stipulation that the director shall have control and supervision over all of the following:	392 393
(a) The operating season of the public service facility;	394
(b) The facility's hours of operation;	395
(c) The maximum rates to be charged guests using the facility;	396 397
(d) The facility's sanitary conditions;	398
(e) The quality of food and service furnished the guests of the facility;	399 400
(f) The lessee's general and structural maintenance responsibilities at the facility.	401 402
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	403 404
(9) A requirement that the public service facility be available to all members of the public without regard to sex, race, color, creed, ancestry, <u>or</u> national origin, <u>or</u> disability, <u>sexual orientation, or gender identity</u> , as <u>those terms are</u> defined in section 4112.01 of the Revised Code;	405 406 407 408 409
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	410 411
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	412 413
(E) The authority granted in this section to the director is	414

in addition and supplemental to any other authority granted the 415
director under state law. 416

Sec. 1751.18. (A)(1) No health insuring corporation shall 417
cancel or fail to renew the coverage of a subscriber or enrollee 418
because of any health status-related factor in relation to the 419
subscriber or enrollee, the subscriber's or enrollee's 420
requirements for health care services, or for any other reason 421
designated under rules adopted by the superintendent of insurance. 422

(2) Unless otherwise required by state or federal law, no 423
health insuring corporation, or health care facility or provider 424
through which the health insuring corporation has made 425
arrangements to provide health care services, shall discriminate 426
against any individual with regard to enrollment, disenrollment, 427
or the quality of health care services rendered, on the basis of 428
the individual's race, color, sex, age, religion, military status, 429
sexual orientation, or gender identity as those terms are defined 430
in section 4112.01 of the Revised Code, or status as a recipient 431
of medicare or medicaid, or any health status-related factor in 432
relation to the individual. However, a health insuring corporation 433
shall not be required to accept a recipient of medicare or medical 434
assistance, if an agreement has not been reached on appropriate 435
payment mechanisms between the health insuring corporation and the 436
governmental agency administering these programs. Further, except 437
during a period of open enrollment under section 1751.15 of the 438
Revised Code, a health insuring corporation may reject an 439
applicant for nongroup enrollment on the basis of any health 440
status-related factor in relation to the applicant. 441

(B) A health insuring corporation may cancel or decide not to 443
renew the coverage of an enrollee if the enrollee has performed an 444
act or practice that constitutes fraud or intentional 445

misrepresentation of material fact under the terms of the coverage 446
and if the cancellation or nonrenewal is not based, either 447
directly or indirectly, on any health status-related factor in 448
relation to the enrollee. 449

(C) An enrollee may appeal any action or decision of a health 450
insuring corporation taken pursuant to section 2742(b) to (e) of 451
the "Health Insurance Portability and Accountability Act of 1996," 452
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 453
amended. To appeal, the enrollee may submit a written complaint to 454
the health insuring corporation pursuant to section 1751.19 of the 455
Revised Code. The enrollee may, within thirty days after receiving 456
a written response from the health insuring corporation, appeal 457
the health insuring corporation's action or decision to the 458
superintendent. 459

(D) As used in this section, "health status-related factor" 460
means any of the following: 461

(1) Health status; 462

(2) Medical condition, including both physical and mental 463
illnesses; 464

(3) Claims experience; 465

(4) Receipt of health care; 466

(5) Medical history; 467

(6) Genetic information; 468

(7) Evidence of insurability, including conditions arising 469
out of acts of domestic violence; 470

(8) Disability. 471

Sec. 2927.03. (A) No person, whether or not acting under 472
color of law, shall by force or threat of force willfully injure, 473
intimidate, or interfere with, or attempt to injure, intimidate, 474

or interfere with, any of the following: 475

(1) Any person because of race, color, religion, sex, 476
national origin, or ancestry; or familial status ~~as defined in~~ 477
~~section 4112.01 of the Revised Code, national origin,~~ military 478
~~status as defined in that section,~~ disability ~~as defined in that~~ 479
~~section, gender identity, or ancestry~~ sexual orientation, as those 480
terms are defined in section 4112.01 of the Revised Code, and 481
because that person is or has been selling, purchasing, renting, 482
financing, occupying, contracting, or negotiating for the sale, 483
purchase, rental, financing, or occupation of any housing 484
accommodations, or applying for or participating in any service, 485
organization, or facility relating to the business of selling or 486
renting housing accommodations; 487

(2) Any person because that person is or has been doing, or 488
in order to intimidate that person or any other person or any 489
class of persons from doing, either of the following: 490

(a) Participating, without discrimination on account of race, 491
color, religion, sex, national origin, or ancestry; or familial 492
~~status as defined in section 4112.01 of the Revised Code, national~~ 493
~~origin,~~ military status ~~as defined in that section,~~ disability ~~as~~ 494
~~defined in that section, gender identity, or ancestry,~~ sexual 495
orientation, as those terms are defined in section 4112.01 of the 496
Revised Code, in any of the activities, services, organizations, 497
or facilities described in division (A)(1) of this section; 498

(b) Affording another person or class of persons opportunity 500
or protection so to participate. 501

(3) Any person because that person is or has been, or in 502
order to discourage that person or any other person from, lawfully 503
aiding or encouraging other persons to participate, without 504
discrimination on account of race, color, religion, sex, national 505

~~origin, or ancestry; or familial status as defined in section~~ 506
~~4112.01 of the Revised Code, national origin, military status as~~ 507
~~defined in that section, disability as defined in that section,~~ 508
gender identity, or ancestry, sexual orientation, as those terms 509
are defined in section 4112.01 of the Revised Code, in any of the 510
activities, services, organizations, or facilities described in 511
division (A)(1) of this section, or participating lawfully in 512
speech or peaceful assembly opposing any denial of the opportunity 513
to so participate. 514

(B) Whoever violates division (A) of this section is guilty 515
of a misdemeanor of the first degree. 516

Sec. 3113.36. (A) To qualify for funds under section 3113.35 517
of the Revised Code, a shelter for victims of domestic violence 518
shall meet all of the following requirements: 519

(1) Be incorporated in this state as a nonprofit corporation; 520

(2) Have trustees who represent the racial, ethnic, and 521
socioeconomic diversity of the community to be served, including 522
at least one person who is or has been a victim of domestic 523
violence; 524

(3) Receive at least twenty-five per cent of its funds from 525
sources other than funds distributed pursuant to section 3113.35 526
of the Revised Code. These other sources may be public or private, 527
and may include funds distributed pursuant to section 3113.37 of 528
the Revised Code, and contributions of goods or services, 529
including materials, commodities, transportation, office space, or 530
other types of facilities or personal services. 531

(4) Provide residential service or facilities for children 532
when accompanied by a parent, guardian, or custodian who is a 533
victim of domestic violence and who is receiving temporary 534
residential service at the shelter; 535

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

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

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

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

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

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

on the basis of sexual orientation or gender identity as those 567
terms are defined in section 4112.01 of the Revised Code, age, 568
color, national origin, race, or sex; and that preschool staff 569
members and nonteaching employees are assigned responsibilities in 570
accordance with written position descriptions commensurate with 571
their training and experience; 572

(4) A requirement that boards of education intending to 573
establish a preschool program demonstrate a need for a preschool 574
program prior to establishing the program; 575

(5) Requirements that children participating in preschool 576
programs have been immunized to the extent considered appropriate 577
by the state board to prevent the spread of communicable disease; 578

(6) Requirements that the parents of preschool children 579
complete the emergency medical authorization form specified in 580
section 3313.712 of the Revised Code. 581

(B) The state board of education in consultation with the 582
director of job and family services shall ensure that the rules 583
adopted by the state board under sections 3301.52 to 3301.58 of 584
the Revised Code are consistent with and meet or exceed the 585
requirements of Chapter 5104. of the Revised Code with regard to 586
child day-care centers. The state board and the director of job 587
and family services shall review all such rules at least once 588
every five years. 589

(C) The state board of education, in consultation with the 590
director of job and family services, shall adopt rules for school 591
child programs that are consistent with and meet or exceed the 592
requirements of the rules adopted for school child day-care 593
centers under Chapter 5104. of the Revised Code. 594

Sec. 3304.14. The governor shall appoint an administrator of 595
the rehabilitation services commission to serve at the pleasure of 596

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

608

Sec. 3304.50. The Ohio independent living council established 609
and appointed by the governor under the authority of section 610
107.18 of the Revised Code and pursuant to the "Rehabilitation Act 611
Amendments of 1992," 106 Stat. 4344, 29 U.S.C.A. 796d, shall 612
appoint an executive director to serve at the pleasure of the 613
council and shall fix ~~his~~ the executive director's compensation. 614
The executive director shall not be considered a public employee 615
for purposes of Chapter 4117. of the Revised Code. The council may 616
delegate to the executive director the authority to appoint, 617
remove, and discipline, without regard to sexual orientation or 618
gender identity as those terms are defined in section 4112.01 of 619
the Revised Code, sex, race, creed, color, age, or national 620
origin, such other professional, administrative, and clerical 621
staff members as are necessary to carry out the functions and 622
duties of the council. 623

Sec. 3313.481. (A) With the approval of the department of 624
education, a board of education of a city, exempted village, 625
local, or joint vocational school district may operate any of its 626
schools on a schedule other than that required by section 3313.48 627

of the Revised Code in order to do any of the following: 628

(1) To provide a flexible school day during which may be held 629
parent-teacher conferences and reporting periods involving time in 630
excess of that permitted to be credited toward fulfillment of the 631
minimum school year under section 3313.48 of the Revised Code; 632

(2) To establish and maintain a calendar of quarters, 633
trimesters, or pentamesters; 634

(3) To provide staggered attendance schedules if it receives 635
approval to do so from the department of education. 636

(B) A school district operating a school under this section 637
shall have such school open for instruction for each pupil 638
enrolled in that school for at least nine hundred ten hours during 639
the school year. For purposes of determining whether a school that 640
is on a staggered attendance schedule is in compliance with this 641
section in any school year, the department of education may 642
include days the school was open for instruction with pupils in 643
attendance for not more than the first seventy days of the ensuing 644
school year provided such days are not considered as days the 645
school was open for instruction during such ensuing school year. 646
The following shall be considered as time during which the schools 647
are open for instruction for a pupil enrolled in such a school, or 648
for a pupil enrolled in a school that is not on a staggered 649
attendance schedule but that operates under this section: 650

(1) Morning and afternoon recess periods of not more than 651
fifteen minutes duration per period for a pupil in grades one 652
through six; 653

(2) Ten hours during which the pupil would otherwise be in 654
attendance but ~~when he~~ is not required to attend school in order 655
to provide time for individualized parent-teacher conferences and 656
reporting periods; 657

(3) Ten hours during which the pupil would otherwise be in 658

attendance but is not required to attend school in order to 659
provide time for teachers to attend professional meetings; 660

(4) The number of hours pupils would otherwise be in 661
attendance but are not required to attend because school is closed 662
as a result of a public calamity as provided in section 3317.01 of 663
the Revised Code. 664

(C) No board of education shall discriminate on the basis of 665
sexual orientation or gender identity as those terms are defined 666
in section 4112.01 of the Revised Code, sex, race, religion, or 667
national origin when assigning pupils to attendance schedules 668
pursuant to this section. 669

Sec. 3314.06. The governing authority of each community 670
school established under this chapter shall adopt admission 671
procedures that specify the following: 672

(A) That except as otherwise provided in this section, 673
admission to the school shall be open to any individual age five 674
to twenty-two entitled to attend school pursuant to section 675
3313.64 or 3313.65 of the Revised Code in a school district in the 676
state. 677

(B)(1) That admission to the school may be limited to 678
students who have attained a specific grade level or are within a 679
specific age group; to students that meet a definition of 680
"at-risk," as defined in the contract; to residents of a specific 681
geographic area within the district, as defined in the contract; 682
or to separate groups of autistic students and nondisabled 683
students, as authorized in section 3314.061 of the Revised Code 684
and as defined in the contract. 685

(2) For purposes of division (B)(1) of this section, 686
"at-risk" students may include those students identified as gifted 687
students under section 3324.03 of the Revised Code. 688

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

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

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

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

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

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

(F) That the community school will admit the number of students that does not exceed the capacity of the school's

programs, classes, grade levels, or facilities. 720

(G) That the purpose of single-gender schools that are 721
established shall be to take advantage of the academic benefits 722
some students realize from single-gender instruction and 723
facilities and to offer students and parents residing in the 724
district the option of a single-gender education. 725

(H) That, except as otherwise provided under division (B) of 726
this section or section 3314.061 of the Revised Code, if the 727
number of applicants exceeds the capacity restrictions of division 728
(F) of this section, students shall be admitted by lot from all 729
those submitting applications, except preference shall be given to 730
students attending the school the previous year and to students 731
who reside in the district in which the school is located. 732
Preference may be given to siblings of students attending the 733
school the previous year. 734

Notwithstanding divisions (A) to (H) of this section, in the 735
event the racial composition of the enrollment of the community 736
school is violative of a federal desegregation order, the 737
community school shall take any and all corrective measures to 738
comply with the desegregation order. 739

Sec. 3332.09. The state board of career colleges and schools 740
may limit, suspend, revoke, or refuse to issue or renew a 741
certificate of registration or program authorization or may impose 742
a penalty pursuant to section 3332.091 of the Revised Code for any 743
one or combination of the following causes: 744

(A) Violation of any provision of sections 3332.01 to 3332.09 745
of the Revised Code, the board's minimum standards, or any rule 746
made by the board; 747

(B) Furnishing of false, misleading, deceptive, altered, or 748
incomplete information or documents to the board; 749

(C) The signing of an application or the holding of a 750
certificate of registration by a person who has pleaded guilty or 751
has been found guilty of a felony or has pleaded guilty or been 752
found guilty of a crime involving moral turpitude; 753

(D) The signing of an application or the holding of a 754
certificate of registration by a person who is addicted to the use 755
of any controlled substance, or who is found to be mentally 756
incompetent; 757

(E) Violation of any commitment made in an application for a 758
certificate of registration or program authorization; 759

(F) Presenting to prospective students, either at the time of 760
solicitation or enrollment, or through advertising, mail 761
circulars, or phone solicitation, misleading, deceptive, false, or 762
fraudulent information relating to any program, employment 763
opportunity, or opportunities for enrollment in accredited 764
institutions of higher education after entering or completing 765
programs offered by the holder of a certificate of registration; 766

(G) Failure to provide or maintain premises or equipment for 767
offering programs in a safe and sanitary condition; 768

(H) Refusal by an agent to display the agent's permit upon 769
demand of a prospective student or other interested person; 770

(I) Failure to maintain financial resources adequate for the 771
satisfactory conduct of programs as presented in the plan of 772
operation or to retain a sufficient number and qualified staff of 773
instruction, except that nothing in this chapter requires an 774
instructor to be licensed by the state board of education or to 775
hold any type of post-high school degree; 776

(J) Offering training or programs other than those presented 777
in the application, except that schools may offer special courses 778
adapted to the needs of individual students when the special 779
courses are in the subject field specified in the application; 780

(K) Discrimination in the acceptance of students upon the 781
basis of sexual orientation or gender identity as those terms are 782
defined in section 4112.01 of the Revised Code, race, color, 783
religion, sex, or national origin; 784

(L) Accepting the services of an agent not holding a valid 785
permit issued under section 3332.10 or 3332.11 of the Revised 786
Code; 787

(M) The use of monetary or other valuable consideration by 788
the school's agents or representatives to induce prospective 789
students to enroll in the school, or the practice of awarding 790
monetary or other valuable considerations without board approval 791
to students in exchange for procuring the enrollment of others; 792

(N) Failure to provide at the request of the board, any 793
information, records, or files pertaining to the operation of the 794
school or recruitment and enrollment of students. 795

If the board modifies or adopts additional minimum standards 796
or rules pursuant to section 3332.031 of the Revised Code, all 797
schools and agents shall have sixty days from the effective date 798
of the modifications or additional standards or rules to comply 799
with such modifications or additions. 800

Sec. 3721.13. (A) The rights of residents of a home shall 801
include, but are not limited to, the following: 802

(1) The right to a safe and clean living environment pursuant 803
to the medicare and medicaid programs and applicable state laws 804
and regulations prescribed by the public health council; 805

(2) The right to be free from physical, verbal, mental, and 806
emotional abuse and to be treated at all times with courtesy, 807
respect, and full recognition of dignity and individuality; 808

(3) Upon admission and thereafter, the right to adequate and 809
appropriate medical treatment and nursing care and to other 810

ancillary services that comprise necessary and appropriate care 811
consistent with the program for which the resident contracted. 812
This care shall be provided without regard to considerations such 813
as sexual orientation or gender identity as those terms are 814
defined in section 4112.01 of the Revised Code, race, color, 815
religion, national origin, age, or source of payment for care. 816

(4) The right to have all reasonable requests and inquiries 817
responded to promptly; 818

(5) The right to have clothes and bed sheets changed as the 819
need arises, to ensure the resident's comfort or sanitation; 820

(6) The right to obtain from the home, upon request, the name 821
and any specialty of any physician or other person responsible for 822
the resident's care or for the coordination of care; 823

(7) The right, upon request, to be assigned, within the 824
capacity of the home to make the assignment, to the staff 825
physician of the resident's choice, and the right, in accordance 826
with the rules and written policies and procedures of the home, to 827
select as the attending physician a physician who is not on the 828
staff of the home. If the cost of a physician's services is to be 829
met under a federally supported program, the physician shall meet 830
the federal laws and regulations governing such services. 831

(8) The right to participate in decisions that affect the 832
resident's life, including the right to communicate with the 833
physician and employees of the home in planning the resident's 834
treatment or care and to obtain from the attending physician 835
complete and current information concerning medical condition, 836
prognosis, and treatment plan, in terms the resident can 837
reasonably be expected to understand; the right of access to all 838
information in the resident's medical record; and the right to 839
give or withhold informed consent for treatment after the 840
consequences of that choice have been carefully explained. When 841

the attending physician finds that it is not medically advisable 842
to give the information to the resident, the information shall be 843
made available to the resident's sponsor on the resident's behalf, 844
if the sponsor has a legal interest or is authorized by the 845
resident to receive the information. The home is not liable for a 846
violation of this division if the violation is found to be the 847
result of an act or omission on the part of a physician selected 848
by the resident who is not otherwise affiliated with the home. 849

(9) The right to withhold payment for physician visitation if 850
the physician did not visit the resident; 851

(10) The right to confidential treatment of personal and 852
medical records, and the right to approve or refuse the release of 853
these records to any individual outside the home, except in case 854
of transfer to another home, hospital, or health care system, as 855
required by law or rule, or as required by a third-party payment 856
contract; 857

(11) The right to privacy during medical examination or 858
treatment and in the care of personal or bodily needs; 859

(12) The right to refuse, without jeopardizing access to 860
appropriate medical care, to serve as a medical research subject; 861

(13) The right to be free from physical or chemical 862
restraints or prolonged isolation except to the minimum extent 863
necessary to protect the resident from injury to self, others, or 864
to property and except as authorized in writing by the attending 865
physician for a specified and limited period of time and 866
documented in the resident's medical record. Prior to authorizing 867
the use of a physical or chemical restraint on any resident, the 868
attending physician shall make a personal examination of the 869
resident and an individualized determination of the need to use 870
the restraint on that resident. 871

Physical or chemical restraints or isolation may be used in 872

an emergency situation without authorization of the attending 873
physician only to protect the resident from injury to self or 874
others. Use of the physical or chemical restraints or isolation 875
shall not be continued for more than twelve hours after the onset 876
of the emergency without personal examination and authorization by 877
the attending physician. The attending physician or a staff 878
physician may authorize continued use of physical or chemical 879
restraints for a period not to exceed thirty days, and at the end 880
of this period and any subsequent period may extend the 881
authorization for an additional period of not more than thirty 882
days. The use of physical or chemical restraints shall not be 883
continued without a personal examination of the resident and the 884
written authorization of the attending physician stating the 885
reasons for continuing the restraint. 886

If physical or chemical restraints are used under this 887
division, the home shall ensure that the restrained resident 888
receives a proper diet. In no event shall physical or chemical 889
restraints or isolation be used for punishment, incentive, or 890
convenience. 891

(14) The right to the pharmacist of the resident's choice and 892
the right to receive pharmaceutical supplies and services at 893
reasonable prices not exceeding applicable and normally accepted 894
prices for comparably packaged pharmaceutical supplies and 895
services within the community; 896

(15) The right to exercise all civil rights, unless the 897
resident has been adjudicated incompetent pursuant to Chapter 898
2111. of the Revised Code and has not been restored to legal 899
capacity, as well as the right to the cooperation of the home's 900
administrator in making arrangements for the exercise of the right 901
to vote; 902

(16) The right of access to opportunities that enable the 903
resident, at the resident's own expense or at the expense of a 904

third-party payer, to achieve the resident's fullest potential, 905
including educational, vocational, social, recreational, and 906
habilitation programs; 907

(17) The right to consume a reasonable amount of alcoholic 908
beverages at the resident's own expense, unless not medically 909
advisable as documented in the resident's medical record by the 910
attending physician or unless contradictory to written admission 911
policies; 912

(18) The right to use tobacco at the resident's own expense 913
under the home's safety rules and under applicable laws and rules 914
of the state, unless not medically advisable as documented in the 915
resident's medical record by the attending physician or unless 916
contradictory to written admission policies; 917

(19) The right to retire and rise in accordance with the 918
resident's reasonable requests, if the resident does not disturb 919
others or the posted meal schedules and upon the home's request 920
remains in a supervised area, unless not medically advisable as 921
documented by the attending physician; 922

(20) The right to observe religious obligations and 923
participate in religious activities; the right to maintain 924
individual and cultural identity; and the right to meet with and 925
participate in activities of social and community groups at the 926
resident's or the group's initiative; 927

(21) The right upon reasonable request to private and 928
unrestricted communications with the resident's family, social 929
worker, and any other person, unless not medically advisable as 930
documented in the resident's medical record by the attending 931
physician, except that communications with public officials or 932
with the resident's attorney or physician shall not be restricted. 933
Private and unrestricted communications shall include, but are not 934
limited to, the right to: 935

(a) Receive, send, and mail sealed, unopened correspondence;	936
(b) Reasonable access to a telephone for private communications;	937 938
(c) Private visits at any reasonable hour.	939
(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in the resident's medical record by the attending physician;	940 941 942 943 944
(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in the resident's medical record by the attending physician;	945 946 947 948 949
(24) The right to retain and use personal clothing and a reasonable amount of possessions, in a reasonably secure manner, unless to do so would infringe on the rights of other residents or would not be medically advisable as documented in the resident's medical record by the attending physician;	950 951 952 953 954
(25) The right to be fully informed, prior to or at the time of admission and during the resident's stay, in writing, of the basic rate charged by the home, of services available in the home, and of any additional charges related to such services, including charges for services not covered under the medicare or medicaid program. The basic rate shall not be changed unless thirty days notice is given to the resident or, if the resident is unable to understand this information, to the resident's sponsor.	955 956 957 958 959 960 961 962
(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's care from the home that itemizes charges not included in the basic rates;	963 964 965 966

(27)(a) The right to be free from financial exploitation;	967
(b) The right to manage the resident's own personal financial affairs, or, if the resident has delegated this responsibility in writing to the home, to receive upon written request at least a quarterly accounting statement of financial transactions made on the resident's behalf. The statement shall include:	968 969 970 971 972
(i) A complete record of all funds, personal property, or possessions of a resident from any source whatsoever, that have been deposited for safekeeping with the home for use by the resident or the resident's sponsor;	973 974 975 976
(ii) A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts which shall be available for inspection and copying by the resident or sponsor.	977 978 979
(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;	980 981 982 983 984
(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.	985 986 987
(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:	988 989 990
(a) The welfare and needs of the resident cannot be met in the home.	991 992
(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.	993 994
(c) The safety of individuals in the home is endangered.	995
(d) The health of individuals in the home would otherwise be	996

endangered. 997

(e) The resident has failed, after reasonable and appropriate 998
notice, to pay or to have the medicare or medicaid program pay on 999
the resident's behalf, for the care provided by the home. A 1000
resident shall not be considered to have failed to have the 1001
resident's care paid for if the resident has applied for medicaid, 1002
unless both of the following are the case: 1003

(i) The resident's application, or a substantially similar 1004
previous application, has been denied by the county department of 1005
job and family services. 1006

(ii) If the resident appealed the denial pursuant to division 1007
(C) of section 5101.35 of the Revised Code, the director of job 1008
and family services has upheld the denial. 1009

(f) The home's license has been revoked, the home is being 1010
closed pursuant to section 3721.08, sections 5111.35 to 5111.62, 1011
or section 5155.31 of the Revised Code, or the home otherwise 1012
ceases to operate. 1013

(g) The resident is a recipient of medicaid, and the home's 1014
participation in the medicaid program is involuntarily terminated 1015
or denied. 1016

(h) The resident is a beneficiary under the medicare program, 1017
and the home's participation in the medicare program is 1018
involuntarily terminated or denied. 1019

(31) The right to voice grievances and recommend changes in 1020
policies and services to the home's staff, to employees of the 1021
department of health, or to other persons not associated with the 1022
operation of the home, of the resident's choice, free from 1023
restraint, interference, coercion, discrimination, or reprisal. 1024
This right includes access to a residents' rights advocate, and 1025
the right to be a member of, to be active in, and to associate 1026
with persons who are active in organizations of relatives and 1027

friends of nursing home residents and other organizations engaged 1028
in assisting residents. 1029

(32) The right to have any significant change in the 1030
resident's health status reported to the resident's sponsor. As 1031
soon as such a change is known to the home's staff, the home shall 1032
make a reasonable effort to notify the sponsor within twelve 1033
hours. 1034

(B) A sponsor may act on a resident's behalf to assure that 1035
the home does not deny the residents' rights under sections 1036
3721.10 to 3721.17 of the Revised Code. 1037

(C) Any attempted waiver of the rights listed in division (A) 1038
of this section is void. 1039

Sec. 3905.55. (A) Except as provided in division (B) of this 1040
section, an agent may charge a consumer a fee if all of the 1041
following conditions are met: 1042

(1) The fee is disclosed to the consumer in a manner that 1043
separately identifies the fee and the premium. 1044

(2) The fee is not calculated as a percentage of the premium. 1045

(3) The fee is not refunded, forgiven, waived, offset, or 1046
reduced by any commission earned or received for any policy or 1047
coverage sold. 1048

(4) The amount of the fee, and the consumer's obligation to 1049
pay the fee, are not conditioned upon the occurrence of a future 1050
event or condition, such as the purchase, cancellation, lapse, 1051
declination, or nonrenewal of insurance. 1052

(5) The agent discloses to the consumer that the fee is being 1053
charged by the agent and not by the insurance company, that 1054
neither state law nor the insurance company requires the agent to 1055
charge the fee, and that the fee is not refundable. 1056

(6) The consumer consents to the fee.	1057
(7) The agent, in charging the fee, does not discriminate on the basis of race, sex, national origin, religion, disability, health status, age, marital status, military status, <u>gender identity, or sexual orientation</u> as <u>those terms are</u> defined in section 4112.01 of the Revised Code, or geographic location, and does not unfairly discriminate between persons of essentially the same class and of essentially the same hazard or expectation of life.	1058 1059 1060 1061 1062 1063 1064 1065
(B) A fee may not be charged for taking or submitting an initial application for coverage with any one insurer or different programs with the same insurer, or processing a change to an existing policy, a cancellation, a claim, or a renewal, in connection with any of the following personal lines policies:	1066 1067 1068 1069 1070
(1) Private passenger automobile;	1071
(2) Homeowners, including coverage for tenants or condominium owners, owner-occupied fire or dwelling property coverage, personal umbrella liability, or any other personal lines-related coverage whether sold as a separate policy or as an endorsement to another personal lines policy;	1072 1073 1074 1075 1076
(3) Individual life insurance;	1077
(4) Individual sickness or accident insurance;	1078
(5) Disability income policies;	1079
(6) Credit insurance products.	1080
(C) Notwithstanding any other provision of this section, an agent may charge a fee for agent services in connection with a policy issued on a no-commission basis, if the agent provides the consumer with prior disclosure of the fee and of the services to be provided.	1081 1082 1083 1084 1085
(D) In the event of a dispute between an agent and a consumer	1086

regarding any disclosure required by this section, the agent has 1087
the burden of proving that the disclosure was made. 1088

(E)(1) No person shall fail to comply with this section. 1089

(2) Whoever violates division (E)(1) of this section is 1090
deemed to have engaged in an unfair and deceptive act or practice 1091
in the business of insurance under sections 3901.19 to 3901.26 of 1092
the Revised Code. 1093

(F) This section does not apply with respect to any expense 1094
fee charged by a surety bail bond agent to cover the costs 1095
incurred by the surety bail bond agent in executing the bail bond. 1096

Sec. 4111.17. (A) No employer, including the state and 1097
political subdivisions thereof, shall discriminate in the payment 1098
of wages on the basis of sexual orientation or gender identity as 1099
those terms are defined in section 4112.01 of the Revised Code, 1100
race, color, religion, sex, age, national origin, or ancestry by 1101
paying wages to any employee at a rate less than the rate at which 1102
the employer pays wages to another employee for equal work on jobs 1103
the performance of which requires equal skill, effort, and 1104
responsibility, and which are performed under similar conditions. 1105
1106

(B) Nothing in this section prohibits an employer from paying 1107
wages to one employee at a rate different from that at which the 1108
employer pays another employee for the performance of equal work 1109
under similar conditions on jobs requiring equal skill, effort, 1110
and responsibility, when the payment is made pursuant to any of 1111
the following: 1112

(1) A seniority system; 1113

(2) A merit system; 1114

(3) A system which measures earnings by the quantity or 1115
quality of production; 1116

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

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

(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.

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

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

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. "Person" also includes, but is not limited to,

any owner, lessor, assignor, builder, manager, broker, 1148
salesperson, appraiser, agent, employee, lending institution, and 1149
the state and all political subdivisions, authorities, agencies, 1150
boards, and commissions of the state. 1151

(2) "Employer" includes the state, any political subdivision 1152
of the state, any person employing four or more persons within the 1153
state, and any person acting directly or indirectly in the 1154
interest of an employer, except that for purposes of 1155
discrimination based upon sexual orientation or gender identity, 1156
"employer" includes the state, any political subdivision of the 1157
state, any person employing fifteen or more persons within the 1158
state, and any person acting directly or indirectly in the 1159
interest of an employer. 1160

(3) "Employee" means an individual employed by any employer 1161
but does not include any individual employed in the domestic 1162
service of any person. 1163

(4) "Labor organization" includes any organization that 1164
exists, in whole or in part, for the purpose of collective 1165
bargaining or of dealing with employers concerning grievances, 1166
terms or conditions of employment, or other mutual aid or 1167
protection in relation to employment. 1168

(5) "Employment agency" includes any person regularly 1169
undertaking, with or without compensation, to procure 1170
opportunities to work or to procure, recruit, refer, or place 1171
employees. 1172

(6) "Commission" means the Ohio civil rights commission 1173
created by section 4112.03 of the Revised Code. 1174

(7) "Discriminate" includes segregate or separate. 1175

(8) "Unlawful discriminatory practice" means any act 1176
prohibited by section 4112.02, 4112.021, or 4112.022 of the 1177
Revised Code. 1178

(9) "Place of public accommodation" means any inn, 1179
restaurant, eating house, barbershop, public conveyance by air, 1180
land, or water, theater, store, other place for the sale of 1181
merchandise, or any other place of public accommodation or 1182
amusement of which the accommodations, advantages, facilities, or 1183
privileges are available to the public. 1184

(10) "Housing accommodations" includes any building or 1185
structure, or portion of a building or structure, that is used or 1186
occupied or is intended, arranged, or designed to be used or 1187
occupied as the home residence, dwelling, dwelling unit, or 1188
sleeping place of one or more individuals, groups, or families 1189
whether or not living independently of each other; and any vacant 1190
land offered for sale or lease. "Housing accommodations" also 1191
includes any housing accommodations held or offered for sale or 1192
rent by a real estate broker, salesperson, or agent, by any other 1193
person pursuant to authorization of the owner, by the owner, or by 1194
the owner's legal representative. 1195

(11) "Restrictive covenant" means any specification limiting 1196
the transfer, rental, lease, or other use of any housing 1197
accommodations because of race, color, religion, sex, military 1198
status, familial status, national origin, disability, or ancestry, 1199
or any limitation based upon affiliation with or approval by any 1200
person, directly or indirectly, employing race, color, religion, 1201
sex, military status, familial status, national origin, 1202
disability, or ancestry as a condition of affiliation or approval. 1203

(12) "Burial lot" means any lot for the burial of deceased 1204
persons within any public burial ground or cemetery, including, 1205
but not limited to, cemeteries owned and operated by municipal 1206
corporations, townships, or companies or associations incorporated 1207
for cemetery purposes. 1208

(13) "Disability" means a physical or mental impairment that 1209
substantially limits one or more major life activities, including 1210

the functions of caring for one's self, performing manual tasks, 1211
walking, seeing, hearing, speaking, breathing, learning, and 1212
working; a record of a physical or mental impairment; or being 1213
regarded as having a physical or mental impairment. 1214

(14) Except as otherwise provided in section 4112.021 of the 1215
Revised Code, "age" means at least forty years old. 1216

(15) "Familial status" means either of the following: 1217

(a) One or more individuals who are under eighteen years of 1218
age and who are domiciled with a parent or guardian having legal 1219
custody of the individual or domiciled, with the written 1220
permission of the parent or guardian having legal custody, with a 1221
designee of the parent or guardian; 1222

(b) Any person who is pregnant or in the process of securing 1223
legal custody of any individual who is under eighteen years of 1224
age. 1225

(16)(a) Except as provided in division (A)(16)(b) of this 1226
section, "physical or mental impairment" includes any of the 1227
following: 1228

(i) Any physiological disorder or condition, cosmetic 1229
disfigurement, or anatomical loss affecting one or more of the 1230
following body systems: neurological; musculoskeletal; special 1231
sense organs; respiratory, including speech organs; 1232
cardiovascular; reproductive; digestive; genito-urinary; hemic and 1233
lymphatic; skin; and endocrine; 1234

(ii) Any mental or psychological disorder, including, but not 1235
limited to, mental retardation, organic brain syndrome, emotional 1236
or mental illness, and specific learning disabilities; 1237

(iii) Diseases and conditions, including, but not limited to, 1238
orthopedic, visual, speech, and hearing impairments, cerebral 1239
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, 1240

cancer, heart disease, diabetes, human immunodeficiency virus	1241
infection, mental retardation, emotional illness, drug addiction,	1242
and alcoholism.	1243
(b) "Physical or mental impairment" does not include any of	1244
the following:	1245
(i) Homosexuality and bisexuality;	1246
(ii) Transvestism, transsexualism, pedophilia, exhibitionism,	1247
voyeurism, gender identity disorders not resulting from physical	1248
impairments, or other sexual behavior disorders;	1249
(iii) Compulsive gambling, kleptomania, or pyromania;	1250
(iv) Psychoactive substance use disorders resulting from the	1251
current illegal use of a controlled substance or the current use	1252
of alcoholic beverages.	1253
(17) "Dwelling unit" means a single unit of residence for a	1254
family of one or more persons.	1255
(18) "Common use areas" means rooms, spaces, or elements	1256
inside or outside a building that are made available for the use	1257
of residents of the building or their guests, and includes, but is	1258
not limited to, hallways, lounges, lobbies, laundry rooms, refuse	1259
rooms, mail rooms, recreational areas, and passageways among and	1260
between buildings.	1261
(19) "Public use areas" means interior or exterior rooms or	1262
spaces of a privately or publicly owned building that are made	1263
available to the general public.	1264
(20) "Controlled substance" has the same meaning as in	1265
section 3719.01 of the Revised Code.	1266
(21) "Disabled tenant" means a tenant or prospective tenant	1267
who is a person with a disability.	1268
(22) "Military status" means a person's status in "service in	1269
the uniformed services" as defined in section 5923.05 of the	1270

Revised Code. 1271

(23) "Sexual orientation" means actual or perceived, 1272
heterosexuality, homosexuality, or bisexuality. 1273

(24) "Gender identity" means the gender-related identity, 1274
appearance, or mannerisms or other gender-related characteristics 1275
of an individual, with or without regard to the individual's 1276
designated sex at birth. 1277

(B) For the purposes of divisions (A) to (F) of section 1278
4112.02 of the Revised Code, the terms "because of sex" and "on 1279
the basis of sex" include, but are not limited to, because of or 1280
on the basis of pregnancy, any illness arising out of and 1281
occurring during the course of a pregnancy, childbirth, or related 1282
medical conditions. Women affected by pregnancy, childbirth, or 1283
related medical conditions shall be treated the same for all 1284
employment-related purposes, including receipt of benefits under 1285
fringe benefit programs, as other persons not so affected but 1286
similar in their ability or inability to work, and nothing in 1287
division (B) of section 4111.17 of the Revised Code shall be 1288
interpreted to permit otherwise. This division shall not be 1289
construed to require an employer to pay for health insurance 1290
benefits for abortion, except where the life of the mother would 1291
be endangered if the fetus were carried to term or except where 1292
medical complications have arisen from the abortion, provided that 1293
nothing in this division precludes an employer from providing 1294
abortion benefits or otherwise affects bargaining agreements in 1295
regard to abortion. 1296

Sec. 4112.02. It shall be an unlawful discriminatory 1297
practice: 1298

(A) For any employer, because of the race, color, religion, 1299
sex, sexual orientation, gender identity, military status, 1300
national origin, disability, age, or ancestry of any person, to 1301

discharge without just cause, to refuse to hire, or otherwise to 1302
discriminate against that person with respect to hire, tenure, 1303
terms, conditions, or privileges of employment, or any matter 1304
directly or indirectly related to employment. 1305

(B) For an employment agency or personnel placement service, 1306
because of race, color, religion, sex, sexual orientation, gender 1307
identity, military status, national origin, disability, age, or 1308
ancestry, to do any of the following: 1309

(1) Refuse or fail to accept, register, classify properly, or 1310
refer for employment, or otherwise discriminate against any 1311
person; 1312

(2) Comply with a request from an employer for referral of 1313
applicants for employment if the request directly or indirectly 1314
indicates that the employer fails to comply with the provisions of 1315
sections 4112.01 to 4112.07 of the Revised Code. 1316

(C) For any labor organization to do any of the following: 1317

(1) Limit or classify its membership on the basis of race, 1318
color, religion, sex, sexual orientation, gender identity, 1319
military status, national origin, disability, age, or ancestry; 1320

(2) Discriminate against, limit the employment opportunities 1321
of, or otherwise adversely affect the employment status, wages, 1322
hours, or employment conditions of any person as an employee 1323
because of race, color, religion, sex, sexual orientation, gender 1324
identity, military status, national origin, disability, age, or 1325
ancestry. 1326

(D) For any employer, labor organization, or joint 1327
labor-management committee controlling apprentice training 1328
programs to discriminate against any person because of race, 1329
color, religion, sex, sexual orientation, gender identity, 1330
military status, national origin, disability, or ancestry in 1331
admission to, or employment in, any program established to provide 1332

apprentice training. 1333

(E) Except where based on a bona fide occupational 1334
qualification certified in advance by the commission, for any 1335
employer, employment agency, personnel placement service, or labor 1336
organization, prior to employment or admission to membership, to 1337
do any of the following: 1338

(1) Elicit or attempt to elicit any information concerning 1339
the race, color, religion, sex, sexual orientation, gender 1340
identity, military status, national origin, disability, age, or 1341
ancestry of an applicant for employment or membership; 1342

(2) Make or keep a record of the race, color, religion, sex, 1343
sexual orientation, gender identity, military status, national 1344
origin, disability, age, or ancestry of any applicant for 1345
employment or membership; 1346

(3) Use any form of application for employment, or personnel 1347
or membership blank, seeking to elicit information regarding race, 1348
color, religion, sex, sexual orientation, gender identity, 1349
military status, national origin, disability, age, or ancestry; 1350
but an employer holding a contract containing a nondiscrimination 1351
clause with the government of the United States, or any department 1352
or agency of that government, may require an employee or applicant 1353
for employment to furnish documentary proof of United States 1354
citizenship and may retain that proof in the employer's personnel 1355
records and may use photographic or fingerprint identification for 1356
security purposes; 1357

(4) Print or publish or cause to be printed or published any 1358
notice or advertisement relating to employment or membership 1359
indicating any preference, limitation, specification, or 1360
discrimination, based upon race, color, religion, sex, sexual 1361
orientation, gender identity, military status, national origin, 1362
1363

disability, age, or ancestry; 1364

(5) Announce or follow a policy of denying or limiting, 1365
through a quota system or otherwise, employment or membership 1366
opportunities of any group because of the race, color, religion, 1367
sex, sexual orientation, gender identity, military status, 1368
national origin, disability, age, or ancestry of that group; 1369

(6) Utilize in the recruitment or hiring of persons any 1370
employment agency, personnel placement service, training school or 1371
center, labor organization, or any other employee-referring source 1372
known to discriminate against persons because of their race, 1373
color, religion, sex, sexual orientation, gender identity, 1374
military status, national origin, disability, age, or ancestry. 1375

(F) For any person seeking employment to publish or cause to 1376
be published any advertisement that specifies or in any manner 1377
indicates that person's race, color, religion, sex, sexual 1378
orientation, gender identity, military status, national origin, 1379
disability, age, or ancestry, or expresses a limitation or 1380
preference as to the race, color, religion, sex, sexual 1381
orientation, gender identity, military status, national origin, 1382
disability, age, or ancestry of any prospective employer. 1383

(G) For any proprietor or any employee, keeper, or manager of 1384
a place of public accommodation to deny to any person, except for 1385
reasons applicable alike to all persons regardless of race, color, 1386
religion, sex, sexual orientation, gender identity, military 1387
status, national origin, disability, age, or ancestry, the full 1388
enjoyment of the accommodations, advantages, facilities, or 1389
privileges of the place of public accommodation. 1390

(H) For any person to do any of the following: 1391

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 1392
or finance housing accommodations, refuse to negotiate for the 1393
sale or rental of housing accommodations, or otherwise deny or 1394

make unavailable housing accommodations because of race, color, 1395
religion, sex, sexual orientation, gender identity, military 1396
status, familial status, ancestry, disability, or national origin; 1397

1398

(2) Represent to any person that housing accommodations are 1399
not available for inspection, sale, or rental, when in fact they 1400
are available, because of race, color, religion, sex, sexual 1401
orientation, gender identity, military status, familial status, 1402
ancestry, disability, or national origin; 1403

(3) Discriminate against any person in the making or 1404
purchasing of loans or the provision of other financial assistance 1405
for the acquisition, construction, rehabilitation, repair, or 1406
maintenance of housing accommodations, or any person in the making 1407
or purchasing of loans or the provision of other financial 1408
assistance that is secured by residential real estate, because of 1409
race, color, religion, sex, sexual orientation, gender identity, 1410
military status, familial status, ancestry, disability, or 1411
national origin or because of the racial composition of the 1412
neighborhood in which the housing accommodations are located, 1413
provided that the person, whether an individual, corporation, or 1414
association of any type, lends money as one of the principal 1415
aspects or incident to the person's principal business and not 1416
only as a part of the purchase price of an owner-occupied 1417
residence the person is selling nor merely casually or 1418
occasionally to a relative or friend; 1419

(4) Discriminate against any person in the terms or 1420
conditions of selling, transferring, assigning, renting, leasing, 1421
or subleasing any housing accommodations or in furnishing 1422
facilities, services, or privileges in connection with the 1423
ownership, occupancy, or use of any housing accommodations, 1424
including the sale of fire, extended coverage, or homeowners 1425
insurance, because of race, color, religion, sex, sexual 1426

orientation, gender identity, military status, familial status, 1427
ancestry, disability, or national origin or because of the racial 1428
composition of the neighborhood in which the housing 1429
accommodations are located; 1430

(5) Discriminate against any person in the terms or 1431
conditions of any loan of money, whether or not secured by 1432
mortgage or otherwise, for the acquisition, construction, 1433
rehabilitation, repair, or maintenance of housing accommodations 1434
because of race, color, religion, sex, sexual orientation, gender 1435
identity, military status, familial status, ancestry, disability, 1436
or national origin or because of the racial composition of the 1437
neighborhood in which the housing accommodations are located; 1438
1439

(6) Refuse to consider without prejudice the combined income 1440
of both husband and wife for the purpose of extending mortgage 1441
credit to a married couple or either member of a married couple; 1442

(7) Print, publish, or circulate any statement or 1443
advertisement, or make or cause to be made any statement or 1444
advertisement, relating to the sale, transfer, assignment, rental, 1445
lease, sublease, or acquisition of any housing accommodations, or 1446
relating to the loan of money, whether or not secured by mortgage 1447
or otherwise, for the acquisition, construction, rehabilitation, 1448
repair, or maintenance of housing accommodations, that indicates 1449
any preference, limitation, specification, or discrimination based 1450
upon race, color, religion, sex, sexual orientation, gender 1451
identity, military status, familial status, ancestry, disability, 1452
or national origin, or an intention to make any such preference, 1453
limitation, specification, or discrimination; 1454

(8) Except as otherwise provided in division (H)(8) or (17) 1455
of this section, make any inquiry, elicit any information, make or 1456
keep any record, or use any form of application containing 1457
questions or entries concerning race, color, religion, sex, sexual 1458

orientation, gender identity, military status, familial status, 1459
ancestry, disability, or national origin in connection with the 1460
sale or lease of any housing accommodations or the loan of any 1461
money, whether or not secured by mortgage or otherwise, for the 1462
acquisition, construction, rehabilitation, repair, or maintenance 1463
of housing accommodations. Any person may make inquiries, and make 1464
and keep records, concerning race, color, religion, sex, sexual 1465
orientation, gender identity, military status, familial status, 1466
ancestry, disability, or national origin for the purpose of 1467
monitoring compliance with this chapter. 1468

(9) Include in any transfer, rental, or lease of housing 1469
accommodations any restrictive covenant, or honor or exercise, or 1470
attempt to honor or exercise, any restrictive covenant; 1471

(10) Induce or solicit, or attempt to induce or solicit, a 1472
housing accommodations listing, sale, or transaction by 1473
representing that a change has occurred or may occur with respect 1474
to the racial, religious, sexual, sexual orientation, gender 1475
identity, military status, familial status, or ethnic composition 1476
of the block, neighborhood, or other area in which the housing 1477
accommodations are located, or induce or solicit, or attempt to 1478
induce or solicit, a housing accommodations listing, sale, or 1479
transaction by representing that the presence or anticipated 1480
presence of persons of any race, color, religion, sex, sexual 1481
orientation, gender identity, military status, familial status, 1482
ancestry, disability, or national origin, in the block, 1483
neighborhood, or other area will or may have results including, 1484
but not limited to, the following: 1485

(a) The lowering of property values; 1486

(b) A change in the racial, religious, sexual, sexual 1487
orientation, gender identity, military status, familial status, or 1488
ethnic composition of the block, neighborhood, or other area; 1489

(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	1490 1491
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	1492 1493
(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, <u>sexual orientation, gender identity</u> , military status, familial status, national origin, disability, or ancestry;	1494 1495 1496 1497 1498 1499 1500 1501 1502
(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;	1503 1504 1505 1506 1507
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, <u>sexual orientation, gender identity</u> , military status, familial status, or ethnic composition;	1508 1509 1510 1511 1512 1513
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, <u>sexual orientation, gender identity</u> , military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	1514 1515 1516 1517 1518 1519
(15) Discriminate in the sale or rental of, or otherwise make	1520

unavailable or deny, housing accommodations to any buyer or renter	1521
because of a disability of any of the following:	1522
(a) The buyer or renter;	1523
(b) A person residing in or intending to reside in the	1524
housing accommodations after they are sold, rented, or made	1525
available;	1526
(c) Any individual associated with the person described in	1527
division (H)(15)(b) of this section.	1528
(16) Discriminate in the terms, conditions, or privileges of	1529
the sale or rental of housing accommodations to any person or in	1530
the provision of services or facilities to any person in	1531
connection with the housing accommodations because of a disability	1532
of any of the following:	1533
(a) That person;	1534
(b) A person residing in or intending to reside in the	1535
housing accommodations after they are sold, rented, or made	1536
available;	1537
(c) Any individual associated with the person described in	1538
division (H)(16)(b) of this section.	1539
(17) Except as otherwise provided in division (H)(17) of this	1540
section, make an inquiry to determine whether an applicant for the	1541
sale or rental of housing accommodations, a person residing in or	1542
intending to reside in the housing accommodations after they are	1543
sold, rented, or made available, or any individual associated with	1544
that person has a disability, or make an inquiry to determine the	1545
nature or severity of a disability of the applicant or such a	1546
person or individual. The following inquiries may be made of all	1547
applicants for the sale or rental of housing accommodations,	1548
regardless of whether they have disabilities:	1549
(a) An inquiry into an applicant's ability to meet the	1550

requirements of ownership or tenancy;	1551
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	1552 1553 1554
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	1555 1556 1557
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	1558 1559 1560
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.	1561 1562 1563 1564 1565
(18)(a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following:	1566 1567 1568 1569 1570 1571 1572 1573 1574 1575
(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification;	1576 1577 1578 1579 1580
(ii) Agreeing to restore at the end of the tenancy the	1581

interior of the housing accommodations to the condition they were 1582
in prior to the proposed modification, but subject to reasonable 1583
wear and tear during the period of occupancy, if it is reasonable 1584
for the landlord to condition permission for the proposed 1585
modification upon the agreement; 1586

(iii) Paying into an interest-bearing escrow account that is 1587
in the landlord's name, over a reasonable period of time, a 1588
reasonable amount of money not to exceed the projected costs at 1589
the end of the tenancy of the restoration of the interior of the 1590
housing accommodations to the condition they were in prior to the 1591
proposed modification, but subject to reasonable wear and tear 1592
during the period of occupancy, if the landlord finds the account 1593
reasonably necessary to ensure the availability of funds for the 1594
restoration work. The interest earned in connection with an escrow 1595
account described in this division shall accrue to the benefit of 1596
the disabled tenant who makes payments into the account. 1597

(b) A landlord shall not condition permission for a proposed 1598
modification upon a disabled tenant's payment of a security 1599
deposit that exceeds the customarily required security deposit of 1600
all tenants of the particular housing accommodations. 1601

(19) Refuse to make reasonable accommodations in rules, 1602
policies, practices, or services when necessary to afford a person 1603
with a disability equal opportunity to use and enjoy a dwelling 1604
unit, including associated public and common use areas; 1605

(20) Fail to comply with the standards and rules adopted 1606
under division (A) of section 3781.111 of the Revised Code; 1607

(21) Discriminate against any person in the selling, 1608
brokering, or appraising of real property because of race, color, 1609
religion, sex, sexual orientation, gender identity, military 1610
status, familial status, ancestry, disability, or national origin; 1611
1612

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

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

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

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

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

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

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

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in

any manner in any investigation, proceeding, or hearing under 1644
sections 4112.01 to 4112.07 of the Revised Code. 1645

(J) For any person to aid, abet, incite, compel, or coerce 1646
the doing of any act declared by this section to be an unlawful 1647
discriminatory practice, to obstruct or prevent any person from 1648
complying with this chapter or any order issued under it, or to 1649
attempt directly or indirectly to commit any act declared by this 1650
section to be an unlawful discriminatory practice. 1651

(K)(1) Nothing in division (H) of this section shall bar any 1652
religious or denominational institution or organization, or any 1653
nonprofit charitable or educational organization that is operated, 1654
supervised, or controlled by or in connection with a religious 1655
organization, from limiting the sale, rental, or occupancy of 1656
housing accommodations that it owns or operates for other than a 1657
commercial purpose to persons of the same religion, or from giving 1658
preference in the sale, rental, or occupancy of such housing 1659
accommodations to persons of the same religion, unless membership 1660
in the religion is restricted on account of race, color, or 1661
national origin. 1662

(2) Nothing in division (H) of this section shall bar any 1663
bona fide private or fraternal organization that, incidental to 1664
its primary purpose, owns or operates lodgings for other than a 1665
commercial purpose, from limiting the rental or occupancy of the 1666
lodgings to its members or from giving preference to its members. 1667

(3) Nothing in division (H) of this section limits the 1668
applicability of any reasonable local, state, or federal 1669
restrictions regarding the maximum number of occupants permitted 1670
to occupy housing accommodations. Nothing in that division 1671
prohibits the owners or managers of housing accommodations from 1672
implementing reasonable occupancy standards based on the number 1673
and size of sleeping areas or bedrooms and the overall size of a 1674
dwelling unit, provided that the standards are not implemented to 1675

circumvent the purposes of this chapter and are formulated, 1676
implemented, and interpreted in a manner consistent with this 1677
chapter and any applicable local, state, or federal restrictions 1678
regarding the maximum number of occupants permitted to occupy 1679
housing accommodations. 1680

(4) Nothing in division (H) of this section requires that 1681
housing accommodations be made available to an individual whose 1682
tenancy would constitute a direct threat to the health or safety 1683
of other individuals or whose tenancy would result in substantial 1684
physical damage to the property of others. 1685

(5) Nothing in division (H) of this section pertaining to 1686
discrimination on the basis of familial status shall be construed 1687
to apply to any of the following: 1688

(a) Housing accommodations provided under any state or 1689
federal program that have been determined under the "Fair Housing 1690
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 1691
amended, to be specifically designed and operated to assist 1692
elderly persons; 1693

(b) Housing accommodations intended for and solely occupied 1694
by persons who are sixty-two years of age or older; 1695

(c) Housing accommodations intended and operated for 1696
occupancy by at least one person who is fifty-five years of age or 1697
older per unit, as determined under the "Fair Housing Amendments 1698
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 1699

(L) Nothing in divisions (A) to (E) of this section shall be 1700
construed to require a person with a disability to be employed or 1701
trained under circumstances that would significantly increase the 1702
occupational hazards affecting either the person with a 1703
disability, other employees, the general public, or the facilities 1704
in which the work is to be performed, or to require the employment 1705
or training of a person with a disability in a job that requires 1706

the person with a disability routinely to undertake any task, the 1707
performance of which is substantially and inherently impaired by 1708
the person's disability. 1709

(M) Nothing in divisions (H)(1) to (18) of this section shall 1710
be construed to require any person selling or renting property to 1711
modify the property in any way or to exercise a higher degree of 1712
care for a person with a disability, to relieve any person with a 1713
disability of any obligation generally imposed on all persons 1714
regardless of disability in a written lease, rental agreement, or 1715
contract of purchase or sale, or to forbid distinctions based on 1716
the inability to fulfill the terms and conditions, including 1717
financial obligations, of the lease, agreement, or contract. 1718

(N) An aggrieved individual may enforce the individual's 1719
rights relative to discrimination on the basis of age as provided 1720
for in this section by instituting a civil action, within one 1721
hundred eighty days after the alleged unlawful discriminatory 1722
practice occurred, in any court with jurisdiction for any legal or 1723
equitable relief that will effectuate the individual's rights. 1724

A person who files a civil action under this division is 1725
barred, with respect to the practices complained of, from 1726
instituting a civil action under section 4112.14 of the Revised 1727
Code and from filing a charge with the commission under section 1728
4112.05 of the Revised Code. 1729

(O) With regard to age, it shall not be an unlawful 1730
discriminatory practice and it shall not constitute a violation of 1731
division (A) of section 4112.14 of the Revised Code for any 1732
employer, employment agency, joint labor-management committee 1733
controlling apprenticeship training programs, or labor 1734
organization to do any of the following: 1735

(1) Establish bona fide employment qualifications reasonably 1736
related to the particular business or occupation that may include 1737

standards for skill, aptitude, physical capability, intelligence, 1738
education, maturation, and experience; 1739

(2) Observe the terms of a bona fide seniority system or any 1740
bona fide employee benefit plan, including, but not limited to, a 1741
retirement, pension, or insurance plan, that is not a subterfuge 1742
to evade the purposes of this section. However, no such employee 1743
benefit plan shall excuse the failure to hire any individual, and 1744
no such seniority system or employee benefit plan shall require or 1745
permit the involuntary retirement of any individual, because of 1746
the individual's age except as provided for in the "Age 1747
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 1748
29 U.S.C.A. 623, as amended by the "Age Discrimination in 1749
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1750
623, as amended. 1751

(3) Retire an employee who has attained sixty-five years of 1752
age who, for the two-year period immediately before retirement, is 1753
employed in a bona fide executive or a high policymaking position, 1754
if the employee is entitled to an immediate nonforfeitable annual 1755
retirement benefit from a pension, profit-sharing, savings, or 1756
deferred compensation plan, or any combination of those plans, of 1757
the employer of the employee, which equals, in the aggregate, at 1758
least forty-four thousand dollars, in accordance with the 1759
conditions of the "Age Discrimination in Employment Act Amendment 1760
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 1761
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1762
3342, 29 U.S.C.A. 631, as amended; 1763

(4) Observe the terms of any bona fide apprenticeship program 1764
if the program is registered with the Ohio apprenticeship council 1765
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 1766
approved by the federal committee on apprenticeship of the United 1767
States department of labor. 1768

(P) Nothing in this chapter prohibiting age discrimination 1769

and nothing in division (A) of section 4112.14 of the Revised Code 1770
shall be construed to prohibit the following: 1771

(1) The designation of uniform age the attainment of which is 1772
necessary for public employees to receive pension or other 1773
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 1774
or 5505. of the Revised Code; 1775

(2) The mandatory retirement of uniformed patrol officers of 1776
the state highway patrol as provided in section 5505.16 of the 1777
Revised Code; 1778

(3) The maximum age requirements for appointment as a patrol 1779
officer in the state highway patrol established by section 5503.01 1780
of the Revised Code; 1781

(4) The maximum age requirements established for original 1782
appointment to a police department or fire department in sections 1783
124.41 and 124.42 of the Revised Code; 1784

(5) Any maximum age not in conflict with federal law that may 1785
be established by a municipal charter, municipal ordinance, or 1786
resolution of a board of township trustees for original 1787
appointment as a police officer or firefighter; 1788

(6) Any mandatory retirement provision not in conflict with 1789
federal law of a municipal charter, municipal ordinance, or 1790
resolution of a board of township trustees pertaining to police 1791
officers and firefighters; 1792

(7) Until January 1, 1994, the mandatory retirement of any 1793
employee who has attained seventy years of age and who is serving 1794
under a contract of unlimited tenure, or similar arrangement 1795
providing for unlimited tenure, at an institution of higher 1796
education as defined in the "Education Amendments of 1980," 94 1797
Stat. 1503, 20 U.S.C.A. 1141(a). 1798

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 1799

section, for purposes of divisions (A) to (E) of this section, a disability does not include any physiological disorder or condition, mental or psychological disorder, or disease or condition caused by an illegal use of any controlled substance by an employee, applicant, or other person, if an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee acts on the basis of that illegal use.

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

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

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

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

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

(a) Adopting or administering reasonable policies or procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual described in division (Q)(1)(b)(i) or (ii) of this

section no longer is engaging in the illegal use of any controlled substance; 1831
1832

(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees; 1833
1834

(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace; 1835
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1837

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 1838
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(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism; 1841
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(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards. 1849
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(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination. 1853
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(4) Division (Q) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing. 1856
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(R)(1) Nothing in this section shall prohibit any religious association, corporation, or society that is not organized for private profit, or any institution organized for educational purposes that is operated, supervised, or controlled by such a religious association, corporation, or society, from doing either of the following:

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

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

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

(S) Nothing in this section shall be construed to establish an unlawful employment practice based on actual or perceived gender identity due to the denial of access to shared shower or dressing facilities in which being seen unclothed is unavoidable, provided that the employer provides reasonable access to adequate facilities that are not inconsistent with an employee's gender identity as established with the employer at the time of initial employment or upon notification to the employer that the employee has undergone or is undergoing gender transition, whichever is later.

(T) Nothing in this section shall be construed to require the construction of new or additional facilities.

(U) Nothing in this section prohibits an employer from implementing, enforcing, or modifying a dress code or grooming

standards not prohibited by other provisions of federal, state, or 1893
local law and requiring an employee, during the employee's hours 1894
at work, to adhere to the dress code or grooming standards, 1895
provided that the employer permits any employee who has undergone 1896
gender transition before being initially employed, and any 1897
employee who has notified the employer that the employee has 1898
undergone or is undergoing gender transition after being initially 1899
employed, to adhere to the same dress code or grooming standards 1900
to which the employee has transitioned or is transitioning. 1901

(V) Nothing in this section shall be construed to authorize 1902
or require any private employer, employment agency, or labor 1903
organization to implement quotas or affirmative action policies or 1904
programs, based on sexual orientation or gender identity. 1905

(W) Upon receiving certification of a bona fide occupational 1906
qualification from the commission, nothing in this section 1907
requires an employer, whose business is primarily religious in 1908
nature, to take any employment action that would compromise that 1909
business's religious purposes relating to sexual orientation or 1910
gender identity. 1911

(X)(1) It shall be an unlawful discriminatory practice for 1912
any employer, employment agency, or labor organization to limit, 1913
segregate, or classify its employees or applicants for employment 1914
in any way that would deprive or tend to deprive any individual of 1915
employment or otherwise adversely affect the status of the 1916
individual as an employee because of the individual's actual or 1917
perceived sexual orientation or gender identity. 1918

(2) The commission shall not collect statistics on actual or 1919
perceived sexual orientation or gender identity from any employer, 1920
employment agency, or labor organization nor compel any of them to 1921
collect such statistics. 1922

(3) Only disparate treatment claims, and not disparate impact 1923

claims, may be brought under this section on the basis of sexual 1924
orientation or gender identity. As used in division (X)(3) of this 1925
section, "disparate impact" means a facially neutral policy or 1926
practice that has a negative impact on a protected group. 1927

Sec. 4112.021. (A) As used in this section: 1928

(1) "Credit" means the right granted by a creditor to a 1929
person to defer payment of a debt, to incur debt and defer its 1930
payment, or to purchase property or services and defer payment for 1931
the property or services. 1932

(2) "Creditor" means any person who regularly extends, 1933
renews, or continues credit, any person who regularly arranges for 1934
the extension, renewal, or continuation of credit, or any assignee 1935
of an original creditor who participates in the decision to 1936
extend, renew, or continue credit, whether or not any interest or 1937
finance charge is required. 1938

(3) "Credit reporting agency" means any person who, for 1939
monetary fees or dues or on a cooperative nonprofit basis, 1940
regularly assembles or evaluates credit information for the 1941
purpose of furnishing credit reports to creditors. 1942

(4) "Age" means any age of eighteen years or older. 1943

(B) It shall be an unlawful discriminatory practice: 1944

(1) For any creditor to do any of the following: 1945

(a) Discriminate against any applicant for credit in the 1946
granting, withholding, extending, or renewing of credit, or in the 1947
fixing of the rates, terms, or conditions of any form of credit, 1948
on the basis of race, color, religion, age, sex, sexual 1949
orientation, gender identity, military status, marital status, 1950
national origin, disability, or ancestry, except that this 1951
division shall not apply with respect to age in any real estate 1952
transaction between a financial institution, a dealer in 1953

intangibles, or an insurance company as defined in section 5725.01 1954
of the Revised Code and its customers; 1955

(b) Use or make any inquiry as to race, color, religion, age, 1956
sex, sexual orientation, gender identity, military status, marital 1957
status, national origin, disability, or ancestry for the purpose 1958
of limiting or specifying those persons to whom credit will be 1959
granted, except that an inquiry of marital status does not 1960
constitute discrimination for the purposes of this section if the 1961
inquiry is made for the purpose of ascertaining the creditor's 1962
rights and remedies applicable to the particular extension of 1963
credit, and except that creditors are excepted from this division 1964
with respect to any inquiry, elicitation of information, record, 1965
or form of application required of a particular creditor by any 1966
instrumentality or agency of the United States, or required of a 1967
particular creditor by any agency or instrumentality to enforce 1968
the "Civil Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 1969
3608(c); 1970

(c) Refuse to consider the sources of income of an applicant 1971
for credit, or disregard or ignore the income of an applicant, in 1972
whole or in part, on the basis of race, color, religion, age, sex, 1973
sexual orientation, gender identity, military status, marital 1974
status, disability, national origin, or ancestry; 1975

(d) Refuse to grant credit to an individual in any name that 1976
individual customarily uses, if it has been determined in the 1977
normal course of business that the creditor will grant credit to 1978
the individual; 1979

(e) Impose any special requirements or conditions, including, 1980
but not limited to, a requirement for co-obligors or 1981
reapplication, upon any applicant or class of applicants on the 1982
basis of race, color, religion, age, sex, sexual orientation, 1983
gender identity, military status, marital status, national origin, 1984
disability, or ancestry in circumstances where similar 1985

requirements or conditions are not imposed on other applicants 1986
similarly situated, unless the special requirements or conditions 1987
that are imposed with respect to age are the result of a real 1988
estate transaction exempted under division (B)(1)(a) of this 1989
section or are the result of programs that grant preferences to 1990
certain age groups administered by instrumentalities or agencies 1991
of the United States, a state, or a political subdivision of a 1992
state; 1993

(f) Fail or refuse to provide an applicant for credit a 1994
written statement of the specific reasons for rejection of the 1995
application if requested in writing by the applicant within sixty 1996
days of the rejection. The creditor shall provide the written 1997
statement of the specific reason for rejection within thirty days 1998
after receipt of a request of that nature. For purposes of this 1999
section, a statement that the applicant was rejected solely on the 2000
basis of information received from a credit reporting agency or 2001
because the applicant failed to meet the standards required by the 2002
creditor's credit scoring system, uniformly applied, shall 2003
constitute a specific reason for rejection. 2004

(g) Fail or refuse to print on or firmly attach to each 2005
application for credit, in a type size no smaller than that used 2006
throughout most of the application form, the following notice: 2007
"The Ohio laws against discrimination require that all creditors 2008
make credit equally available to all credit worthy customers, and 2009
that credit reporting agencies maintain separate credit histories 2010
on each individual upon request. The Ohio civil rights commission 2011
administers compliance with this law." This notice is not required 2012
to be included in applications that have a multi-state 2013
distribution if the notice is mailed to the applicant with the 2014
notice of acceptance or rejection of the application. 2015

(h) Fail or refuse on the basis of race, color, religion, 2016
age, sex, sexual orientation, gender identity, military status, 2017

marital status, national origin, disability, or ancestry to 2018
maintain, upon the request of the individual, a separate account 2019
for each individual to whom credit is extended; 2020

(i) Fail or refuse on the basis of race, color, religion, 2021
age, sex, sexual orientation, gender identity, military status, 2022
marital status, national origin, disability, or ancestry to 2023
maintain records on any account established after November 1, 2024
1976, to furnish information on the accounts to credit reporting 2025
agencies in a manner that clearly designates the contractual 2026
liability for repayment as indicated on the application for the 2027
account, and, if more than one individual is contractually liable 2028
for repayment, to maintain records and furnish information in the 2029
name of each individual. This division does not apply to 2030
individuals who are contractually liable only if the primary party 2031
defaults on the account. 2032

(2) For any credit reporting agency to do any of the 2033
following: 2034

(a) Fail or refuse on the basis of race, color, religion, 2035
age, sex, sexual orientation, gender identity, military status, 2036
marital status, national origin, disability, or ancestry to 2037
maintain, upon the request of the individual, a separate file on 2038
each individual about whom information is assembled or evaluated; 2039
2040

(b) Fail or refuse on the basis of race, color, religion, 2041
age, sex, sexual orientation, gender identity, military status, 2042
marital status, national origin, disability, or ancestry to 2043
clearly note, maintain, and report any information furnished it 2044
under division (B)(1)(i) of this section. 2045

(C) This section does not prohibit a creditor from requesting 2046
the signature of both spouses to create a valid lien, pass clear 2047
title, or waive inchoate rights to property. 2048

(D) The rights granted by this section may be enforced by 2049
aggrieved individuals by filing a civil action in a court of 2050
common pleas within one hundred eighty days after the alleged 2051
unlawful discriminatory practice occurred. Upon application by the 2052
plaintiff and in circumstances that the court considers just, the 2053
court in which a civil action under this section is brought may 2054
appoint an attorney for the plaintiff and may authorize the 2055
commencement of a civil action upon proper showing without the 2056
payment of costs. If the court finds that an unlawful 2057
discriminatory practice prohibited by this section occurred or is 2058
about to occur, the court may grant relief that it considers 2059
appropriate, including a permanent or temporary injunction, 2060
temporary restraining order, or other order, and may award to the 2061
plaintiff compensatory and punitive damages of not less than one 2062
hundred dollars, together with attorney's fees and court costs. 2063

(E) Nothing contained in this section shall bar a creditor 2064
from reviewing an application for credit on the basis of 2065
established criteria used in the normal course of business for the 2066
determination of the credit worthiness of the individual applicant 2067
for credit, including the credit history of the applicant. 2068

Sec. 4112.04. (A) The commission shall do all of the 2069
following: 2070

(1) Establish and maintain a principal office in the city of 2071
Columbus and any other offices within the state that it considers 2072
necessary; 2073

(2) Appoint an executive director who shall serve at the 2074
pleasure of the commission and be its principal administrative 2075
officer. The executive director shall be paid a salary fixed 2076
pursuant to Chapter 124. of the Revised Code. 2077

(3) Appoint hearing examiners and other employees and agents 2078
who it considers necessary and prescribe their duties subject to 2079

Chapter 124. of the Revised Code;	2080
(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;	2081 2082 2083
(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;	2084 2085 2086
(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;	2087 2088
(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, <u>sexual orientation, gender identity</u> , military status, familial status, national origin, disability, age, or ancestry on the enjoyment of civil rights by persons within the state;	2089 2090 2091 2092 2093
(8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A)(7) of this section and shall include the recommendations of the commission as to legislative or other remedial action;	2094 2095 2096 2097 2098 2099 2100 2101
(9) Prepare a comprehensive educational program, in cooperation with the department of education, for the students of the public schools of this state and for all other residents of this state that is designed to eliminate prejudice on the basis of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry in this state, to further good will among those groups , and to emphasize the origin of prejudice against those groups <u>and discrimination, its their</u> harmful effects, and its their <u>their</u> incompatibility with American	2102 2103 2104 2105 2106 2107 2108 2109 2110

principles of equality and fair play;	2111
(10) Receive progress reports from agencies,	2112
instrumentalities, institutions, boards, commissions, and other	2113
entities of this state or any of its political subdivisions and	2114
their agencies, instrumentalities, institutions, boards,	2115
commissions, and other entities regarding affirmative action	2116
programs for the employment of persons against whom discrimination	2117
is prohibited by this chapter, or regarding any affirmative	2118
housing accommodations programs developed to eliminate or reduce	2119
an imbalance of race, color, religion, sex, <u>sexual orientation,</u>	2120
<u>gender identity,</u> military status, familial status, national	2121
origin, disability, or ancestry. All agencies, instrumentalities,	2122
institutions, boards, commissions, and other entities of this	2123
state or its political subdivisions, and all political	2124
subdivisions, that have undertaken affirmative action programs	2125
pursuant to a conciliation agreement with the commission, an	2126
executive order of the governor, any federal statute or rule, or	2127
an executive order of the president of the United States shall	2128
file progress reports with the commission annually on or before	2129
the first day of November. The commission shall analyze and	2130
evaluate the progress reports and report its findings annually to	2131
the general assembly on or before the thirtieth day of January of	2132
the year immediately following the receipt of the reports.	2133
(B) The commission may do any of the following:	2134
(1) Meet and function at any place within the state;	2135
(2) Initiate and undertake on its own motion investigations	2136
of problems of employment or housing accommodations	2137
discrimination;	2138
(3) Hold hearings, subpoena witnesses, compel their	2139
attendance, administer oaths, take the testimony of any person	2140
under oath, require the production for examination of any books	2141

and papers relating to any matter under investigation or in 2142
question before the commission, and make rules as to the issuance 2143
of subpoenas by individual commissioners. 2144

(a) In conducting a hearing or investigation, the commission 2145
shall have access at all reasonable times to premises, records, 2146
documents, individuals, and other evidence or possible sources of 2147
evidence and may examine, record, and copy the premises, records, 2148
documents, and other evidence or possible sources of evidence and 2149
take and record the testimony or statements of the individuals as 2150
reasonably necessary for the furtherance of the hearing or 2151
investigation. In investigations, the commission shall comply with 2152
the fourth amendment to the United States Constitution relating to 2153
unreasonable searches and seizures. The commission or a member of 2154
the commission may issue subpoenas to compel access to or the 2155
production of premises, records, documents, and other evidence or 2156
possible sources of evidence or the appearance of individuals, and 2157
may issue interrogatories to a respondent, to the same extent and 2158
subject to the same limitations as would apply if the subpoenas or 2159
interrogatories were issued or served in aid of a civil action in 2160
a court of common pleas. 2161

(b) Upon written application by a respondent, the commission 2162
shall issue subpoenas in its name to the same extent and subject 2163
to the same limitations as subpoenas issued by the commission. 2164
Subpoenas issued at the request of a respondent shall show on 2165
their face the name and address of the respondent and shall state 2166
that they were issued at the respondent's request. 2167

(c) Witnesses summoned by subpoena of the commission are 2168
entitled to the witness and mileage fees provided for under 2169
section 119.094 of the Revised Code. 2170

(d) Within five days after service of a subpoena upon any 2171
person, the person may petition the commission to revoke or modify 2172
the subpoena. The commission shall grant the petition if it finds 2173

that the subpoena requires an appearance or attendance at an 2174
unreasonable time or place, that it requires production of 2175
evidence that does not relate to any matter before the commission, 2176
that it does not describe with sufficient particularity the 2177
evidence to be produced, that compliance would be unduly onerous, 2178
or for other good reason. 2179

(e) In case of contumacy or refusal to obey a subpoena, the 2180
commission or person at whose request it was issued may petition 2181
for its enforcement in the court of common pleas in the county in 2182
which the person to whom the subpoena was addressed resides, was 2183
served, or transacts business. 2184

(4) Create local or statewide advisory agencies and 2185
conciliation councils to aid in effectuating the purposes of this 2186
chapter. The commission may itself, or it may empower these 2187
agencies and councils to, do either or both of the following: 2188

(a) Study the problems of discrimination in all or specific 2189
fields of human relationships when based on race, color, religion, 2190
sex, sexual orientation, gender identity, military status, 2191
familial status, national origin, disability, age, or ancestry; 2192

(b) Foster through community effort, or otherwise, good will 2193
among the groups and elements of the population of the state. 2194

The agencies and councils may make recommendations to the 2195
commission for the development of policies and procedures in 2196
general. They shall be composed of representative citizens who 2197
shall serve without pay, except that reimbursement for actual and 2198
necessary traveling expenses shall be made to citizens who serve 2199
on a statewide agency or council. 2200

(5) Issue any publications and the results of investigations 2201
and research that in its judgment will tend to promote good will 2202
and minimize or eliminate discrimination because of race, color, 2203
religion, sex, sexual orientation, gender identity, military 2204

status, familial status, national origin, disability, age, or 2205
ancestry. 2206

Sec. 4112.05. (A) The commission, as provided in this 2207
section, shall prevent any person from engaging in unlawful 2208
discriminatory practices, provided that, before instituting the 2209
formal hearing authorized by division (B) of this section, it 2210
shall attempt, by informal methods of conference, conciliation, 2211
and persuasion, to induce compliance with this chapter. 2212

(B)(1) Any person may file a charge with the commission 2213
alleging that another person has engaged or is engaging in an 2214
unlawful discriminatory practice. In the case of a charge alleging 2215
an unlawful discriminatory practice described in division (A), 2216
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 2217
section 4112.021 or 4112.022 of the Revised Code, the charge shall 2218
be in writing and under oath and shall be filed with the 2219
commission within six months after the alleged unlawful 2220
discriminatory practice was committed. In the case of a charge 2221
alleging an unlawful discriminatory practice described in division 2222
(H) of section 4112.02 of the Revised Code, the charge shall be in 2223
writing and under oath and shall be filed with the commission 2224
within one year after the alleged unlawful discriminatory practice 2225
was committed. 2226

(2) Upon receiving a charge, the commission may initiate a 2227
preliminary investigation to determine whether it is probable that 2228
an unlawful discriminatory practice has been or is being engaged 2229
in. The commission also may conduct, upon its own initiative and 2230
independent of the filing of any charges, a preliminary 2231
investigation relating to any of the unlawful discriminatory 2232
practices described in division (A), (B), (C), (D), (E), (F), (I), 2233
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 2234
the Revised Code. Prior to a notification of a complainant under 2235

division (B)(4) of this section or prior to the commencement of 2236
informal methods of conference, conciliation, and persuasion under 2237
that division, the members of the commission and the officers and 2238
employees of the commission shall not make public in any manner 2239
and shall retain as confidential all information that was obtained 2240
as a result of or that otherwise pertains to a preliminary 2241
investigation other than one described in division (B)(3) of this 2242
section. 2243

(3)(a) Unless it is impracticable to do so and subject to its 2244
authority under division (B)(3)(d) of this section, the commission 2245
shall complete a preliminary investigation of a charge filed 2246
pursuant to division (B)(1) of this section that alleges an 2247
unlawful discriminatory practice described in division (H) of 2248
section 4112.02 of the Revised Code, and shall take one of the 2249
following actions, within one hundred days after the filing of the 2250
charge: 2251

(i) Notify the complainant and the respondent that it is not 2252
probable that an unlawful discriminatory practice described in 2253
division (H) of section 4112.02 of the Revised Code has been or is 2254
being engaged in and that the commission will not issue a 2255
complaint in the matter; 2256

(ii) Initiate a complaint and schedule it for informal 2257
methods of conference, conciliation, and persuasion; 2258

(iii) Initiate a complaint and refer it to the attorney 2259
general with a recommendation to seek a temporary or permanent 2260
injunction or a temporary restraining order. If this action is 2261
taken, the attorney general shall apply, as expeditiously as 2262
possible after receipt of the complaint, to the court of common 2263
pleas of the county in which the unlawful discriminatory practice 2264
allegedly occurred for the appropriate injunction or order, and 2265
the court shall hear and determine the application as 2266
expeditiously as possible. 2267

(b) If it is not practicable to comply with the requirements 2268
of division (B)(3)(a) of this section within the one-hundred-day 2269
period described in that division, the commission shall notify the 2270
complainant and the respondent in writing of the reasons for the 2271
noncompliance. 2272

(c) Prior to the issuance of a complaint under division 2273
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 2274
of the complainant and the respondent under division (B)(3)(a)(i) 2275
of this section, the members of the commission and the officers 2276
and employees of the commission shall not make public in any 2277
manner and shall retain as confidential all information that was 2278
obtained as a result of or that otherwise pertains to a 2279
preliminary investigation of a charge filed pursuant to division 2280
(B)(1) of this section that alleges an unlawful discriminatory 2281
practice described in division (H) of section 4112.05 of the 2282
Revised Code. 2283

(d) Notwithstanding the types of action described in 2284
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2285
issuance of a complaint or the referral of a complaint to the 2286
attorney general and prior to endeavoring to eliminate an unlawful 2287
discriminatory practice described in division (H) of section 2288
4112.02 of the Revised Code by informal methods of conference, 2289
conciliation, and persuasion, the commission may seek a temporary 2290
or permanent injunction or a temporary restraining order in the 2291
court of common pleas of the county in which the unlawful 2292
discriminatory practice allegedly occurred. 2293

(4) If the commission determines after a preliminary 2294
investigation other than one described in division (B)(3) of this 2295
section that it is not probable that an unlawful discriminatory 2296
practice has been or is being engaged in, it shall notify any 2297
complainant under division (B)(1) of this section that it has so 2298
determined and that it will not issue a complaint in the matter. 2299

If the commission determines after a preliminary investigation 2300
other than the one described in division (B)(3) of this section 2301
that it is probable that an unlawful discriminatory practice has 2302
been or is being engaged in, it shall endeavor to eliminate the 2303
practice by informal methods of conference, conciliation, and 2304
persuasion. 2305

(5) Nothing said or done during informal methods of 2306
conference, conciliation, and persuasion under this section shall 2307
be disclosed by any member of the commission or its staff or be 2308
used as evidence in any subsequent hearing or other proceeding. 2309
If, after a preliminary investigation and the use of informal 2310
methods of conference, conciliation, and persuasion under this 2311
section, the commission is satisfied that any unlawful 2312
discriminatory practice will be eliminated, it may treat the 2313
charge involved as being conciliated and enter that disposition on 2314
the records of the commission. If the commission fails to effect 2315
the elimination of an unlawful discriminatory practice by informal 2316
methods of conference, conciliation, and persuasion under this 2317
section and to obtain voluntary compliance with this chapter, the 2318
commission shall issue and cause to be served upon any person, 2319
including the respondent against whom a complainant has filed a 2320
charge pursuant to division (B)(1) of this section, a complaint 2321
stating the charges involved and containing a notice of an 2322
opportunity for a hearing before the commission, a member of the 2323
commission, or a hearing examiner at a place that is stated in the 2324
notice and that is located within the county in which the alleged 2325
unlawful discriminatory practice has occurred or is occurring or 2326
in which the respondent resides or transacts business. The hearing 2327
shall be held not less than thirty days after the service of the 2328
complaint upon the complainant, the aggrieved persons other than 2329
the complainant on whose behalf the complaint is issued, and the 2330
respondent, unless the complainant, an aggrieved person, or the 2331
respondent elects to proceed under division (A)(2) of section 2332

4112.051 of the Revised Code when that division is applicable. If 2333
a complaint pertains to an alleged unlawful discriminatory 2334
practice described in division (H) of section 4112.02 of the 2335
Revised Code, the complaint shall notify the complainant, an 2336
aggrieved person, and the respondent of the right of the 2337
complainant, an aggrieved person, or the respondent to elect to 2338
proceed with the administrative hearing process under this section 2339
or to proceed under division (A)(2) of section 4112.051 of the 2340
Revised Code. 2341

(6) The attorney general shall represent the commission at 2342
any hearing held pursuant to division (B)(5) of this section and 2343
shall present the evidence in support of the complaint. 2344

(7) Any complaint issued pursuant to division (B)(5) of this 2345
section after the filing of a charge under division (B)(1) of this 2346
section shall be so issued within one year after the complainant 2347
filed the charge with respect to an alleged unlawful 2348
discriminatory practice. 2349

(C) Any complaint issued pursuant to division (B) of this 2350
section may be amended by the commission, a member of the 2351
commission, or the hearing examiner conducting a hearing under 2352
division (B) of this section, at any time prior to or during the 2353
hearing. The respondent has the right to file an answer or an 2354
amended answer to the original and amended complaints and to 2355
appear at the hearing in person, by attorney, or otherwise to 2356
examine and cross-examine witnesses. 2357

(D) The complainant shall be a party to a hearing under 2358
division (B) of this section, and any person who is an 2359
indispensable party to a complete determination or settlement of a 2360
question involved in the hearing shall be joined. Any person who 2361
has or claims an interest in the subject of the hearing and in 2362
obtaining or preventing relief against the unlawful discriminatory 2363
practices complained of may be permitted, in the discretion of the 2364

person or persons conducting the hearing, to appear for the 2365
presentation of oral or written arguments. 2366

(E) In any hearing under division (B) of this section, the 2367
commission, a member of the commission, or the hearing examiner 2368
shall not be bound by the Rules of Evidence but, in ascertaining 2369
the practices followed by the respondent, shall take into account 2370
all reliable, probative, and substantial statistical or other 2371
evidence produced at the hearing that may tend to prove the 2372
existence of a predetermined pattern of employment or membership, 2373
provided that nothing contained in this section shall be construed 2374
to authorize or require any person to observe the proportion that 2375
persons of any race, color, religion, sex, sexual orientation, 2376
gender identity, military status, familial status, national 2377
origin, disability, age, or ancestry bear to the total population 2378
or in accordance with any criterion other than the individual 2379
qualifications of the applicant. 2380

(F) The testimony taken at a hearing under division (B) of 2381
this section shall be under oath and shall be reduced to writing 2382
and filed with the commission. Thereafter, in its discretion, the 2383
commission, upon the service of a notice upon the complainant and 2384
the respondent that indicates an opportunity to be present, may 2385
take further testimony or hear argument. 2386

(G)(1) If, upon all reliable, probative, and substantial 2387
evidence presented at a hearing under division (B) of this 2388
section, the commission determines that the respondent has engaged 2389
in, or is engaging in, any unlawful discriminatory practice, 2390
whether against the complainant or others, the commission shall 2391
state its findings of fact and conclusions of law and shall issue 2392
and, subject to the provisions of Chapter 119. of the Revised 2393
Code, cause to be served on the respondent an order requiring the 2394
respondent to cease and desist from the unlawful discriminatory 2395
practice, requiring the respondent to take any further affirmative 2396

or other action that will effectuate the purposes of this chapter, 2397
including, but not limited to, hiring, reinstatement, or upgrading 2398
of employees with or without back pay, or admission or restoration 2399
to union membership, and requiring the respondent to report to the 2400
commission the manner of compliance. If the commission directs 2401
payment of back pay, it shall make allowance for interim earnings. 2402
If it finds a violation of division (H) of section 4112.02 of the 2403
Revised Code, the commission additionally shall require the 2404
respondent to pay actual damages and reasonable attorney's fees, 2405
and may award to the complainant punitive damages as follows: 2406

(a) If division (G)(1)(b) or (c) of this section does not 2407
apply, punitive damages in an amount not to exceed ten thousand 2408
dollars; 2409

(b) If division (G)(1)(c) of this section does not apply and 2410
if the respondent has been determined by a final order of the 2411
commission or by a final judgment of a court to have committed one 2412
violation of division (H) of section 4112.02 of the Revised Code 2413
during the five-year period immediately preceding the date on 2414
which a complaint was issued pursuant to division (B) of this 2415
section, punitive damages in an amount not to exceed twenty-five 2416
thousand dollars; 2417

(c) If the respondent has been determined by a final order of 2418
the commission or by a final judgment of a court to have committed 2419
two or more violations of division (H) of section 4112.02 of the 2420
Revised Code during the seven-year period immediately preceding 2421
the date on which a complaint was issued pursuant to division (B) 2422
of this section, punitive damages in an amount not to exceed fifty 2423
thousand dollars. 2424

(2) Upon the submission of reports of compliance, the 2425
commission may issue a declaratory order stating that the 2426
respondent has ceased to engage in particular unlawful 2427
discriminatory practices. 2428

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

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

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

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

board a registration report that is signed by its president or 2460
other appropriate officer. The report shall be in a form 2461
prescribed by the board and accompanied by two copies of the 2462
employee organization's constitution and bylaws. The board shall 2463
accept a filing by a statewide, national, or international 2464
employee organization of its constitution and bylaws in lieu of a 2465
filing of the documents by each subordinate organization. The 2466
exclusive representative or other employee organization originally 2467
filing its constitution and bylaws shall report, promptly, to the 2468
board all changes or amendments to its constitution and bylaws. 2469

(B) Every employee organization shall file with the board an 2471
annual report. The report shall be in a form prescribed by the 2472
board and shall contain the following information: 2473

(1) The names and addresses of the organization, any parent 2474
organization or organizations with which it is affiliated, and all 2475
organizationwide officers; 2476

(2) The name and address of its local agent for service of 2477
process; 2478

(3) A general description of the public employees the 2479
organization represents or seeks to represent; 2480

(4) The amounts of the initiation fee and monthly dues 2481
members must pay; 2482

(5) A pledge, in a form prescribed by the board, that the 2483
organization will comply with the laws of the state and that it 2484
will accept members without regard to age, race, color, sex, 2485
creed, religion, ancestry, or national origin; disability, sexual 2486
orientation, gender identity, or military status, as those terms 2487
are defined in section 4112.01 of the Revised Code, ~~military~~ 2488
~~status as defined in that section~~; or physical disability as 2489
provided by law; 2490

(6) A financial report.	2491
(C) The constitution or bylaws of every employee organization shall do all of the following:	2492 2493
(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;	2494 2495 2496 2497 2498
(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;	2499 2500 2501 2502
(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;	2503 2504 2505 2506 2507 2508
(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.	2509 2510 2511 2512 2513 2514
(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.	2515 2516 2517 2518 2519
(E) The board may withhold certification of an employee organization that willfully refuses to register or file an annual	2520 2521

report or that willfully refuses to comply with other provisions 2522
of this section. The board may revoke a certification of an 2523
employee organization for willfully failing to comply with this 2524
section. The board may enforce the prohibitions contained in this 2525
section by petitioning the court of common pleas of the county in 2526
which the violation occurs for an injunction. Persons complaining 2527
of a violation of this section shall file the complaint with the 2528
board. 2529

(F) Upon the written request to the board of any member of a 2530
certified employee organization and where the board determines the 2531
necessity for an audit, the board may require the employee 2532
organization to provide a certified audit of its financial 2533
records. 2534

(G) Any employee organization subject to the 2535
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 2536
519, 29 U.S.C.A., 401, as amended, may file copies with the board 2537
of all reports it is required to file under that act in lieu of 2538
compliance with all parts of this section other than division (A) 2539
of this section. The board shall accept a filing by a statewide, 2540
national, or international employee organization of its reports in 2541
lieu of a filing of such reports by each subordinate organization. 2542

Sec. 4735.16. (A) Every real estate broker licensed under 2543
this chapter shall have and maintain a definite place of business 2544
in this state and shall erect or maintain a sign on the premises 2545
plainly stating that the licensee is a real estate broker. If the 2546
real estate broker maintains one or more branch offices, the real 2547
estate broker shall erect or maintain a sign at each branch office 2548
plainly stating that the licensee is a real estate broker. 2549

(B)(1) Any licensed real estate broker or salesperson who 2550
advertises to buy, sell, exchange, or lease real estate, or to 2551
engage in any act regulated by this chapter, including, but not 2552

limited to, any licensed real estate broker or salesperson who 2553
advertises to sell, exchange, or lease real estate that the 2554
licensee owns, shall be identified in the advertisement by name 2555
and by indicating that the licensee is a real estate broker or 2556
real estate salesperson. Except a real estate salesperson who 2557
advertises the sale, exchange, or lease of real estate that the 2558
salesperson owns and that is not listed for sale, exchange, or 2559
lease with a real estate broker, any real estate salesperson who 2560
advertises, as provided in this section, also shall indicate in 2561
the advertisement the name of the broker under whom the 2562
salesperson is licensed and the fact that the salesperson's broker 2563
is a real estate broker. The name of the broker shall be displayed 2564
in equal prominence with the name of the salesperson in the 2565
advertisement. 2566

(2) A real estate broker who is representing a seller under 2567
an exclusive right to sell or lease listing agreement shall not 2568
advertise such property to the public as "for sale by owner" or 2569
otherwise mislead the public to believe that the seller is not 2570
represented by a real estate broker. 2571

(3) If any real estate broker or real estate salesperson 2572
advertises in a manner other than as provided in this section or 2573
the rules adopted under this section, that advertisement is 2574
prima-facie evidence of a violation under division (A)(21) of 2575
section 4735.18 of the Revised Code. 2576

When the superintendent determines that prima-facie evidence 2577
of a violation of division (A)(21) of section 4735.18 of the 2578
Revised Code or any of the rules adopted thereunder exists, the 2579
superintendent may do either of the following: 2580

(a) Initiate disciplinary action under section 4735.051 of 2581
the Revised Code for a violation of division (A)(21) of section 2582
4735.18 of the Revised Code, in accordance with Chapter 119. of 2583
the Revised Code; 2584

(b) Personally, or by certified mail, serve a citation upon the licensee. 2585
2586

(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. 2587
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(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. 2596
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(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. 2601
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(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. 2605
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(5) The superintendent shall suspend automatically a licensee's license if the licensee fails to comply with division (C)(4) of this section. 2609
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(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 2612
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party's signature. Every broker's office shall prominently display 2616
in the same immediate area as licenses are displayed a statement 2617
that it is illegal to discriminate against any person because of 2618
race, color, religion, sex, national origin, or ancestry; or 2619
familial status ~~as defined in section 4112.01 of the Revised Code,~~ 2620
~~national origin,~~ military status ~~as defined in that section,~~ 2621
~~disability as defined in that section,~~ gender identity, or 2622
~~ancestry~~ sexual orientation, as those terms are defined in section 2623
4112.01 of the Revised Code, in the sale or rental of housing or 2624
residential lots, in advertising the sale or rental of housing, in 2625
the financing of housing, or in the provision of real estate 2626
brokerage services and that blockbusting also is illegal. The 2627
statement shall bear the United States department of housing and 2628
urban development equal housing logo, shall contain the 2629
information that the broker and the broker's salespersons are 2630
licensed by the division of real estate and professional licensing 2631
and that the division can assist with any consumer complaints or 2632
inquiries, and shall explain the provisions of section 4735.12 of 2633
the Revised Code. The statement shall provide the division's 2634
address and telephone number. The Ohio real estate commission 2635
shall provide by rule for the wording and size of the statement. 2636
The pamphlet required under section 4735.03 of the Revised Code 2637
shall contain the same statement that is required on the statement 2638
displayed as provided in this section and shall be made available 2639
by real estate brokers and salespersons to their clients. The 2640
commission shall provide the wording and size of the pamphlet. 2641
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Sec. 4735.55. (A) Each written agency agreement shall contain 2643
all of the following: 2644

(1) An expiration date; 2645

(2) A statement that it is illegal, pursuant to the Ohio fair 2646

housing law, division (H) of section 4112.02 of the Revised Code, 2647
and the federal fair housing law, 42 U.S.C.A. 3601, to refuse to 2648
sell, transfer, assign, rent, lease, sublease, or finance housing 2649
accommodations, refuse to negotiate for the sale or rental of 2650
housing accommodations, or otherwise deny or make unavailable 2651
housing accommodations because of race, color, religion, sex, 2652
national origin, or ancestry; or familial status as defined in 2653
~~section 4112.01 of the Revised Code, ancestry, military status as~~ 2654
~~defined in that section, disability as defined in that section,~~ 2655
gender identity, or national origin sexual orientation, as those 2656
terms are defined in section 4112.01 of the Revised Code, or to so 2657
discriminate in advertising the sale or rental of housing, in the 2658
financing of housing, or in the provision of real estate brokerage 2659
services; 2660

(3) A statement defining the practice known as "blockbusting" 2661
and stating that it is illegal; 2662

(4) A copy of the United States department of housing and 2663
urban development equal housing opportunity logotype, as set forth 2664
in 24 C.F.R. 109.30. 2665

(B) Each written agency agreement shall contain a place for 2666
the licensee and the client to sign and date the agreement. 2667

(C) A licensee shall furnish a copy of any written agency 2668
agreement to a client in a timely manner after the licensee and 2669
the client have signed and dated it. 2670

Sec. 4757.07. The counselor, social worker, and marriage and 2671
family therapist board and its professional standards committees 2672
shall not discriminate against any licensee, registrant, or 2673
applicant for a license or certificate of registration under this 2674
chapter because of the person's race, color, religion, sex, or 2675
national origin; disability, sexual orientation, or gender 2676
identity, as those terms are defined in section 4112.01 of the 2677

Revised Code⁷ⁱ or age. The board or committee, as appropriate, 2678
shall afford a hearing to any person who files with the board or 2679
committee a statement alleging discrimination based on any of 2680
those reasons. 2681

Sec. 4758.16. The chemical dependency professionals board 2682
shall not discriminate against any licensee, certificate holder, 2683
or applicant for a license or certificate under this chapter 2684
because of the individual's race, color, religion, gender, or 2685
national origin⁷ⁱ; disability, sexual orientation, or gender 2686
identity, as those terms are defined in section 4112.01 of the 2687
Revised Code⁷ⁱ or age. The board shall afford a hearing to any 2688
individual who files with the board a statement alleging 2689
discrimination based on any of those reasons. 2690

Sec. 4765.18. The state board of emergency medical services 2691
may suspend or revoke a certificate of accreditation or a 2692
certificate of approval issued under section 4765.17 of the 2693
Revised Code for any of the following reasons: 2694

(A) Violation of this chapter or any rule adopted under it; 2695

(B) Furnishing of false, misleading, or incomplete 2696
information to the board; 2697

(C) The signing of an application or the holding of a 2698
certificate of accreditation by a person who has pleaded guilty to 2699
or has been convicted of a felony, or has pleaded guilty to or 2700
been convicted of a crime involving moral turpitude; 2701

(D) The signing of an application or the holding of a 2702
certificate of accreditation by a person who is addicted to the 2703
use of any controlled substance or has been adjudicated 2704
incompetent for that purpose by a court, as provided in section 2705
5122.301 of the Revised Code; 2706

(E) Violation of any commitment made in an application for a 2707

certificate of accreditation or certificate of approval;	2708
(F) Presentation to prospective students of misleading, false, or fraudulent information relating to the emergency medical services training program or emergency medical services continuing education program, employment opportunities, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the operator of a program;	2709 2710 2711 2712 2713 2714 2715
(G) Failure to maintain in a safe and sanitary condition premises and equipment used in conducting courses of study;	2716 2717
(H) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study or to retain a sufficient number of certified instructors;	2718 2719 2720
(I) Discrimination in the acceptance of students upon the basis of <u>sexual orientation or gender identity as those terms are defined in section 4112.01 of the Revised Code</u> , race, color, religion, sex, or national origin.	2721 2722 2723 2724
Sec. 5104.09. (A)(1) Except as provided in rules adopted pursuant to division (D) of this section, no individual who has been convicted of or pleaded guilty to a violation described in division (A)(9) of section 109.572 of the Revised Code, a violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 of the Revised Code or a violation of an existing or former law or ordinance of any municipal corporation, this state, any other state, or the United States that is substantially equivalent to any of those violations, or two violations of section 4511.19 of the Revised Code during operation of the center or home shall be certified as an in-home aide or be employed in any capacity in or own or operate a child day-care center, type A family day-care home, type B family day-care home, or certified type B family	2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738

day-care home. 2739

(2) Each employee of a child day-care center and type A home 2740
and every person eighteen years of age or older residing in a type 2741
A home shall sign a statement on forms prescribed by the director 2742
of job and family services attesting to the fact that the employee 2743
or resident person has not been convicted of or pleaded guilty to 2744
any offense set forth in division (A)(1) of this section and that 2745
no child has been removed from the employee's or resident person's 2746
home pursuant to section 2151.353 of the Revised Code. Each 2747
licensee of a type A home shall sign a statement on a form 2748
prescribed by the director attesting to the fact that no person 2749
who resides at the type A home and who is under the age of 2750
eighteen has been adjudicated a delinquent child for committing a 2751
violation of any section listed in division (A)(1) of this 2752
section. The statements shall be kept on file at the center or 2753
type A home. 2754

(3) Each in-home aide and every person eighteen years of age 2755
or older residing in a certified type B home shall sign a 2756
statement on forms prescribed by the director of job and family 2757
services attesting that the aide or resident person has not been 2758
convicted of or pleaded guilty to any offense set forth in 2759
division (A)(1) of this section and that no child has been removed 2760
from the aide's or resident person's home pursuant to section 2761
2151.353 of the Revised Code. Each authorized provider shall sign 2762
a statement on forms prescribed by the director attesting that the 2763
provider has not been convicted of or pleaded guilty to any 2764
offense set forth in division (A)(1) of this section and that no 2765
child has been removed from the provider's home pursuant to 2766
section 2151.353 of the Revised Code. Each authorized provider 2767
shall sign a statement on a form prescribed by the director 2768
attesting to the fact that no person who resides at the certified 2769
type B home and who is under the age of eighteen has been 2770

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 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 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;	2832
(3) Employment that has become unsuitable due to any of the following:	2833
(a) The wage is less than the federal minimum wage;	2834
(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;	2835
(c) The documented degree of risk to the member or recipient's health and safety is unreasonable;	2836
(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.	2837
(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;	2838
(5) A documented household emergency;	2839
(6) Lack of adequate child care for children of the member or recipient who are under six years of age.	2840
Sec. 5111.31. (A) Every provider agreement with the provider of a nursing facility or intermediate care facility for the mentally retarded shall:	2841
(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	2842
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in a facility shall be considered a patient in the facility during 2861
any hospital stays totaling less than twenty-five days during any 2862
twelve-month period. Recipients who have been identified by the 2863
department of job and family services or its designee as requiring 2864
the level of care of an intermediate care facility for the 2865
mentally retarded shall not be subject to a maximum period of 2866
absences during which they are considered patients if prior 2867
authorization of the department for visits with relatives and 2868
friends and participation in therapeutic programs is obtained 2869
under rules adopted under section 5111.02 of the Revised Code. 2870

(2) Except as provided by division (B)(1) of this section, 2871
include any part of the facility that meets standards for 2872
certification of compliance with federal and state laws and rules 2873
for participation in the medicaid program. 2874

(3) Prohibit the provider from discriminating against any 2875
patient on the basis of sexual orientation or gender identity as 2876
those terms are defined in section 4112.01 of the Revised Code, 2877
race, color, sex, creed, or national origin. 2878

(4) Except as otherwise prohibited under section 5111.55 of 2879
the Revised Code, prohibit the provider from failing or refusing 2880
to accept a patient because the patient is, becomes, or may, as a 2881
patient in the facility, become a medicaid recipient if less than 2882
eighty per cent of the patients in the facility are medicaid 2883
recipients. 2884

(B)(1) Except as provided by division (B)(2) of this section, 2885
the following are not required to be included in a provider 2886
agreement unless otherwise required by federal law: 2887

(a) Beds added during the period beginning July 1, 1987, and 2888
ending July 1, 1993, to a nursing home licensed under Chapter 2889
3721. of the Revised Code; 2890

(b) Beds in an intermediate care facility for the mentally 2891

retarded that are designated for respite care under a medicaid 2892
waiver component operated pursuant to a waiver sought under 2893
section 5111.87 of the Revised Code. 2894

(2) If a provider chooses to include a bed specified in 2895
division (B)(1)(a) of this section in a provider agreement, the 2896
bed may not be removed from the provider agreement unless the 2897
provider withdraws the facility in which the bed is located from 2898
the medicaid program. 2899

(C) Nothing in this section shall bar a provider that is a 2900
religious organization operating a religious or denominational 2901
nursing facility or intermediate care facility for the mentally 2902
retarded from giving preference to persons of the same religion or 2903
denomination. Nothing in this section shall bar any provider from 2904
giving preference to persons with whom the provider has contracted 2905
to provide continuing care. 2906

(D) Nothing in this section shall bar the provider of a 2907
county home organized under Chapter 5155. of the Revised Code from 2908
admitting residents exclusively from the county in which the 2909
county home is located. 2910

(E) No provider of a nursing facility or intermediate care 2911
facility for the mentally retarded for which a provider agreement 2912
is in effect shall violate the provider contract obligations 2913
imposed under this section. 2914

(F) Nothing in divisions (A) and (C) of this section shall 2915
bar a provider from retaining patients who have resided in the 2916
provider's facility for not less than one year as private pay 2917
patients and who subsequently become medicaid recipients, but 2918
refusing to accept as a patient any person who is or may, as a 2919
patient in the facility, become a medicaid recipient, if all of 2920
the following apply: 2921

(1) The provider does not refuse to retain any patient who 2922

has resided in the provider's facility for not less than one year 2923
as a private pay patient because the patient becomes a medicaid 2924
recipient, except as necessary to comply with division (F)(2) of 2925
this section; 2926

(2) The number of medicaid recipients retained under this 2927
division does not at any time exceed ten per cent of all the 2928
patients in the facility; 2929

(3) On July 1, 1980, all the patients in the facility were 2930
private pay patients. 2931

Sec. 5119.61. Any provision in this chapter that refers to a 2932
board of alcohol, drug addiction, and mental health services also 2933
refers to the community mental health board in an alcohol, drug 2934
addiction, and mental health service district that has a community 2935
mental health board. 2936

The director of mental health with respect to all facilities 2937
and programs established and operated under Chapter 340. of the 2938
Revised Code for mentally ill and emotionally disturbed persons, 2939
shall do all of the following: 2940

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 2941
that may be necessary to carry out the purposes of Chapter 340. 2942
and sections 5119.61 to 5119.63 of the Revised Code. 2943

(1) The rules shall include all of the following: 2944

(a) Rules governing a community mental health agency's 2945
services under section 340.091 of the Revised Code to an 2946
individual referred to the agency under division (C)(2) of section 2947
173.35 of the Revised Code; 2948

(b) For the purpose of division (A)(16) of section 340.03 of 2949
the Revised Code, rules governing the duties of mental health 2950
agencies and boards of alcohol, drug addiction, and mental health 2951
services under section 3722.18 of the Revised Code regarding 2952

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 2984
recommendations for needed improvements to boards of alcohol, drug 2985
addiction, and mental health services; 2986

(C) Withhold state and federal funds for any program, in 2987
whole or in part, from a board of alcohol, drug addiction, and 2988
mental health services in the event of failure of that program to 2989
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 2990
or 5119.62 of the Revised Code or rules of the department of 2991
mental health. The director shall identify the areas of 2992
noncompliance and the action necessary to achieve compliance. The 2993
director shall offer technical assistance to the board to achieve 2994
compliance. The director shall give the board a reasonable time 2995
within which to comply or to present its position that it is in 2996
compliance. Before withholding funds, a hearing shall be conducted 2997
to determine if there are continuing violations and that either 2998
assistance is rejected or the board is unable to achieve 2999
compliance. Subsequent to the hearing process, if it is determined 3000
that compliance has not been achieved, the director may allocate 3001
all or part of the withheld funds to a public or private agency to 3002
provide the services not in compliance until the time that there 3003
is compliance. The director shall establish rules pursuant to 3004
Chapter 119. of the Revised Code to implement this division. 3005

(D) Withhold state or federal funds from a board of alcohol, 3006
drug addiction, and mental health services that denies available 3007
service on the basis of religion, race, color, creed, sex, 3008
national origin, or age; disability, sexual orientation, or 3009
gender identity, as those terms are defined in section 4112.01 of 3010
the Revised Code; developmental disability; or the inability to 3011
pay; 3012

(E) Provide consultative services to community mental health 3013
agencies with the knowledge and cooperation of the board of 3014
alcohol, drug addiction, and mental health services; 3015

(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 3047
data regarding expenditures of boards and community mental health 3048
agencies, including units of service provided, budgeted and actual 3049
expenses by type, and sources of funds. 3050

Boards shall submit the information specified in division 3051
(H)(1) of this section no less frequently than annually for each 3052
client, and each time the client's case is opened or closed. The 3053
department shall not collect any information for the purpose of 3054
identifying by name any person who receives a service through a 3055
board of alcohol, drug addiction, and mental health services, 3056
except as required by state or federal law to validate appropriate 3057
reimbursement. For the purposes of division (H)(1) of this 3058
section, the department shall use an identification system that is 3059
consistent with applicable nationally recognized standards. 3060

(I) Review each board's community mental health plan 3061
submitted pursuant to section 340.03 of the Revised Code and 3062
approve or disapprove it in whole or in part. Periodically, in 3063
consultation with representatives of boards and after considering 3064
the recommendations of the medical director, the director shall 3065
issue criteria for determining when a plan is complete, criteria 3066
for plan approval or disapproval, and provisions for conditional 3067
approval. The factors that the director considers may include, but 3068
are not limited to, the following: 3069

(1) The mental health needs of all persons residing within 3070
the board's service district, especially severely mentally 3071
disabled children, adolescents, and adults; 3072

(2) The demonstrated quality, effectiveness, efficiency, and 3073
cultural relevance of the services provided in each service 3074
district, the extent to which any services are duplicative of 3075
other available services, and whether the services meet the needs 3076
identified above; 3077

(3) The adequacy of the board's accounting for the 3078
expenditure of funds. 3079

If the director disapproves all or part of any plan, the 3080
director shall provide the board an opportunity to present its 3081
position. The director shall inform the board of the reasons for 3082
the disapproval and of the criteria that must be met before the 3083
plan may be approved. The director shall give the board a 3084
reasonable time within which to meet the criteria, and shall offer 3085
technical assistance to the board to help it meet the criteria. 3086

If the approval of a plan remains in dispute thirty days 3087
prior to the conclusion of the fiscal year in which the board's 3088
current plan is scheduled to expire, the board or the director may 3089
request that the dispute be submitted to a mutually agreed upon 3090
third-party mediator with the cost to be shared by the board and 3091
the department. The mediator shall issue to the board and the 3092
department recommendations for resolution of the dispute. Prior to 3093
the conclusion of the fiscal year in which the current plan is 3094
scheduled to expire, the director, taking into consideration the 3095
recommendations of the mediator, shall make a final determination 3096
and approve or disapprove the plan, in whole or in part. 3097

Sec. 5123.351. The director of mental retardation and 3098
developmental disabilities, with respect to the eligibility for 3099
state reimbursement of expenses incurred by facilities and 3100
programs established and operated under Chapter 5126. of the 3101
Revised Code for persons with mental retardation or a 3102
developmental disability, shall do all of the following: 3103

(A) Make rules that may be necessary to carry out the 3104
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 3105
5123.36 of the Revised Code; 3106

(B) Define minimum standards for qualifications of personnel, 3107
professional services, and in-service training and educational 3108

leave programs; 3109

(C) Review and evaluate community programs and make 3110
recommendations for needed improvements to county boards of mental 3111
retardation and developmental disabilities and to program 3112
directors; 3113

(D) Withhold state reimbursement, in whole or in part, from 3114
any county or combination of counties for failure to comply with 3115
Chapter 5126. or section 5123.35 or 5123.351 of the Revised Code 3116
or rules of the department of mental retardation and developmental 3117
disabilities; 3118

(E) Withhold state funds from an agency, corporation, or 3119
association denying or rendering service on the basis of race, 3120
color, sex, religion, ancestry, or national origin, disability, 3121
sexual orientation, or gender identity, as those terms are defined 3122
in section 4112.01 of the Revised Code, or inability to pay; 3123
3124

(F) Provide consultative staff service to communities to 3125
assist in ascertaining needs and in planning and establishing 3126
programs. 3127

Sec. 5126.07. No county board of mental retardation and 3128
developmental disabilities or any agency, corporation, or 3129
association under contract with a county board of mental 3130
retardation and developmental disabilities shall discriminate in 3131
the provision of services under its authority or contract on the 3132
basis of sexual orientation or gender identity as those terms are 3133
defined in section 4112.01 of the Revised Code, race, color, sex, 3134
creed, disability, national origin, or the inability to pay. 3135
3136

Each county board of mental retardation and developmental 3137
disabilities shall provide a plan of affirmative action describing 3138

its goals and methods for the provision of equal employment 3139
opportunities for all persons under its authority and shall ensure 3140
nondiscrimination in employment under its authority or contract on 3141
the basis of sexual orientation or gender identity as those terms 3142
are defined in section 4112.01 of the Revised Code, race, color, 3143
sex, creed, disability, or national origin. 3144

Sec. 5515.08. (A) The department of transportation may 3145
contract to sell commercial advertising space within or on the 3146
outside surfaces of any building located within a roadside rest 3147
area under its jurisdiction in exchange for cash payment. Money 3148
the department receives under this section shall be deposited in 3149
the state treasury to the credit of the roadside rest area 3150
improvement fund, which is hereby created. The department shall 3151
use the money in the fund only to improve roadside rest areas in 3152
accordance with section 5529.06 of the Revised Code. 3153

(B) Advertising placed under this section shall comply with 3154
all of the following: 3155

(1) It shall not be libelous or obscene and shall not promote 3156
any illegal product or service. 3157

(2) It shall not promote illegal discrimination on the basis 3158
of the sexual orientation or gender identity as those terms are 3159
defined in section 4112.01 of the Revised Code, race, religion, 3160
national origin, handicap, age, or ancestry of any person. 3161

(3) It shall not support or oppose any candidate for 3162
political office or any political cause, issue, or organization. 3163

(4) It shall comply with any controlling federal or state 3164
regulations or restrictions. 3165

(5) To the extent physically and technically practical, it 3166
shall state that the advertisement is a paid commercial 3167
advertisement and that the state does not endorse the product or 3168

service promoted by the advertisement or make any representation 3169
about the accuracy of the advertisement or the quality or 3170
performance of the product or service promoted by the 3171
advertisement. 3172

(6) It shall conform to all applicable rules adopted by the 3173
director of transportation under division (E) of this section. 3174

(C) Contracts entered into under this section shall be 3175
awarded only to the qualified bidder who submits the highest 3176
responsive bid or according to uniformly applied rate classes. 3177

(D) No person, except an advertiser alleging a breach of 3178
contract or the improper awarding of a contract, has a cause of 3179
action against the state with respect to any contract or 3180
advertising authorized by this section. Under no circumstances is 3181
the state liable for consequential or noneconomic damages with 3182
respect to any contract or advertising authorized under this 3183
section. 3184

(E) The director, in accordance with Chapter 119. of the 3185
Revised Code, shall adopt rules to implement this section. The 3186
rules shall be consistent with the policy of protecting the safety 3187
of the traveling public and consistent with the national policy 3188
governing the use and control of such roadside rest areas. The 3189
rules shall regulate the awarding of contracts and may regulate 3190
the content, display, and other aspects of the commercial 3191
advertising authorized by this section. 3192

Sec. 5709.832. The legislative authority of a county, 3193
township, or municipal corporation that grants an exemption from 3194
taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 3195
5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 3196
Revised Code shall develop policies to ensure that the recipient 3197
of the exemption practices nondiscriminatory hiring in its 3198
operations. As used in this section, "nondiscriminatory hiring" 3199

means that no individual may be denied employment solely on the 3200
basis of sexual orientation or gender identity as those terms are 3201
defined in section 4112.01 of the Revised Code, race, religion, 3202
sex, disability, color, national origin, or ancestry. 3203

Section 2. That existing sections 9.03, 124.93, 125.111, 3204
340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3205
3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3332.09, 3721.13, 3206
3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 3207
4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 3208
5104.09, 5107.26, 5111.31, 5119.61, 5123.351, 5126.07, 5515.08, 3209
and 5709.832 of the Revised Code are hereby repealed. 3210