

As Introduced

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H. B. No. 335

Representatives Antonio, McGregor

**Cosponsors: Representatives Garland, Ramos, Murray, Driehaus, Foley,
Celeste, Stinziano, Slesnick, Fedor, Hagan, R., Boyd, Clyde, Yuko, Williams,
Letson, Lundy, Gentile, Szollosi, Heard, Goyal, Ashford, O'Brien, Barnes**

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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
5119.623, 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, 5119.623, 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
subdivision" means any body corporate and politic, except a
municipal corporation that has adopted a charter under Section 7
of Article XVIII, Ohio Constitution, and except a county that has
adopted a charter under Sections 3 and 4 of Article X, Ohio
Constitution, to which both of the following apply:

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

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

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

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

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

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

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

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

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

by, on behalf of, or against any labor organization; 49

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

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

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

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

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

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

(E) As used in this section, "cigarettes" and "tobacco 76
product" have the same meanings as in section 5743.01 of the 77
Revised Code. 78

Sec. 124.93. (A) As used in this section, "physician" means 79
any person who holds a valid certificate to practice medicine and 80
surgery or osteopathic medicine and surgery issued under Chapter 81
4731. of the Revised Code. 82

(B) No health insuring corporation that, on or after July 1, 83
1993, enters into or renews a contract with the department of 84
administrative services under section 124.82 of the Revised Code, 85
because of a physician's race, color, religion, ~~sex~~ gender, or 86
national origin, disability, sexual orientation, gender identity, 87
or military status, as those terms are defined in section 4112.01 88
of the Revised Code, age, or ancestry, shall refuse to contract 89
with that physician for the provision of health care services 90
under section 124.82 of the Revised Code. 91

Any health insuring corporation that violates this division 92
is deemed to have engaged in an unlawful discriminatory practice 93
as defined in section 4112.02 of the Revised Code and is subject 94
to Chapter 4112. of the Revised Code. 95

(C) Each health insuring corporation that, on or after July 96
1, 1993, enters into or renews a contract with the department of 97
administrative services under section 124.82 of the Revised Code 98
and that refuses to contract with a physician for the provision of 99
health care services under that section shall provide that 100
physician with a written notice that clearly explains the reason 101
or reasons for the refusal. The notice shall be sent to the 102
physician by regular mail within thirty days after the refusal. 103

Any health insuring corporation that fails to provide notice 104
in compliance with this division is deemed to have engaged in an 105
unfair and deceptive act or practice in the business of insurance 106
as defined in section 3901.21 of the Revised Code and is subject 107
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~~ gender, or 116
age, disability, sexual orientation, gender identity, or military 117
status, as those terms are defined in section 4112.01 of the 118
Revised Code, national origin, 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~~ gender, or age, disability, 127
sexual orientation, gender identity, or military status, as those 128
terms are defined in section 4112.01 of the Revised Code, national origin, or ancestry. 129
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 health services or any agency, corporation, or association under contract with such a board shall discriminate in the provision of services under its authority, in employment, or contract on the basis of sexual orientation or gender identity as those terms are defined in section 4112.01 of the Revised Code, race, color, ~~sex~~ gender, creed, disability, or national origin.

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

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

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
gender, or political affiliation. The rents received for such 178
facilities may be used for their repair or improvement, and any 179
balance shall be used for general township purposes. 180

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

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

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

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

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

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

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

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

(H) Construct or purchase gas works or works for the 200

generation and transmission of electricity, for the supplying of	201
gas or electricity to the municipal corporation and its	202
inhabitants;	203
(I) Provide grounds for cemeteries or crematories, enclose	204
and embellish them, and construct vaults or crematories;	205
(J) Construct sewers, sewage disposal works, flushing	206
tunnels, drains, and ditches;	207
(K) Construct free public libraries and reading rooms, and	208
free recreation centers;	209
(L) Establish free public baths and municipal lodging houses;	210
(M) Construct monuments or memorial buildings to commemorate	211
the services of soldiers, sailors, and marines of the state and	212
nation;	213
(N) Provide land for and improve parks, boulevards, and	214
public playgrounds;	215
(O) Construct hospitals and pesthouses;	216
(P) Open, construct, widen, extend, improve, resurface, or	217
change the line of any street or public highway;	218
(Q) Construct and improve levees, dams, waterways,	219
waterfronts, and embankments and improve any watercourse passing	220
through the municipal corporation;	221
(R) Construct or improve viaducts, bridges, and culverts;	222
(S)(1) Construct any building necessary for the police or	223
fire department;	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	227
police or fire department.	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, ~~sex, or gender;~~ 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~~;~~i 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, ~~sex, or gender;~~ familial status ~~as defined in section~~ 287
~~4112.01 of the Revised Code,~~ military status ~~as defined in that~~ 288
~~section, disability as defined in that section, sexual~~ 289
orientation, or gender identity, as those terms are defined in 290
section 4112.01 of the Revised Code; ancestry~~;~~i or national origin 291
may file a charge with the Ohio civil rights commission as 292

provided in Chapter 4112. 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 <u>gender</u> , race, color, creed, ancestry, <u>or</u> national origin 71 ; or <u>disability, sexual orientation or gender identity</u> , as <u>those terms</u> <u>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~~ gender, age, religion, military 429
status, sexual orientation, or gender identity, as those terms are 430
defined in section 4112.01 of the Revised Code, or status as a 431
recipient of medicare or medicaid, or any health status-related 432
factor in relation to the individual. However, a health insuring 433
corporation shall not be required to accept a recipient of 434
medicare or medical assistance, if an agreement has not been 435
reached on appropriate payment mechanisms between the health 436
insuring corporation and the governmental agency administering 437
these programs. Further, except for open enrollment coverage under 438
sections 3923.58 and 3923.581 of the Revised Code, a health 439
insuring corporation may reject an applicant for nongroup 440
enrollment on the basis of any health status-related factor in 441
relation to the applicant. 442

(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~~ gender, 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~~ gender, national origin, or ancestry; or 492
~~familial status as defined in section 4112.01 of the Revised Code,~~ 493
~~national origin,~~ military status ~~as defined in that section,~~ 494
~~disability as defined in that section,~~ gender identity, or 495
~~ancestry,~~ sexual orientation, as those terms are defined in 496
section 4112.01 of the Revised Code, in any of the activities, 497
services, organizations, or facilities described in division 498
(A)(1) of this section; 499

(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~~ gender, 505

~~national origin, or ancestry; or familial status as defined in~~ 506
~~section 4112.01 of the Revised Code, national origin, military~~ 507
~~status as defined in that section, disability as defined in that~~ 508
~~section, gender identity, or ancestry, sexual orientation, as~~ 509
~~those terms are defined in section 4112.01 of the Revised Code, in~~ 510
any of the activities, services, organizations, or facilities 511
described in division (A)(1) of this section, or participating 512
lawfully in speech or peaceful assembly opposing any denial of the 513
opportunity 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 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~~ gender; and that preschool 569
staff members and nonteaching employees are assigned 570
responsibilities in accordance with written position descriptions 571
commensurate with 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 ~~sex~~ sexual orientation or gender 603
identity as those terms are defined in section 4112.01 of the 604
Revised Code, gender, race, creed, color, age, or national origin, 605
such other professional, administrative, and clerical staff 606
members as are necessary to carry out the functions and duties of 607
the commission. 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 ~~sex~~ sexual orientation 618
or gender identity as those terms are defined in section 4112.01 619
of the Revised Code, gender, 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
~~sex~~ sexual orientation or gender identity as those terms are 666
defined in section 4112.01 of the Revised Code, gender, race, 667
religion, or national origin when assigning pupils to attendance 668
schedules 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~~ gender 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~~ gender 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 720
programs, classes, grade levels, or facilities. 721

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

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

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

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

(A) Violation of any provision of sections 3332.01 to 3332.09 746
of the Revised Code, the board's minimum standards, or any rule 747
made by the board; 748

(B) Furnishing of false, misleading, deceptive, altered, or 749

incomplete information or documents to the board;	750
(C) The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;	751 752 753 754
(D) The signing of an application or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;	755 756 757 758
(E) Violation of any commitment made in an application for a certificate of registration or program authorization;	759 760
(F) Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or phone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration;	761 762 763 764 765 766 767
(G) Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	768 769
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	770 771
(I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be licensed by the state board of education or to hold any type of post-high school degree;	772 773 774 775 776 777
(J) Offering training or programs other than those presented in the application, except that schools may offer special courses	778 779

adapted to the needs of individual students when the special 780
courses are in the subject field specified in the application; 781

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

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

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

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

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

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

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

(2) The right to be free from physical, verbal, mental, and 807
emotional abuse and to be treated at all times with courtesy, 808
respect, and full recognition of dignity and individuality; 809

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

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

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

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

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

(8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can reasonably be expected to understand; the right of access to all

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

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

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

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

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

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

resident and an individualized determination of the need to use 872
the restraint on that resident. 873

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

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

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

(15) The right to exercise all civil rights, unless the 899
resident has been adjudicated incompetent pursuant to Chapter 900
2111. of the Revised Code and has not been restored to legal 901
capacity, as well as the right to the cooperation of the home's 902
administrator in making arrangements for the exercise of the right 903

to vote;	904
(16) The right of access to opportunities that enable the resident, at the resident's own expense or at the expense of a third-party payer, to achieve the resident's fullest potential, including educational, vocational, social, recreational, and habilitation programs;	905 906 907 908 909
(17) The right to consume a reasonable amount of alcoholic beverages at the resident's own expense, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies;	910 911 912 913 914
(18) The right to use tobacco at the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies;	915 916 917 918 919
(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician;	920 921 922 923 924
(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative;	925 926 927 928 929
(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or	930 931 932 933 934

with the resident's attorney or physician shall not be restricted. 935
Private and unrestricted communications shall include, but are not 936
limited to, the right to: 937

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

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

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

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

(25) The right to be fully informed, prior to or at the time 957
of admission and during the resident's stay, in writing, of the 958
basic rate charged by the home, of services available in the home, 959
and of any additional charges related to such services, including 960
charges for services not covered under the medicare or medicaid 961
program. The basic rate shall not be changed unless thirty days_ 962
notice is given to the resident or, if the resident is unable to 963
understand this information, to the resident's sponsor. 964

(26) The right of the resident and person paying for the care 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;	965 966 967 968
(27)(a) The right to be free from financial exploitation;	969
(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:	970 971 972 973 974
(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;	975 976 977 978
(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.	979 980 981
(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;	982 983 984 985 986
(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.	987 988 989
(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:	990 991 992
(a) The welfare and needs of the resident cannot be met in the home.	993 994

(b) The resident's health has improved sufficiently so that	995
the resident no longer needs the services provided by the home.	996
(c) The safety of individuals in the home is endangered.	997
(d) The health of individuals in the home would otherwise be	998
endangered.	999
(e) The resident has failed, after reasonable and appropriate	1000
notice, to pay or to have the medicare or medicaid program pay on	1001
the resident's behalf, for the care provided by the home. A	1002
resident shall not be considered to have failed to have the	1003
resident's care paid for if the resident has applied for medicaid,	1004
unless both of the following are the case:	1005
(i) The resident's application, or a substantially similar	1006
previous application, has been denied by the county department of	1007
job and family services.	1008
(ii) If the resident appealed the denial pursuant to division	1009
(C) of section 5101.35 of the Revised Code, the director of job	1010
and family services has upheld the denial.	1011
(f) The home's license has been revoked, the home is being	1012
closed pursuant to section 3721.08, sections 5111.35 to 5111.62,	1013
or section 5155.31 of the Revised Code, or the home otherwise	1014
ceases to operate.	1015
(g) The resident is a recipient of medicaid, and the home's	1016
participation in the medicaid program is involuntarily terminated	1017
or denied.	1018
(h) The resident is a beneficiary under the medicare program,	1019
and the home's participation in the medicare program is	1020
involuntarily terminated or denied.	1021
(31) The right to voice grievances and recommend changes in	1022
policies and services to the home's staff, to employees of the	1023
department of health, or to other persons not associated with the	1024

operation of the home, of the resident's choice, free from 1025
restraint, interference, coercion, discrimination, or reprisal. 1026
This right includes access to a residents' rights advocate, and 1027
the right to be a member of, to be active in, and to associate 1028
with persons who are active in organizations of relatives and 1029
friends of nursing home residents and other organizations engaged 1030
in assisting residents. 1031

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

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

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

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

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

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

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

(4) The amount of the fee, and the consumer's obligation to 1051
pay the fee, are not conditioned upon the occurrence of a future 1052
event or condition, such as the purchase, cancellation, lapse, 1053
declination, or nonrenewal of insurance. 1054

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

(6) The consumer consents to the fee.

(7) The agent, in charging the fee, does not discriminate on the basis of race, ~~sex~~ gender, national origin, religion, ~~disability~~, health status, age, marital status, disability, military status, gender identity, or sexual orientation, as those terms are 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.

(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:

(1) Private passenger automobile;

(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;

(3) Individual life insurance;

(4) Individual sickness or accident insurance;

(5) Disability income policies;

(6) Credit insurance products.

(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.

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

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

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

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

Sec. 4111.17. (A) No employer, including the state and
political subdivisions thereof, shall discriminate in the payment
of wages on 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~~ gender, age, national origin, or
ancestry by paying wages to any employee at a rate less than the
rate at which the employer pays wages to another employee for
equal work on jobs the performance of which requires equal skill,
effort, and responsibility, and which are performed under similar
conditions.

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

(1) A seniority system; 1115

(2) A merit system; 1116

(3) A system which measures earnings by the quantity or 1117
quality of production; 1118

(4) A wage rate differential determined by any factor other 1119
than sexual orientation or gender identity as those terms are 1120
defined in section 4112.01 of the Revised Code, race, color, 1121
religion, ~~sex~~ gender, age, national origin, or ancestry. 1122

(C) No employer shall reduce the wage rate of any employee in 1123
order to comply with this section. 1124

(D) The director of commerce shall carry out, administer, and 1125
enforce this section. Any employee discriminated against in 1126
violation of this section may sue in any court of competent 1127
jurisdiction to recover two times the amount of the difference 1128
between the wages actually received and the wages received by a 1129
person performing equal work for the employer, from the date of 1130
the commencement of the violation, and for costs, including 1131
attorney fees. The director may take an assignment of any such 1132
wage claim in trust for such employee and sue in the employee's 1133
behalf. In any civil action under this section, two or more 1134
employees of the same employer may join as co-plaintiffs in one 1135
action. The director may sue in one action for claims assigned to 1136
the director by two or more employees of the same employer. No 1137
agreement to work for a discriminatory wage constitutes a defense 1138
for any civil or criminal action to enforce this section. No 1139
employer shall discriminate against any employee because such 1140
employee makes a complaint or institutes, or testifies in, any 1141
proceeding under this section. 1142

(E) Any action arising under this section shall be initiated 1143
within one year after the date of violation. 1144

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

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

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

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

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

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

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

affiliation or approval. 1206

(12) "Burial lot" means any lot for the burial of deceased 1207
persons within any public burial ground or cemetery, including, 1208
but not limited to, cemeteries owned and operated by municipal 1209
corporations, townships, or companies or associations incorporated 1210
for cemetery purposes. 1211

(13) "Disability" means a physical or mental impairment that 1212
substantially limits one or more major life activities, including 1213
the functions of caring for one's self, performing manual tasks, 1214
walking, seeing, hearing, speaking, breathing, learning, and 1215
working; a record of a physical or mental impairment; or being 1216
regarded as having a physical or mental impairment. 1217

(14) Except as otherwise provided in section 4112.021 of the 1218
Revised Code, "age" means at least forty years old. 1219

(15) "Familial status" means either of the following: 1220

(a) One or more individuals who are under eighteen years of 1221
age and who are domiciled with a parent or guardian having legal 1222
custody of the individual or domiciled, with the written 1223
permission of the parent or guardian having legal custody, with a 1224
designee of the parent or guardian; 1225

(b) Any person who is pregnant or in the process of securing 1226
legal custody of any individual who is under eighteen years of 1227
age. 1228

(16)(a) Except as provided in division (A)(16)(b) of this 1229
section, "physical or mental impairment" includes any of the 1230
following: 1231

(i) Any physiological disorder or condition, cosmetic 1232
disfigurement, or anatomical loss affecting one or more of the 1233
following body systems: neurological; musculoskeletal; special 1234
sense organs; respiratory, including speech organs; 1235

cardiovascular; reproductive; digestive; genito-urinary; hemic and	1236
lymphatic; skin; and endocrine;	1237
(ii) Any mental or psychological disorder, including, but not	1238
limited to, mental retardation, organic brain syndrome, emotional	1239
or mental illness, and specific learning disabilities;	1240
(iii) Diseases and conditions, including, but not limited to,	1241
orthopedic, visual, speech, and hearing impairments, cerebral	1242
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis,	1243
cancer, heart disease, diabetes, human immunodeficiency virus	1244
infection, mental retardation, emotional illness, drug addiction,	1245
and alcoholism.	1246
(b) "Physical or mental impairment" does not include any of	1247
the following:	1248
(i) Homosexuality and bisexuality;	1249
(ii) Transvestism, transsexualism, pedophilia, exhibitionism,	1250
voyeurism, gender identity disorders not resulting from physical	1251
impairments, or other sexual behavior disorders;	1252
(iii) Compulsive gambling, kleptomania, or pyromania;	1253
(iv) Psychoactive substance use disorders resulting from the	1254
current illegal use of a controlled substance or the current use	1255
of alcoholic beverages.	1256
(17) "Dwelling unit" means a single unit of residence for a	1257
family of one or more persons.	1258
(18) "Common use areas" means rooms, spaces, or elements	1259
inside or outside a building that are made available for the use	1260
of residents of the building or their guests, and includes, but is	1261
not limited to, hallways, lounges, lobbies, laundry rooms, refuse	1262
rooms, mail rooms, recreational areas, and passageways among and	1263
between buildings.	1264
(19) "Public use areas" means interior or exterior rooms or	1265

spaces of a privately or publicly owned building that are made 1266
available to the general public. 1267

(20) "Controlled substance" has the same meaning as in 1268
section 3719.01 of the Revised Code. 1269

(21) "Disabled tenant" means a tenant or prospective tenant 1270
who is a person with a disability. 1271

(22) "Military status" means a person's status in "service in 1272
the uniformed services" as defined in section 5923.05 of the 1273
Revised Code. 1274

(23) "Aggrieved person" includes both of the following: 1275

(a) Any person who claims to have been injured by any 1276
unlawful discriminatory practice described in division (H) of 1277
section 4112.02 of the Revised Code; 1278

(b) Any person who believes that the person will be injured 1279
by, any unlawful discriminatory practice described in division (H) 1280
of section 4112.02 of the Revised Code that is about to occur. 1281

(24) "Sexual orientation" means actual or perceived, 1282
heterosexuality, homosexuality, or bisexuality. 1283

(25) "Gender identity" means the gender-related identity, 1284
appearance, or mannerisms or other gender-related characteristics 1285
of an individual, with or without regard to the individual's 1286
designated gender at birth. 1287

(B) For the purposes of divisions (A) to (F) of section 1288
4112.02 of the Revised Code, the terms "because of ~~sex~~ gender" and 1289
"on the basis of ~~sex~~ gender" include, but are not limited to, 1290
because of or on the basis of pregnancy, any illness arising out 1291
of and occurring during the course of a pregnancy, childbirth, or 1292
related medical conditions. Women affected by pregnancy, 1293
childbirth, or related medical conditions shall be treated the 1294
same for all employment-related purposes, including receipt of 1295

benefits under fringe benefit programs, as other persons not so 1296
affected but similar in their ability or inability to work, and 1297
nothing in division (B) of section 4111.17 of the Revised Code 1298
shall be interpreted to permit otherwise. This division shall not 1299
be construed to require an employer to pay for health insurance 1300
benefits for abortion, except where the life of the mother would 1301
be endangered if the fetus were carried to term or except where 1302
medical complications have arisen from the abortion, provided that 1303
nothing in this division precludes an employer from providing 1304
abortion benefits or otherwise affects bargaining agreements in 1305
regard to abortion. 1306

Sec. 4112.02. It shall be an unlawful discriminatory 1307
practice: 1308

(A) For any employer, because of the race, color, religion, 1309
~~sex~~ gender, sexual orientation, gender identity, military status, 1310
national origin, disability, age, or ancestry of any person, to 1311
discharge without just cause, to refuse to hire, or otherwise to 1312
discriminate against that person with respect to hire, tenure, 1313
terms, conditions, or privileges of employment, or any matter 1314
directly or indirectly related to employment. 1315

(B) For an employment agency or personnel placement service, 1316
because of race, color, religion, ~~sex~~ gender, sexual orientation, 1317
gender identity, military status, national origin, disability, 1318
age, or ancestry, to do any of the following: 1319

(1) Refuse or fail to accept, register, classify properly, or 1320
refer for employment, or otherwise discriminate against any 1321
person; 1322

(2) Comply with a request from an employer for referral of 1323
applicants for employment if the request directly or indirectly 1324
indicates that the employer fails to comply with the provisions of 1325
sections 4112.01 to 4112.07 of the Revised Code. 1326

(C) For any labor organization to do any of the following:	1327
(1) Limit or classify its membership on the basis of race,	1328
color, religion, sex <u>gender</u> , <u>sexual orientation</u> , <u>gender identity</u> ,	1329
military status, national origin, disability, age, or ancestry;	1330
(2) Discriminate against, limit the employment opportunities	1331
of, or otherwise adversely affect the employment status, wages,	1332
hours, or employment conditions of any person as an employee	1333
because of race, color, religion, sex <u>gender</u> , <u>sexual orientation</u> ,	1334
<u>gender identity</u> , military status, national origin, disability,	1335
age, or ancestry.	1336
(D) For any employer, labor organization, or joint	1337
labor-management committee controlling apprentice training	1338
programs to discriminate against any person because of race,	1339
color, religion, sex <u>gender</u> , <u>sexual orientation</u> , <u>gender identity</u> ,	1340
military status, national origin, disability, or ancestry in	1341
admission to, or employment in, any program established to provide	1342
apprentice training.	1343
(E) Except where based on a bona fide occupational	1344
qualification certified in advance by the commission, for any	1345
employer, employment agency, personnel placement service, or labor	1346
organization, prior to employment or admission to membership, to	1347
do any of the following:	1348
(1) Elicit or attempt to elicit any information concerning	1349
the race, color, religion, sex <u>gender</u> , <u>sexual orientation</u> , <u>gender</u>	1350
<u>identity</u> , military status, national origin, disability, age, or	1351
ancestry of an applicant for employment or membership;	1352
(2) Make or keep a record of the race, color, religion, sex	1353
<u>gender</u> , <u>sexual orientation</u> , <u>gender identity</u> , military status,	1354
national origin, disability, age, or ancestry of any applicant for	1355
employment or membership;	1356
(3) Use any form of application for employment, or personnel	1357

or membership blank, seeking to elicit information regarding race, 1358
color, religion, ~~sex~~ gender, sexual orientation, gender identity, 1359
military status, national origin, disability, age, or ancestry; 1360
but an employer holding a contract containing a nondiscrimination 1361
clause with the government of the United States, or any department 1362
or agency of that government, may require an employee or applicant 1363
for employment to furnish documentary proof of United States 1364
citizenship and may retain that proof in the employer's personnel 1365
records and may use photographic or fingerprint identification for 1366
security purposes; 1367

(4) Print or publish or cause to be printed or published any 1368
notice or advertisement relating to employment or membership 1369
indicating any preference, limitation, specification, or 1370
discrimination, based upon race, color, religion, ~~sex~~ gender, 1371
sexual orientation, gender identity, military status, national 1372
origin, disability, age, or ancestry; 1373

(5) Announce or follow a policy of denying or limiting, 1374
through a quota system or otherwise, employment or membership 1375
opportunities of any group because of the race, color, religion, 1376
~~sex~~ gender, sexual orientation, gender identity, military status, 1377
national origin, disability, age, or ancestry of that group; 1378

(6) Utilize in the recruitment or hiring of persons any 1379
employment agency, personnel placement service, training school or 1380
center, labor organization, or any other employee-referring source 1381
known to discriminate against persons because of their race, 1382
color, religion, ~~sex~~ gender, sexual orientation, gender identity, 1383
military status, national origin, disability, age, or ancestry. 1384

(F) For any person seeking employment to publish or cause to 1385
be published any advertisement that specifies or in any manner 1386
indicates that person's race, color, religion, ~~sex~~ gender, sexual 1387
orientation, gender identity, military status, national origin, 1388
disability, age, or ancestry, or expresses a limitation or 1389

preference as to the race, color, religion, ~~sex~~ gender, sexual orientation, gender identity, military status, national origin, disability, age, or ancestry of any prospective employer.

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

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

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

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

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

or national origin or because of the racial composition of the 1421
neighborhood in which the housing accommodations are located, 1422
provided that the person, whether an individual, corporation, or 1423
association of any type, lends money as one of the principal 1424
aspects or incident to the person's principal business and not 1425
only as a part of the purchase price of an owner-occupied 1426
residence the person is selling nor merely casually or 1427
occasionally to a relative or friend; 1428

(4) Discriminate against any person in the terms or 1429
conditions of selling, transferring, assigning, renting, leasing, 1430
or subleasing any housing accommodations or in furnishing 1431
facilities, services, or privileges in connection with the 1432
ownership, occupancy, or use of any housing accommodations, 1433
including the sale of fire, extended coverage, or homeowners 1434
insurance, because of race, color, religion, ~~sex~~ gender, sexual 1435
orientation, gender identity, military status, familial status, 1436
ancestry, disability, or national origin or because of the racial 1437
composition of the neighborhood in which the housing 1438
accommodations are located; 1439

(5) Discriminate against any person in the terms or 1440
conditions of any loan of money, whether or not secured by 1441
mortgage or otherwise, for the acquisition, construction, 1442
rehabilitation, repair, or maintenance of housing accommodations 1443
because of race, color, religion, ~~sex~~ gender, sexual orientation, 1444
gender identity, military status, familial status, ancestry, 1445
disability, or national origin or because of the racial 1446
composition of the neighborhood in which the housing 1447
accommodations are located; 1448

(6) Refuse to consider without prejudice the combined income 1449
of both husband and wife for the purpose of extending mortgage 1450
credit to a married couple or either member of a married couple; 1451

(7) Print, publish, or circulate any statement or 1452

advertisement, or make or cause to be made any statement or 1453
advertisement, relating to the sale, transfer, assignment, rental, 1454
lease, sublease, or acquisition of any housing accommodations, or 1455
relating to the loan of money, whether or not secured by mortgage 1456
or otherwise, for the acquisition, construction, rehabilitation, 1457
repair, or maintenance of housing accommodations, that indicates 1458
any preference, limitation, specification, or discrimination based 1459
upon race, color, religion, ~~sex~~ gender, sexual orientation, gender
identity, military status, familial status, ancestry, disability, 1460
or national origin, or an intention to make any such preference, 1461
limitation, specification, or discrimination; 1462
1463

(8) Except as otherwise provided in division (H)(8) or (17) 1464
of this section, make any inquiry, elicit any information, make or 1465
keep any record, or use any form of application containing 1466
questions or entries concerning race, color, religion, ~~sex~~ gender, 1467
sexual orientation, gender identity, military status, familial 1468
status, ancestry, disability, or national origin in connection 1469
with the sale or lease of any housing accommodations or the loan 1470
of any money, whether or not secured by mortgage or otherwise, for 1471
the acquisition, construction, rehabilitation, repair, or 1472
maintenance of housing accommodations. Any person may make 1473
inquiries, and make and keep records, concerning race, color, 1474
religion, ~~sex~~ gender, sexual orientation, gender identity, 1475
military status, familial status, ancestry, disability, or 1476
national origin for the purpose of monitoring compliance with this 1477
chapter. 1478

(9) Include in any transfer, rental, or lease of housing 1479
accommodations any restrictive covenant, or honor or exercise, or 1480
attempt to honor or exercise, any restrictive covenant; 1481

(10) Induce or solicit, or attempt to induce or solicit, a 1482
housing accommodations listing, sale, or transaction by 1483
representing that a change has occurred or may occur with respect 1484

to the racial, religious, ~~sexual~~ gender, sexual orientation,
gender identity, military status, familial status, or ethnic
composition of the block, neighborhood, or other area in which the
housing accommodations are located, or induce or solicit, or
attempt to induce or solicit, a housing accommodations listing,
sale, or transaction by representing that the presence or
anticipated presence of persons of any race, color, religion, ~~sex~~
gender, sexual orientation, gender identity, military status,
familial status, ancestry, disability, or national origin, in the
block, neighborhood, or other area will or may have results
including, but not limited to, the following:

(a) The lowering of property values;

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

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

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

(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~~ gender, sexual orientation, gender identity,
military status, familial status, national origin, disability, or
ancestry;

(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 1516
granted or protected by division (H) of this section; 1517

(13) Discourage or attempt to discourage the purchase by a 1518
prospective purchaser of housing accommodations, by representing 1519
that any block, neighborhood, or other area has undergone or might 1520
undergo a change with respect to its religious, racial, ~~sexual~~ 1521
gender, sexual orientation, gender identity, military status, 1522
familial status, or ethnic composition; 1523

(14) Refuse to sell, transfer, assign, rent, lease, sublease, 1524
or finance, or otherwise deny or withhold, a burial lot from any 1525
person because of the race, color, ~~sex~~ gender, sexual orientation, 1526
gender identity, military status, familial status, age, ancestry, 1527
disability, or national origin of any prospective owner or user of 1528
the lot; 1529

(15) Discriminate in the sale or rental of, or otherwise make 1530
unavailable or deny, housing accommodations to any buyer or renter 1531
because of a disability of any of the following: 1532

(a) The buyer or renter; 1533

(b) A person residing in or intending to reside in the 1534
housing accommodations after they are sold, rented, or made 1535
available; 1536

(c) Any individual associated with the person described in 1537
division (H)(15)(b) of this section. 1538

(16) Discriminate in the terms, conditions, or privileges of 1539
the sale or rental of housing accommodations to any person or in 1540
the provision of services or facilities to any person in 1541
connection with the housing accommodations because of a disability 1542
of any of the following: 1543

(a) That person; 1544

(b) A person residing in or intending to reside in the 1545

housing accommodations after they are sold, rented, or made 1546
available; 1547

(c) Any individual associated with the person described in 1548
division (H)(16)(b) of this section. 1549

(17) Except as otherwise provided in division (H)(17) of this 1550
section, make an inquiry to determine whether an applicant for the 1551
sale or rental of housing accommodations, a person residing in or 1552
intending to reside in the housing accommodations after they are 1553
sold, rented, or made available, or any individual associated with 1554
that person has a disability, or make an inquiry to determine the 1555
nature or severity of a disability of the applicant or such a 1556
person or individual. The following inquiries may be made of all 1557
applicants for the sale or rental of housing accommodations, 1558
regardless of whether they have disabilities: 1559

(a) An inquiry into an applicant's ability to meet the 1560
requirements of ownership or tenancy; 1561

(b) An inquiry to determine whether an applicant is qualified 1562
for housing accommodations available only to persons with 1563
disabilities or persons with a particular type of disability; 1564

(c) An inquiry to determine whether an applicant is qualified 1565
for a priority available to persons with disabilities or persons 1566
with a particular type of disability; 1567

(d) An inquiry to determine whether an applicant currently 1568
uses a controlled substance in violation of section 2925.11 of the 1569
Revised Code or a substantively comparable municipal ordinance; 1570

(e) An inquiry to determine whether an applicant at any time 1571
has been convicted of or pleaded guilty to any offense, an element 1572
of which is the illegal sale, offer to sell, cultivation, 1573
manufacture, other production, shipment, transportation, delivery, 1574
or other distribution of a controlled substance. 1575

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

(i) Providing a reasonable description of the proposed 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;

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

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

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

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

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

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

(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; 1638
all light switches, electrical outlets, thermostats, and other 1639
environmental controls within such units shall be in accessible 1640
locations; the bathroom walls within such units shall contain 1641
reinforcements to allow later installation of grab bars; and the 1642
kitchens and bathrooms within such units shall be designed and 1643
constructed in a manner that enables an individual in a wheelchair 1644
to maneuver about such rooms. 1645

For purposes of division (H)(22) of this section, "covered 1646
multifamily dwellings" means buildings consisting of four or more 1647
units if such buildings have one or more elevators and ground 1648
floor units in other buildings consisting of four or more units. 1649

(I) For any person to discriminate in any manner against any 1650
other person because that person has opposed any unlawful 1651
discriminatory practice defined in this section or because that 1652
person has made a charge, testified, assisted, or participated in 1653
any manner in any investigation, proceeding, or hearing under 1654
sections 4112.01 to 4112.07 of the Revised Code. 1655

(J) For any person to aid, abet, incite, compel, or coerce 1656
the doing of any act declared by this section to be an unlawful 1657
discriminatory practice, to obstruct or prevent any person from 1658
complying with this chapter or any order issued under it, or to 1659
attempt directly or indirectly to commit any act declared by this 1660
section to be an unlawful discriminatory practice. 1661

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

accommodations to persons of the same religion, unless membership 1670
in the religion is restricted on account of race, color, or 1671
national origin. 1672

(2) Nothing in division (H) of this section shall bar any 1673
bona fide private or fraternal organization that, incidental to 1674
its primary purpose, owns or operates lodgings for other than a 1675
commercial purpose, from limiting the rental or occupancy of the 1676
lodgings to its members or from giving preference to its members. 1677

(3) Nothing in division (H) of this section limits the 1678
applicability of any reasonable local, state, or federal 1679
restrictions regarding the maximum number of occupants permitted 1680
to occupy housing accommodations. Nothing in that division 1681
prohibits the owners or managers of housing accommodations from 1682
implementing reasonable occupancy standards based on the number 1683
and size of sleeping areas or bedrooms and the overall size of a 1684
dwelling unit, provided that the standards are not implemented to 1685
circumvent the purposes of this chapter and are formulated, 1686
implemented, and interpreted in a manner consistent with this 1687
chapter and any applicable local, state, or federal restrictions 1688
regarding the maximum number of occupants permitted to occupy 1689
housing accommodations. 1690

(4) Nothing in division (H) of this section requires that 1691
housing accommodations be made available to an individual whose 1692
tenancy would constitute a direct threat to the health or safety 1693
of other individuals or whose tenancy would result in substantial 1694
physical damage to the property of others. 1695

(5) Nothing in division (H) of this section pertaining to 1696
discrimination on the basis of familial status shall be construed 1697
to apply to any of the following: 1698

(a) Housing accommodations provided under any state or 1699
federal program that have been determined under the "Fair Housing 1700

Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 1701
amended, to be specifically designed and operated to assist 1702
elderly persons; 1703

(b) Housing accommodations intended for and solely occupied 1704
by persons who are sixty-two years of age or older; 1705

(c) Housing accommodations intended and operated for 1706
occupancy by at least one person who is fifty-five years of age or 1707
older per unit, as determined under the "Fair Housing Amendments 1708
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 1709

(L) Nothing in divisions (A) to (E) of this section shall be 1710
construed to require a person with a disability to be employed or 1711
trained under circumstances that would significantly increase the 1712
occupational hazards affecting either the person with a 1713
disability, other employees, the general public, or the facilities 1714
in which the work is to be performed, or to require the employment 1715
or training of a person with a disability in a job that requires 1716
the person with a disability routinely to undertake any task, the 1717
performance of which is substantially and inherently impaired by 1718
the person's disability. 1719

(M) Nothing in divisions (H)(1) to (18) of this section shall 1720
be construed to require any person selling or renting property to 1721
modify the property in any way or to exercise a higher degree of 1722
care for a person with a disability, to relieve any person with a 1723
disability of any obligation generally imposed on all persons 1724
regardless of disability in a written lease, rental agreement, or 1725
contract of purchase or sale, or to forbid distinctions based on 1726
the inability to fulfill the terms and conditions, including 1727
financial obligations, of the lease, agreement, or contract. 1728

(N) An aggrieved individual may enforce the individual's 1729
rights relative to discrimination on the basis of age as provided 1730
for in this section by instituting a civil action, within one 1731

hundred eighty days after the alleged unlawful discriminatory 1732
practice occurred, in any court with jurisdiction for any legal or 1733
equitable relief that will effectuate the individual's rights. 1734

A person who files a civil action under this division is 1735
barred, with respect to the practices complained of, from 1736
instituting a civil action under section 4112.14 of the Revised 1737
Code and from filing a charge with the commission under section 1738
4112.05 of the Revised Code. 1739

(O) With regard to age, it shall not be an unlawful 1740
discriminatory practice and it shall not constitute a violation of 1741
division (A) of section 4112.14 of the Revised Code for any 1742
employer, employment agency, joint labor-management committee 1743
controlling apprenticeship training programs, or labor 1744
organization to do any of the following: 1745

(1) Establish bona fide employment qualifications reasonably 1746
related to the particular business or occupation that may include 1747
standards for skill, aptitude, physical capability, intelligence, 1748
education, maturation, and experience; 1749

(2) Observe the terms of a bona fide seniority system or any 1750
bona fide employee benefit plan, including, but not limited to, a 1751
retirement, pension, or insurance plan, that is not a subterfuge 1752
to evade the purposes of this section. However, no such employee 1753
benefit plan shall excuse the failure to hire any individual, and 1754
no such seniority system or employee benefit plan shall require or 1755
permit the involuntary retirement of any individual, because of 1756
the individual's age except as provided for in the "Age 1757
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 1758
29 U.S.C.A. 623, as amended by the "Age Discrimination in 1759
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1760
623, as amended. 1761

(3) Retire an employee who has attained sixty-five years of 1762

age who, for the two-year period immediately before retirement, is 1763
employed in a bona fide executive or a high policymaking position, 1764
if the employee is entitled to an immediate nonforfeitable annual 1765
retirement benefit from a pension, profit-sharing, savings, or 1766
deferred compensation plan, or any combination of those plans, of 1767
the employer of the employee, which equals, in the aggregate, at 1768
least forty-four thousand dollars, in accordance with the 1769
conditions of the "Age Discrimination in Employment Act Amendment 1770
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 1771
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1772
3342, 29 U.S.C.A. 631, as amended; 1773

(4) Observe the terms of any bona fide apprenticeship program 1774
if the program is registered with the Ohio apprenticeship council 1775
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 1776
approved by the federal committee on apprenticeship of the United 1777
States department of labor. 1778

(P) Nothing in this chapter prohibiting age discrimination 1779
and nothing in division (A) of section 4112.14 of the Revised Code 1780
shall be construed to prohibit the following: 1781

(1) The designation of uniform age the attainment of which is 1782
necessary for public employees to receive pension or other 1783
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 1784
or 5505. of the Revised Code; 1785

(2) The mandatory retirement of uniformed patrol officers of 1786
the state highway patrol as provided in section 5505.16 of the 1787
Revised Code; 1788

(3) The maximum age requirements for appointment as a patrol 1789
officer in the state highway patrol established by section 5503.01 1790
of the Revised Code; 1791

(4) The maximum age requirements established for original 1792
appointment to a police department or fire department in sections 1793

124.41 and 124.42 of the Revised Code; 1794

(5) Any maximum age not in conflict with federal law that may 1795
be established by a municipal charter, municipal ordinance, or 1796
resolution of a board of township trustees for original 1797
appointment as a police officer or firefighter; 1798

(6) Any mandatory retirement provision not in conflict with 1799
federal law of a municipal charter, municipal ordinance, or 1800
resolution of a board of township trustees pertaining to police 1801
officers and firefighters; 1802

(7) Until January 1, 1994, the mandatory retirement of any 1803
employee who has attained seventy years of age and who is serving 1804
under a contract of unlimited tenure, or similar arrangement 1805
providing for unlimited tenure, at an institution of higher 1806
education as defined in the "Education Amendments of 1980," 94 1807
Stat. 1503, 20 U.S.C.A. 1141(a). 1808

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 1809
section, for purposes of divisions (A) to (E) of this section, a 1810
disability does not include any physiological disorder or 1811
condition, mental or psychological disorder, or disease or 1812
condition caused by an illegal use of any controlled substance by 1813
an employee, applicant, or other person, if an employer, 1814
employment agency, personnel placement service, labor 1815
organization, or joint labor-management committee acts on the 1816
basis of that illegal use. 1817

(b) Division (Q)(1)(a) of this section does not apply to an 1818
employee, applicant, or other person who satisfies any of the 1819
following: 1820

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

been rehabilitated and no longer is engaging in that illegal use. 1825

(ii) The employee, applicant, or other person is 1826
participating in a supervised drug rehabilitation program and no 1827
longer is engaging in the illegal use of any controlled substance. 1828

(iii) The employee, applicant, or other person is erroneously 1829
regarded as engaging in the illegal use of any controlled 1830
substance, but the employee, applicant, or other person is not 1831
engaging in that illegal use. 1832

(2) Divisions (A) to (E) of this section do not prohibit an 1833
employer, employment agency, personnel placement service, labor 1834
organization, or joint labor-management committee from doing any 1835
of the following: 1836

(a) Adopting or administering reasonable policies or 1837
procedures, including, but not limited to, testing for the illegal 1838
use of any controlled substance, that are designed to ensure that 1839
an individual described in division (Q)(1)(b)(i) or (ii) of this 1840
section no longer is engaging in the illegal use of any controlled 1841
substance; 1842

(b) Prohibiting the illegal use of controlled substances and 1843
the use of alcohol at the workplace by all employees; 1844

(c) Requiring that employees not be under the influence of 1845
alcohol or not be engaged in the illegal use of any controlled 1846
substance at the workplace; 1847

(d) Requiring that employees behave in conformance with the 1848
requirements established under "The Drug-Free Workplace Act of 1849
1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 1850

(e) Holding an employee who engages in the illegal use of any 1851
controlled substance or who is an alcoholic to the same 1852
qualification standards for employment or job performance, and the 1853
same behavior, to which the employer, employment agency, personnel 1854

placement service, labor organization, or joint labor-management 1855
committee holds other employees, even if any unsatisfactory 1856
performance or behavior is related to an employee's illegal use of 1857
a controlled substance or alcoholism; 1858

(f) Exercising other authority recognized in the "Americans 1859
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 1860
as amended, including, but not limited to, requiring employees to 1861
comply with any applicable federal standards. 1862

(3) For purposes of this chapter, a test to determine the 1863
illegal use of any controlled substance does not include a medical 1864
examination. 1865

(4) Division (Q) of this section does not encourage, 1866
prohibit, or authorize, and shall not be construed as encouraging, 1867
prohibiting, or authorizing, the conduct of testing for the 1868
illegal use of any controlled substance by employees, applicants, 1869
or other persons, or the making of employment decisions based on 1870
the results of that type of testing. 1871

(R)(1) Nothing in this section shall prohibit any religious 1872
association, corporation, or society that is not organized for 1873
private profit, or any institution organized for educational 1874
purposes that is operated, supervised, or controlled by such a 1875
religious association, corporation, or society, from doing either 1876
of the following: 1877

(a) Limiting admission to or giving preference to persons of 1878
the same religion or denomination; 1879

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

(2) Division (R)(1) of this section shall not apply to 1883
secular business activities regularly carried on in which the 1884
religious association, corporation, or society engages if the 1885

conduct of those activities is unrelated to the religious and 1886
educational purposes for which the association, corporation, or 1887
society is organized. 1888

(S) Nothing in this section shall be construed to establish 1889
an unlawful employment practice based on actual or perceived 1890
gender identity due to the denial of access to shared shower or 1891
dressing facilities in which being seen unclothed is unavoidable, 1892
provided that the employer provides reasonable access to adequate 1893
facilities that are not inconsistent with an employee's gender 1894
identity as established with the employer at the time of initial 1895
employment or upon notification to the employer that the employee 1896
has undergone or is undergoing gender transition, whichever is 1897
later. 1898

(T) Nothing in this section shall be construed to require the 1899
construction of new or additional facilities. 1900

(U) Nothing in this section prohibits an employer from 1901
implementing, enforcing, or modifying a dress code or grooming 1902
standards not prohibited by other provisions of federal, state, or 1903
local law and requiring an employee, during the employee's hours 1904
at work, to adhere to the dress code or grooming standards, 1905
provided that the employer permits any employee who has undergone 1906
gender transition before being initially employed, and any 1907
employee who has notified the employer that the employee has 1908
undergone or is undergoing gender transition after being initially 1909
employed, to adhere to the same dress code or grooming standards 1910
to which the employee has transitioned or is transitioning. 1911

(V) Nothing in this section shall be construed to authorize 1912
or require any private employer, employment agency, or labor 1913
organization to implement quotas or affirmative action policies or 1914
programs, based on sexual orientation or gender identity. 1915

(W) Upon receiving certification of a bona fide occupational 1916

qualification from the commission, nothing in this section 1917
requires an employer, whose business is primarily religious in 1918
nature, to take any employment action that would compromise that 1919
business's religious purposes relating to sexual orientation or 1920
gender identity. 1921

(X)(1) It shall be an unlawful discriminatory practice for 1922
any employer, employment agency, or labor organization to limit, 1923
segregate, or classify its employees or applicants for employment 1924
in any way that would deprive or tend to deprive any individual of 1925
employment or otherwise adversely affect the status of the 1926
individual as an employee because of the individual's actual or 1927
perceived sexual orientation or gender identity. 1928

(2) The commission shall not collect statistics on actual or 1929
perceived sexual orientation or gender identity from any employer, 1930
employment agency, or labor organization nor compel any of them to 1931
collect such statistics. 1932

(3) Only disparate treatment claims, and not disparate impact 1933
claims, may be brought under this section on the basis of sexual 1934
orientation or gender identity. As used in division (X)(3) of this 1935
section, "disparate impact" means a facially neutral policy or 1936
practice that has a negative impact on a protected group. 1937

Sec. 4112.021. (A) As used in this section: 1938

(1) "Credit" means the right granted by a creditor to a 1939
person to defer payment of a debt, to incur debt and defer its 1940
payment, or to purchase property or services and defer payment for 1941
the property or services. 1942

(2) "Creditor" means any person who regularly extends, 1943
renews, or continues credit, any person who regularly arranges for 1944
the extension, renewal, or continuation of credit, or any assignee 1945
of an original creditor who participates in the decision to 1946

extend, renew, or continue credit, whether or not any interest or 1947
finance charge is required. 1948

(3) "Credit reporting agency" means any person who, for 1949
monetary fees or dues or on a cooperative nonprofit basis, 1950
regularly assembles or evaluates credit information for the 1951
purpose of furnishing credit reports to creditors. 1952

(4) "Age" means any age of eighteen years or older. 1953

(B) It shall be an unlawful discriminatory practice: 1954

(1) For any creditor to do any of the following: 1955

(a) Discriminate against any applicant for credit in the 1956
granting, withholding, extending, or renewing of credit, or in the 1957
fixing of the rates, terms, or conditions of any form of credit, 1958
on the basis of race, color, religion, age, ~~sex~~ gender, sexual 1959
orientation, gender identity, military status, marital status, 1960
national origin, disability, or ancestry, except that this 1961
division shall not apply with respect to age in any real estate 1962
transaction between a financial institution, a dealer in 1963
intangibles, or an insurance company as defined in section 5725.01 1964
of the Revised Code and its customers; 1965

(b) Use or make any inquiry as to race, color, religion, age, 1966
~~sex~~ gender, sexual orientation, gender identity, military status, 1967
marital status, national origin, disability, or ancestry for the 1968
purpose of limiting or specifying those persons to whom credit 1969
will be granted, except that an inquiry of marital status does not 1970
constitute discrimination for the purposes of this section if the 1971
inquiry is made for the purpose of ascertaining the creditor's 1972
rights and remedies applicable to the particular extension of 1973
credit, and except that creditors are excepted from this division 1974
with respect to any inquiry, elicitation of information, record, 1975
or form of application required of a particular creditor by any 1976
instrumentality or agency of the United States, or required of a 1977

particular creditor by any agency or instrumentality to enforce 1978
the "Civil Rights Act of 1968," 82 Stat. 84, 85, 42 U.S.C.A. 1979
3608(c); 1980

(c) Refuse to consider the sources of income of an applicant 1981
for credit, or disregard or ignore the income of an applicant, in 1982
whole or in part, on the basis of race, color, religion, age, ~~sex~~ 1983
gender, sexual orientation, gender identity, military status, 1984
marital status, disability, national origin, or ancestry; 1985

(d) Refuse to grant credit to an individual in any name that 1986
individual customarily uses, if it has been determined in the 1987
normal course of business that the creditor will grant credit to 1988
the individual; 1989

(e) Impose any special requirements or conditions, including, 1990
but not limited to, a requirement for co-obligors or 1991
reapplication, upon any applicant or class of applicants on the 1992
basis of race, color, religion, age, ~~sex~~ gender, sexual 1993
orientation, gender identity, military status, marital status, 1994
national origin, disability, or ancestry in circumstances where 1995
similar requirements or conditions are not imposed on other 1996
applicants similarly situated, unless the special requirements or 1997
conditions that are imposed with respect to age are the result of 1998
a real estate transaction exempted under division (B)(1)(a) of 1999
this section or are the result of programs that grant preferences 2000
to certain age groups administered by instrumentalities or 2001
agencies of the United States, a state, or a political subdivision 2002
of a state; 2003

(f) Fail or refuse to provide an applicant for credit a 2004
written statement of the specific reasons for rejection of the 2005
application if requested in writing by the applicant within sixty 2006
days of the rejection. The creditor shall provide the written 2007
statement of the specific reason for rejection within thirty days 2008
after receipt of a request of that nature. For purposes of this 2009

section, a statement that the applicant was rejected solely on the 2010
basis of information received from a credit reporting agency or 2011
because the applicant failed to meet the standards required by the 2012
creditor's credit scoring system, uniformly applied, shall 2013
constitute a specific reason for rejection. 2014

(g) Fail or refuse to print on or firmly attach to each 2015
application for credit, in a type size no smaller than that used 2016
throughout most of the application form, the following notice: 2017
"The Ohio laws against discrimination require that all creditors 2018
make credit equally available to all credit worthy customers, and 2019
that credit reporting agencies maintain separate credit histories 2020
on each individual upon request. The Ohio civil rights commission 2021
administers compliance with this law." This notice is not required 2022
to be included in applications that have a multi-state 2023
distribution if the notice is mailed to the applicant with the 2024
notice of acceptance or rejection of the application. 2025

(h) Fail or refuse on the basis of race, color, religion, 2026
age, ~~sex~~ gender, sexual orientation, gender identity, military 2027
status, marital status, national origin, disability, or ancestry 2028
to maintain, upon the request of the individual, a separate 2029
account for each individual to whom credit is extended; 2030

(i) Fail or refuse on the basis of race, color, religion, 2031
age, ~~sex~~ gender, sexual orientation, gender identity, military 2032
status, marital status, national origin, disability, or ancestry 2033
to maintain records on any account established after November 1, 2034
1976, to furnish information on the accounts to credit reporting 2035
agencies in a manner that clearly designates the contractual 2036
liability for repayment as indicated on the application for the 2037
account, and, if more than one individual is contractually liable 2038
for repayment, to maintain records and furnish information in the 2039
name of each individual. This division does not apply to 2040
individuals who are contractually liable only if the primary party 2041

defaults on the account. 2042

(2) For any credit reporting agency to do any of the 2043
following: 2044

(a) Fail or refuse on the basis of race, color, religion, 2045
age, ~~sex~~ gender, sexual orientation, gender identity, military 2046
status, marital status, national origin, disability, or ancestry 2047
to maintain, upon the request of the individual, a separate file 2048
on each individual about whom information is assembled or 2049
evaluated; 2050

(b) Fail or refuse on the basis of race, color, religion, 2051
age, ~~sex~~ gender, sexual orientation, gender identity, military 2052
status, marital status, national origin, disability, or ancestry 2053
to clearly note, maintain, and report any information furnished it 2054
under division (B)(1)(i) of this section. 2055

(C) This section does not prohibit a creditor from requesting 2056
the signature of both spouses to create a valid lien, pass clear 2057
title, or waive inchoate rights to property. 2058

(D) The rights granted by this section may be enforced by 2059
aggrieved individuals by filing a civil action in a court of 2060
common pleas within one hundred eighty days after the alleged 2061
unlawful discriminatory practice occurred. Upon application by the 2062
plaintiff and in circumstances that the court considers just, the 2063
court in which a civil action under this section is brought may 2064
appoint an attorney for the plaintiff and may authorize the 2065
commencement of a civil action upon proper showing without the 2066
payment of costs. If the court finds that an unlawful 2067
discriminatory practice prohibited by this section occurred or is 2068
about to occur, the court may grant relief that it considers 2069
appropriate, including a permanent or temporary injunction, 2070
temporary restraining order, or other order, and may award to the 2071
plaintiff compensatory and punitive damages of not less than one 2072

hundred dollars, together with attorney's fees and court costs. 2073

(E) Nothing contained in this section shall bar a creditor 2074
from reviewing an application for credit on the basis of 2075
established criteria used in the normal course of business for the 2076
determination of the credit worthiness of the individual applicant 2077
for credit, including the credit history of the applicant. 2078

Sec. 4112.04. (A) The commission shall do all of the 2079
following: 2080

(1) Establish and maintain a principal office in the city of 2081
Columbus and any other offices within the state that it considers 2082
necessary; 2083

(2) Appoint an executive director who shall serve at the 2084
pleasure of the commission and be its principal administrative 2085
officer. The executive director shall be paid a salary fixed 2086
pursuant to Chapter 124. of the Revised Code. 2087

(3) Appoint hearing examiners and other employees and agents 2088
who it considers necessary and prescribe their duties subject to 2089
Chapter 124. of the Revised Code; 2090

(4) Adopt, promulgate, amend, and rescind rules to effectuate 2091
the provisions of this chapter and the policies and practice of 2092
the commission in connection with this chapter; 2093

(5) Formulate policies to effectuate the purposes of this 2094
chapter and make recommendations to agencies and officers of the 2095
state or political subdivisions to effectuate the policies; 2096

(6) Receive, investigate, and pass upon written charges made 2097
under oath of unlawful discriminatory practices; 2098

(7) Make periodic surveys of the existence and effect of 2099
discrimination because of race, color, religion, ~~sex~~ gender, 2100
sexual orientation, gender identity, military status, familial 2101
status, national origin, disability, age, or ancestry on the 2102

enjoyment of civil rights by persons within the state; 2103

(8) Report, from time to time, but not less than once a year, 2104
to the general assembly and the governor, describing in detail the 2105
investigations, proceedings, and hearings it has conducted and 2106
their outcome, the decisions it has rendered, and the other work 2107
performed by it, which report shall include a copy of any surveys 2108
prepared pursuant to division (A)(7) of this section and shall 2109
include the recommendations of the commission as to legislative or 2110
other remedial action; 2111

(9) Prepare a comprehensive educational program, in 2112
cooperation with the department of education, for the students of 2113
the primary and secondary public schools of this state and for all 2114
other residents of this state that is designed to eliminate 2115
~~prejudice on the basis of race, color, religion, sex, military~~ 2116
~~status, familial status, national origin, disability, age, or~~ 2117
~~ancestry~~ in this state, ~~to further good will among those groups,~~ 2118
and to emphasize the origin of prejudice ~~against those groups~~ and 2119
discrimination, its harmful effects, and ~~its~~ their incompatibility 2120
with American principles of equality and fair play; 2121

(10) Receive progress reports from agencies, 2122
instrumentalities, institutions, boards, commissions, and other 2123
entities of this state or any of its political subdivisions and 2124
their agencies, instrumentalities, institutions, boards, 2125
commissions, and other entities regarding affirmative action 2126
programs for the employment of persons against whom discrimination 2127
is prohibited by this chapter, or regarding any affirmative 2128
housing accommodations programs developed to eliminate or reduce 2129
an imbalance of race, color, religion, ~~sex~~ gender, sexual 2130
orientation, gender identity, military status, familial status, 2131
national origin, disability, or ancestry. All agencies, 2132
instrumentalities, institutions, boards, commissions, and other 2133
entities of this state or its political subdivisions, and all 2134

political subdivisions, that have undertaken affirmative action 2135
programs pursuant to a conciliation agreement with the commission, 2136
an executive order of the governor, any federal statute or rule, 2137
or an executive order of the president of the United States shall 2138
file progress reports with the commission annually on or before 2139
the first day of November. The commission shall analyze and 2140
evaluate the progress reports and report its findings annually to 2141
the general assembly on or before the thirtieth day of January of 2142
the year immediately following the receipt of the reports. 2143

(B) The commission may do any of the following: 2144

(1) Meet and function at any place within the state; 2145

(2) Initiate and undertake on its own motion investigations 2146
of problems of employment or housing accommodations 2147
discrimination; 2148

(3) Hold hearings, subpoena witnesses, compel their 2149
attendance, administer oaths, take the testimony of any person 2150
under oath, require the production for examination of any books 2151
and papers relating to any matter under investigation or in 2152
question before the commission, and make rules as to the issuance 2153
of subpoenas by individual commissioners. 2154

(a) In conducting a hearing or investigation, the commission 2155
shall have access at all reasonable times to premises, records, 2156
documents, individuals, and other evidence or possible sources of 2157
evidence and may examine, record, and copy the premises, records, 2158
documents, and other evidence or possible sources of evidence and 2159
take and record the testimony or statements of the individuals as 2160
reasonably necessary for the furtherance of the hearing or 2161
investigation. In investigations, the commission shall comply with 2162
the fourth amendment to the United States Constitution relating to 2163
unreasonable searches and seizures. The commission or a member of 2164
the commission may issue subpoenas to compel access to or the 2165

production of premises, records, documents, and other evidence or 2166
possible sources of evidence or the appearance of individuals, and 2167
may issue interrogatories to a respondent, to the same extent and 2168
subject to the same limitations as would apply if the subpoenas or 2169
interrogatories were issued or served in aid of a civil action in 2170
a court of common pleas. 2171

(b) Upon written application by a party to a hearing under 2172
division (B) of section 4112.05 of the Revised Code, the 2173
commission shall issue subpoenas in its name to the same extent 2174
and subject to the same limitations as subpoenas issued by the 2175
commission. Subpoenas issued at the request of a party shall show 2176
on their face the name and address of the party and shall state 2177
that they were issued at the party's request. 2178

(c) Witnesses summoned by subpoena of the commission are 2179
entitled to the witness and mileage fees provided for under 2180
section 119.094 of the Revised Code. 2181

(d) Within five days after service of a subpoena upon any 2182
person, the person may petition the commission to revoke or modify 2183
the subpoena. The commission shall grant the petition if it finds 2184
that the subpoena requires an appearance or attendance at an 2185
unreasonable time or place, that it requires production of 2186
evidence that does not relate to any matter before the commission, 2187
that it does not describe with sufficient particularity the 2188
evidence to be produced, that compliance would be unduly onerous, 2189
or for other good reason. 2190

(e) In case of contumacy or refusal to obey a subpoena, the 2191
commission or person at whose request it was issued may petition 2192
for its enforcement in the court of common pleas in the county in 2193
which the person to whom the subpoena was addressed resides, was 2194
served, or transacts business. 2195

(4) Create local or statewide advisory agencies and 2196

conciliation councils to aid in effectuating the purposes of this 2197
chapter. The commission may itself, or it may empower these 2198
agencies and councils to, do either or both of the following: 2199

(a) Study the problems of discrimination in all or specific 2200
fields of human relationships when based on race, color, religion, 2201
~~sex~~ gender, sexual orientation, gender identity, military status, 2202
familial status, national origin, disability, age, or ancestry; 2203

(b) Foster through community effort, or otherwise, good will 2204
among the groups and elements of the population of the state. 2205

The agencies and councils may make recommendations to the 2206
commission for the development of policies and procedures in 2207
general. They shall be composed of representative citizens who 2208
shall serve without pay, except that reimbursement for actual and 2209
necessary traveling expenses shall be made to citizens who serve 2210
on a statewide agency or council. 2211

(5) Issue any publications and the results of investigations 2212
and research that in its judgment will tend to promote good will 2213
and minimize or eliminate discrimination because of race, color, 2214
religion, ~~sex~~ gender, sexual orientation, gender identity, 2215
military status, familial status, national origin, disability, 2216
age, or ancestry. 2217

Sec. 4112.05. (A) The commission, as provided in this 2218
section, shall prevent any person from engaging in unlawful 2219
discriminatory practices, provided that, before instituting the 2220
formal hearing authorized by division (B) of this section, it 2221
shall attempt, by informal methods of conference, conciliation, 2222
mediation, and persuasion, to induce compliance with this chapter. 2223

(B)(1) Any person may file a charge with the commission 2224
alleging that another person has engaged or is engaging in an 2225
unlawful discriminatory practice. In the case of a charge alleging 2226

an unlawful discriminatory practice described in division (A), 2227
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 2228
section 4112.021 or 4112.022 of the Revised Code, the charge shall 2229
be in writing and under oath and shall be filed with the 2230
commission within six months after the alleged unlawful 2231
discriminatory practice was committed. In the case of a charge 2232
alleging an unlawful discriminatory practice described in division 2233
(H) of section 4112.02 of the Revised Code, the charge shall be in 2234
writing and under oath and shall be filed with the commission 2235
within one year after the alleged unlawful discriminatory practice 2236
was committed. 2237

(2) Upon receiving a charge, the commission may initiate a 2238
preliminary investigation to determine whether it is probable that 2239
an unlawful discriminatory practice has been or is being engaged 2240
in. The commission also may conduct, upon its own initiative and 2241
independent of the filing of any charges, a preliminary 2242
investigation relating to any of the unlawful discriminatory 2243
practices described in division (A), (B), (C), (D), (E), (F), (I), 2244
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 2245
the Revised Code. Prior to a notification of a complainant under 2246
division (B)(4) of this section or prior to the commencement of 2247
informal methods of conference, conciliation, and persuasion under 2248
that division, the members of the commission and the officers and 2249
employees of the commission shall not make public in any manner 2250
and shall retain as confidential all information that was obtained 2251
as a result of or that otherwise pertains to a preliminary 2252
investigation other than one described in division (B)(3) of this 2253
section. 2254

(3)(a) Unless it is impracticable to do so and subject to its 2255
authority under division (B)(3)(d) of this section, the commission 2256
shall complete a preliminary investigation of a charge filed 2257
pursuant to division (B)(1) of this section that alleges an 2258

unlawful discriminatory practice described in division (H) of 2259
section 4112.02 of the Revised Code, and shall take one of the 2260
following actions, within one hundred days after the filing of the 2261
charge: 2262

(i) Notify the complainant and the respondent that it is not 2263
probable that an unlawful discriminatory practice described in 2264
division (H) of section 4112.02 of the Revised Code has been or is 2265
being engaged in and that the commission will not issue a 2266
complaint in the matter; 2267

(ii) Initiate a complaint and schedule it for informal 2268
methods of conference, conciliation, and persuasion; 2269

(iii) Initiate a complaint and refer it to the attorney 2270
general with a recommendation to seek a temporary or permanent 2271
injunction or a temporary restraining order. If this action is 2272
taken, the attorney general shall apply, as expeditiously as 2273
possible after receipt of the complaint, to the court of common 2274
pleas of the county in which the unlawful discriminatory practice 2275
allegedly occurred for the appropriate injunction or order, and 2276
the court shall hear and determine the application as 2277
expeditiously as possible. 2278

(b) If it is not practicable to comply with the requirements 2279
of division (B)(3)(a) of this section within the one-hundred-day 2280
period described in that division, the commission shall notify the 2281
complainant and the respondent in writing of the reasons for the 2282
noncompliance. 2283

(c) Prior to the issuance of a complaint under division 2284
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 2285
of the complainant and the respondent under division (B)(3)(a)(i) 2286
of this section, the members of the commission and the officers 2287
and employees of the commission shall not make public in any 2288
manner and shall retain as confidential all information that was 2289

obtained as a result of or that otherwise pertains to a 2290
preliminary investigation of a charge filed pursuant to division 2291
(B)(1) of this section that alleges an unlawful discriminatory 2292
practice described in division (H) of section 4112.05 of the 2293
Revised Code. 2294

(d) Notwithstanding the types of action described in 2295
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 2296
issuance of a complaint or the referral of a complaint to the 2297
attorney general and prior to endeavoring to eliminate an unlawful 2298
discriminatory practice described in division (H) of section 2299
4112.02 of the Revised Code by informal methods of conference, 2300
conciliation, and persuasion, the commission may seek a temporary 2301
or permanent injunction or a temporary restraining order in the 2302
court of common pleas of the county in which the unlawful 2303
discriminatory practice allegedly occurred. 2304

(4) If the commission determines after a preliminary 2305
investigation other than one described in division (B)(3) of this 2306
section that it is not probable that an unlawful discriminatory 2307
practice has been or is being engaged in, it shall notify any 2308
complainant under division (B)(1) of this section that it has so 2309
determined and that it will not issue a complaint in the matter. 2310
If the commission determines after a preliminary investigation 2311
other than the one described in division (B)(3) of this section 2312
that it is probable that an unlawful discriminatory practice has 2313
been or is being engaged in, it shall endeavor to eliminate the 2314
practice by informal methods of conference, conciliation, and 2315
persuasion. 2316

(5) Nothing said or done during informal methods of 2317
conference, conciliation, and persuasion under this section shall 2318
be disclosed by any member of the commission or its staff or be 2319
used as evidence in any subsequent hearing or other proceeding. 2320
If, after a preliminary investigation and the use of informal 2321

methods of conference, conciliation, and persuasion under this 2322
section, the commission is satisfied that any unlawful 2323
discriminatory practice will be eliminated, it may treat the 2324
charge involved as being conciliated and enter that disposition on 2325
the records of the commission. If the commission fails to effect 2326
the elimination of an unlawful discriminatory practice by informal 2327
methods of conference, conciliation, and persuasion under this 2328
section and to obtain voluntary compliance with this chapter, the 2329
commission shall issue and cause to be served upon any person, 2330
including the respondent against whom a complainant has filed a 2331
charge pursuant to division (B)(1) of this section, a complaint 2332
stating the charges involved and containing a notice of an 2333
opportunity for a hearing before the commission, a member of the 2334
commission, or a hearing examiner at a place that is stated in the 2335
notice and that is located within the county in which the alleged 2336
unlawful discriminatory practice has occurred or is occurring or 2337
in which the respondent resides or transacts business. The hearing 2338
shall be held not less than thirty days after the service of the 2339
complaint upon the complainant, the aggrieved persons other than 2340
the complainant on whose behalf the complaint is issued, and the 2341
respondent, unless the complainant, an aggrieved person, or the 2342
respondent elects to proceed under division (A)(2) of section 2343
4112.051 of the Revised Code when that division is applicable. If 2344
a complaint pertains to an alleged unlawful discriminatory 2345
practice described in division (H) of section 4112.02 of the 2346
Revised Code, the complaint shall notify the complainant, an 2347
aggrieved person, and the respondent of the right of the 2348
complainant, an aggrieved person, or the respondent to elect to 2349
proceed with the administrative hearing process under this section 2350
or to proceed under division (A)(2) of section 4112.051 of the 2351
Revised Code. 2352

(6) The attorney general shall represent the commission at 2353
any hearing held pursuant to division (B)(5) of this section and 2354

shall present the evidence in support of the complaint. 2355

(7) Any complaint issued pursuant to division (B)(5) of this 2356
section after the filing of a charge under division (B)(1) of this 2357
section shall be so issued within one year after the complainant 2358
filed the charge with respect to an alleged unlawful 2359
discriminatory practice. 2360

(C) Any complaint issued pursuant to division (B) of this 2361
section may be amended by the commission, a member of the 2362
commission, or the hearing examiner conducting a hearing under 2363
division (B) of this section, at any time prior to or during the 2364
hearing. The respondent has the right to file an answer or an 2365
amended answer to the original and amended complaints and to 2366
appear at the hearing in person, by attorney, or otherwise to 2367
examine and cross-examine witnesses. 2368

(D) The complainant shall be a party to a hearing under 2369
division (B) of this section, and any person who is an 2370
indispensable party to a complete determination or settlement of a 2371
question involved in the hearing shall be joined. Any aggrieved 2372
person who has or claims an interest in the subject of the hearing 2373
and in obtaining or preventing relief against the unlawful 2374
discriminatory practices complained of shall be permitted to 2375
appear only for the presentation of oral or written arguments, to 2376
present evidence, perform direct and cross-examination, and be 2377
represented by counsel. The commission shall adopt rules, in 2378
accordance with Chapter 119. of the Revised Code governing the 2379
authority granted under this division. 2380

(E) In any hearing under division (B) of this section, the 2381
commission, a member of the commission, or the hearing examiner 2382
shall not be bound by the Rules of Evidence but, in ascertaining 2383
the practices followed by the respondent, shall take into account 2384
all reliable, probative, and substantial statistical or other 2385
evidence produced at the hearing that may tend to prove the 2386

existence of a predetermined pattern of employment or membership, 2387
provided that nothing contained in this section shall be construed 2388
to authorize or require any person to observe the proportion that 2389
persons of any race, color, religion, ~~sex~~ gender, sexual 2390
orientation, gender identity, military status, familial status, 2391
national origin, disability, age, or ancestry bear to the total 2392
population or in accordance with any criterion other than the 2393
individual qualifications of the applicant. 2394

(F) The testimony taken at a hearing under division (B) of 2395
this section shall be under oath and shall be reduced to writing 2396
and filed with the commission. Thereafter, in its discretion, the 2397
commission, upon the service of a notice upon the complainant and 2398
the respondent that indicates an opportunity to be present, may 2399
take further testimony or hear argument. 2400

(G)(1) If, upon all reliable, probative, and substantial 2401
evidence presented at a hearing under division (B) of this 2402
section, the commission determines that the respondent has engaged 2403
in, or is engaging in, any unlawful discriminatory practice, 2404
whether against the complainant or others, the commission shall 2405
state its findings of fact and conclusions of law and shall issue 2406
and, subject to the provisions of Chapter 119. of the Revised 2407
Code, cause to be served on the respondent an order requiring the 2408
respondent to cease and desist from the unlawful discriminatory 2409
practice, requiring the respondent to take any further affirmative 2410
or other action that will effectuate the purposes of this chapter, 2411
including, but not limited to, hiring, reinstatement, or upgrading 2412
of employees with or without back pay, or admission or restoration 2413
to union membership, and requiring the respondent to report to the 2414
commission the manner of compliance. If the commission directs 2415
payment of back pay, it shall make allowance for interim earnings. 2416
If it finds a violation of division (H) of section 4112.02 of the 2417
Revised Code, the commission additionally shall require the 2418

respondent to pay actual damages and reasonable attorney's fees, 2419
and may award to the complainant punitive damages as follows: 2420

(a) If division (G)(1)(b) or (c) of this section does not 2421
apply, punitive damages in an amount not to exceed ten thousand 2422
dollars; 2423

(b) If division (G)(1)(c) of this section does not apply and 2424
if the respondent has been determined by a final order of the 2425
commission or by a final judgment of a court to have committed one 2426
violation of division (H) of section 4112.02 of the Revised Code 2427
during the five-year period immediately preceding the date on 2428
which a complaint was issued pursuant to division (B) of this 2429
section, punitive damages in an amount not to exceed twenty-five 2430
thousand dollars; 2431

(c) If the respondent has been determined by a final order of 2432
the commission or by a final judgment of a court to have committed 2433
two or more violations of division (H) of section 4112.02 of the 2434
Revised Code during the seven-year period immediately preceding 2435
the date on which a complaint was issued pursuant to division (B) 2436
of this section, punitive damages in an amount not to exceed fifty 2437
thousand dollars. 2438

(2) Upon the submission of reports of compliance, the 2439
commission may issue a declaratory order stating that the 2440
respondent has ceased to engage in particular unlawful 2441
discriminatory practices. 2442

(H) If the commission finds that no probable cause exists for 2443
crediting charges of unlawful discriminatory practices or if, upon 2444
all the evidence presented at a hearing under division (B) of this 2445
section on a charge, the commission finds that a respondent has 2446
not engaged in any unlawful discriminatory practice against the 2447
complainant or others, it shall state its findings of fact and 2448
shall issue and cause to be served on the complainant an order 2449

dismissing the complaint as to the respondent. A copy of the order 2450
shall be delivered in all cases to the attorney general and any 2451
other public officers whom the commission considers proper. 2452

(I) Until the time period for appeal set forth in division 2453
(H) of section 4112.06 of the Revised Code expires, the 2454
commission, subject to the provisions of Chapter 119. of the 2455
Revised Code, at any time, upon reasonable notice, and in the 2456
manner it considers proper, may modify or set aside, in whole or 2457
in part, any finding or order made by it under this section. 2458

Sec. 4112.08. This chapter shall be construed liberally for 2459
the accomplishment of its purposes, and any law inconsistent with 2460
any provision of this chapter shall not apply. Nothing contained 2461
in this chapter shall be considered to repeal any of the 2462
provisions of any law of this state relating to discrimination 2463
because of race, color, religion, ~~sex~~ gender, sexual orientation, 2464
gender identity, military status, familial status, disability, 2465
national origin, age, or ancestry, except that any person filing a 2466
charge under division (B)(1) of section 4112.05 of the Revised 2467
Code, with respect to the unlawful discriminatory practices 2468
complained of, is barred from instituting a civil action under 2469
section 4112.14 or division (N) of section 4112.02 of the Revised 2470
Code. This chapter does not limit actions, procedures, and 2471
remedies afforded under federal law. 2472

Sec. 4117.19. (A) Every employee organization that is 2473
certified or recognized as a representative of public employees 2474
under this chapter shall file with the state employment relations 2475
board a registration report that is signed by its president or 2476
other appropriate officer. The report shall be in a form 2477
prescribed by the board and accompanied by two copies of the 2478
employee organization's constitution and bylaws. The board shall 2479
accept a filing by a statewide, national, or international 2480

employee organization of its constitution and bylaws in lieu of a 2481
filing of the documents by each subordinate organization. The 2482
exclusive representative or other employee organization originally 2483
filing its constitution and bylaws shall report, promptly, to the 2484
board all changes or amendments to its constitution and bylaws. 2485

(B) Every employee organization shall file with the board an 2486
annual report. The report shall be in a form prescribed by the 2487
board and shall contain the following information: 2488

(1) The names and addresses of the organization, any parent 2489
organization or organizations with which it is affiliated, and all 2490
organizationwide officers; 2491

(2) The name and address of its local agent for service of 2492
process; 2493

(3) A general description of the public employees the 2494
organization represents or seeks to represent; 2495

(4) The amounts of the initiation fee and monthly dues 2496
members must pay; 2497

(5) A pledge, in a form prescribed by the board, that the 2498
organization will comply with the laws of the state and that it 2499
will accept members without regard to age, race, color, ~~sex~~ 2500
gender, creed, religion, ancestry, or national origin; ~~i~~ 2501
disability, sexual orientation, gender identity, or military 2502
status as those terms are defined in section 4112.01 of the 2503
Revised Code, ~~military status as defined in that section, i~~ or 2504
physical disability as provided by law; ~~i~~ 2505

(6) A financial report. 2506

(C) The constitution or bylaws of every employee organization 2507
shall do all of the following: 2508

(1) Require that the organization keep accurate accounts of 2509
all income and expenses, prepare an annual financial report, keep 2510

open for inspection by any member of the organization its 2511
accounts, and make loans to officers and agents only on terms and 2512
conditions available to all members; 2513

(2) Prohibit business or financial interests of its officers 2514
and agents, their spouses, minor children, parents, or otherwise, 2515
in conflict with the fiduciary obligation of such persons to the 2516
organization; 2517

(3) When specifically requested by the board, require every 2518
official who is designated as a fiscal officer of an employee 2519
organization and who is responsible for funds or other property of 2520
the organization or trust in which an organization is interested, 2521
or a subsidiary organization be bonded with the amount, scope, and 2522
form of the bond determined by the board; 2523

(4) Require periodic elections of officers by secret ballot 2524
subject to recognized safeguards concerning the equal right of all 2525
members to nominate, seek office, and vote in the elections, the 2526
right of individual members to participate in the affairs of the 2527
organization, and fair and equitable procedures in disciplinary 2528
actions. 2529

(D) The board shall prescribe rules necessary to govern the 2530
establishment and reporting of trusteeships over employee 2531
organizations. The establishment of trusteeships is permissible 2532
only if the constitution or bylaws of the organization set forth 2533
reasonable procedures. 2534

(E) The board may withhold certification of an employee 2535
organization that willfully refuses to register or file an annual 2536
report or that willfully refuses to comply with other provisions 2537
of this section. The board may revoke a certification of an 2538
employee organization for willfully failing to comply with this 2539
section. The board may enforce the prohibitions contained in this 2540
section by petitioning the court of common pleas of the county in 2541

which the violation occurs for an injunction. Persons complaining 2542
of a violation of this section shall file the complaint with the 2543
board. 2544

(F) Upon the written request to the board of any member of a 2545
certified employee organization and where the board determines the 2546
necessity for an audit, the board may require the employee 2547
organization to provide a certified audit of its financial 2548
records. 2549

(G) Any employee organization subject to the 2550
"Labor-Management Reporting and Disclosure Act of 1959," 73 Stat. 2551
519, 29 U.S.C.A., 401, as amended, may file copies with the board 2552
of all reports it is required to file under that act in lieu of 2553
compliance with all parts of this section other than division (A) 2554
of this section. The board shall accept a filing by a statewide, 2555
national, or international employee organization of its reports in 2556
lieu of a filing of such reports by each subordinate organization. 2557

Sec. 4735.16. (A) Every real estate broker licensed under 2558
this chapter shall erect or maintain a sign on the business 2559
premises plainly stating that the licensee is a real estate 2560
broker. If the real estate broker maintains one or more branch 2561
offices, the real estate broker shall erect or maintain a sign at 2562
each branch office plainly stating that the licensee is a real 2563
estate broker. 2564

(B)(1) Any licensed real estate broker or salesperson who 2565
advertises to buy, sell, exchange, or lease real estate, or to 2566
engage in any act regulated by this chapter, with respect to 2567
property the licensee does not own, shall be identified in the 2568
advertisement by name and indicate the name of the brokerage with 2569
which the licensee is affiliated. 2570

(2) Any licensed real estate broker or ~~sales person~~ 2571
salesperson who advertises to sell, exchange, or lease real 2572

estate, or to engage in any act regulated by this chapter, with 2573
respect to property that the licensee owns, shall be identified in 2574
the advertisement by name and indicate that the property is agent 2575
owned, and if the property is listed with a real estate brokerage, 2576
the advertisement shall also indicate the name of the brokerage 2577
with which the property is listed. 2578

(3) The name of the brokerage shall be displayed in equal 2579
prominence with the name of the salesperson in the advertisement. 2580
For purposes of this section, "brokerage" means the name the real 2581
estate company or sole broker is doing business as, or if the real 2582
estate company or sole broker does not use such a name, the name 2583
of the real estate company or sole broker as licensed. 2584

(4) A real estate broker who is representing a seller under 2585
an exclusive right to sell or lease listing agreement shall not 2586
advertise such property to the public as "for sale by owner" or 2587
otherwise mislead the public to believe that the seller is not 2588
represented by a real estate broker. 2589

(5) If any real estate broker or real estate salesperson 2590
advertises in a manner other than as provided in this section or 2591
the rules adopted under this section, that advertisement is 2592
prima-facie evidence of a violation under division (A)(21) of 2593
section 4735.18 of the Revised Code. 2594

When the superintendent determines that prima-facie evidence 2595
of a violation of division (A)(21) of section 4735.18 of the 2596
Revised Code or any of the rules adopted thereunder exists, the 2597
superintendent may do either of the following: 2598

(a) Initiate disciplinary action under section 4735.051 of 2599
the Revised Code for a violation of division (A)(21) of section 2600
4735.18 of the Revised Code, in accordance with Chapter 119. of 2601
the Revised Code; 2602

(b) Personally, or by certified mail, serve a citation upon 2603

the licensee. 2604

(C)(1) Every citation served under this section shall give 2605
notice to the licensee of the alleged violation or violations 2606
charged and inform the licensee of the opportunity to request a 2607
hearing in accordance with Chapter 119. of the Revised Code. The 2608
citation also shall contain a statement of a fine of two hundred 2609
dollars per violation, not to exceed two thousand five hundred 2610
dollars per citation. All fines collected pursuant to this section 2611
shall be credited to the real estate recovery fund, created in the 2612
state treasury under section 4735.12 of the Revised Code. 2613

(2) If any licensee is cited three times within twelve 2614
consecutive months, the superintendent shall initiate disciplinary 2615
action pursuant to section 4735.051 of the Revised Code for any 2616
subsequent violation that occurs within the same twelve-month 2617
period. 2618

(3) If a licensee fails to request a hearing within thirty 2619
days of the date of service of the citation, or the licensee and 2620
the superintendent fail to reach an alternative agreement, the 2621
citation shall become final. 2622

(4) Unless otherwise indicated, the licensee named in a final 2623
citation must meet all requirements contained in the final 2624
citation within thirty days of the effective date of that 2625
citation. 2626

(5) The superintendent shall suspend automatically a 2627
licensee's license if the licensee fails to comply with division 2628
(C)(4) of this section. 2629

(D) A real estate broker or salesperson obtaining the 2630
signature of a party to a listing or other agreement involved in a 2631
real estate transaction shall furnish a copy of the listing or 2632
other agreement to the party immediately after obtaining the 2633
party's signature. Every broker's office shall prominently display 2634

in the same immediate area as licenses are displayed a statement 2635
that it is illegal to discriminate against any person because of 2636
race, color, religion, ~~sex~~ gender, national origin, or ancestry; 2637
or familial status ~~as defined in section 4112.01 of the Revised~~ 2638
~~Code, national origin, military status as defined in that section,~~ 2639
~~disability as defined in that section, gender identity, or~~ 2640
~~ancestry~~ sexual orientation, as those terms are defined in section 2641
4112.01 of the Revised Code, in the sale or rental of housing or 2642
residential lots, in advertising the sale or rental of housing, in 2643
the financing of housing, or in the provision of real estate 2644
brokerage services and that blockbusting also is illegal. The 2645
statement shall bear the United States department of housing and 2646
urban development equal housing logo, shall contain the 2647
information that the broker and the broker's salespersons are 2648
licensed by the division of real estate and professional licensing 2649
and that the division can assist with any consumer complaints or 2650
inquiries, and shall explain the provisions of section 4735.12 of 2651
the Revised Code. The statement shall provide the division's 2652
address and telephone number. The Ohio real estate commission 2653
shall provide by rule for the wording and size of the statement. 2654
The pamphlet required under section 4735.03 of the Revised Code 2655
shall contain the same statement that is required on the statement 2656
displayed as provided in this section and shall be made available 2657
by real estate brokers and salespersons to their clients. The 2658
commission shall provide the wording and size of the pamphlet. 2659

Sec. 4735.55. (A) Each written agency agreement shall contain 2660
all of the following: 2661

(1) An expiration date; 2662

(2) A statement that it is illegal, pursuant to the Ohio fair 2663
housing law, division (H) of section 4112.02 of the Revised Code, 2664
and the federal fair housing law, 42 U.S.C.A. 3601, as amended, to 2665

refuse to sell, transfer, assign, rent, lease, sublease, or 2666
finance housing accommodations, refuse to negotiate for the sale 2667
or rental of housing accommodations, or otherwise deny or make 2668
unavailable housing accommodations because of race, color, 2669
religion, ~~sex~~ gender, national origin, or ancestry; or familial 2670
status ~~as defined in section 4112.01 of the Revised Code,~~ 2671
~~ancestry~~, military status ~~as defined in that section~~, disability 2672
~~as defined in that section~~, gender identity, or national origin 2673
sexual orientation, as those terms are defined in section 4112.01 2674
of the Revised Code, or to so discriminate in advertising the sale 2675
or rental of housing, in the financing of housing, or in the 2676
provision of real estate brokerage services; 2677

(3) A statement defining the practice known as "blockbusting" 2678
and stating that it is illegal; 2679

(4) A copy of the United States department of housing and 2680
urban development equal housing opportunity logotype, as set forth 2681
in 24 C.F.R. 109.30, as amended. 2682

(B) Each written agency agreement shall contain a place for 2683
the licensee and the client to sign and date the agreement. 2684

(C) A licensee shall furnish a copy of any written agency 2685
agreement to a client in a timely manner after the licensee and 2686
the client have signed and dated it. 2687

Sec. 4757.07. The counselor, social worker, and marriage and 2688
family therapist board and its professional standards committees 2689
shall not discriminate against any licensee, registrant, or 2690
applicant for a license or certificate of registration under this 2691
chapter because of the person's race, color, religion, ~~sex~~ gender, 2692
or national origin; disability, sexual orientation, or gender 2693
identity, as those terms are defined in section 4112.01 of the 2694
Revised Code; or age. The board or committee, as appropriate, 2695
shall afford a hearing to any person who files with the board or 2696

committee a statement alleging discrimination based on any of 2697
those reasons. 2698

Sec. 4758.16. The chemical dependency professionals board 2699
shall not discriminate against any licensee, certificate holder, 2700
or applicant for a license or certificate under this chapter 2701
because of the individual's race, color, religion, gender, or 2702
national origin, disability, sexual orientation, or gender 2703
identity, as those terms are defined in section 4112.01 of the 2704
Revised Code, or age. The board shall afford a hearing to any 2705
individual who files with the board a statement alleging 2706
discrimination based on any of those reasons. 2707

Sec. 4765.18. The state board of emergency medical services 2708
may suspend or revoke a certificate of accreditation or a 2709
certificate of approval issued under section 4765.17 of the 2710
Revised Code for any of the following reasons: 2711

(A) Violation of this chapter or any rule adopted under it; 2712

(B) Furnishing of false, misleading, or incomplete 2713
information to the board; 2714

(C) The signing of an application or the holding of a 2715
certificate of accreditation by a person who has pleaded guilty to 2716
or has been convicted of a felony, or has pleaded guilty to or 2717
been convicted of a crime involving moral turpitude; 2718

(D) The signing of an application or the holding of a 2719
certificate of accreditation by a person who is addicted to the 2720
use of any controlled substance or has been adjudicated 2721
incompetent for that purpose by a court, as provided in section 2722
5122.301 of the Revised Code; 2723

(E) Violation of any commitment made in an application for a 2724
certificate of accreditation or certificate of approval; 2725

(F) Presentation to prospective students of misleading, 2726
false, or fraudulent information relating to the emergency medical 2727
services training program or emergency medical services continuing 2728
education program, employment opportunities, or opportunities for 2729
enrollment in accredited institutions of higher education after 2730
entering or completing courses offered by the operator of a 2731
program; 2732

(G) Failure to maintain in a safe and sanitary condition 2733
premises and equipment used in conducting courses of study; 2734

(H) Failure to maintain financial resources adequate for the 2735
satisfactory conduct of courses of study or to retain a sufficient 2736
number of certified instructors; 2737

(I) Discrimination in the acceptance of students upon the 2738
basis of sexual orientation or gender identity as those terms are 2739
defined in section 4112.01 of the Revised Code, race, color, 2740
religion, ~~sex~~ gender, or national origin. 2741

Sec. 5104.09. (A)(1) Except as provided in rules adopted 2742
pursuant to division (D) of this section, no individual who has 2743
been convicted of or pleaded guilty to a violation described in 2744
division (A)(9) of section 109.572 of the Revised Code, a 2745
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2746
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 2747
of the Revised Code or a violation of an existing or former law or 2748
ordinance of any municipal corporation, this state, any other 2749
state, or the United States that is substantially equivalent to 2750
any of those violations, or two violations of section 4511.19 of 2751
the Revised Code during operation of the center or home shall be 2752
certified as an in-home aide or be employed in any capacity in or 2753
own or operate a child day-care center, type A family day-care 2754
home, type B family day-care home, or certified type B family 2755
day-care home. 2756

(2) Each employee of a child day-care center and type A home 2757
and every person eighteen years of age or older residing in a type 2758
A home shall sign a statement on forms prescribed by the director 2759
of job and family services attesting to the fact that the employee 2760
or resident person has not been convicted of or pleaded guilty to 2761
any offense set forth in division (A)(1) of this section and that 2762
no child has been removed from the employee's or resident person's 2763
home pursuant to section 2151.353 of the Revised Code. Each 2764
licensee of a type A home shall sign a statement on a form 2765
prescribed by the director attesting to the fact that no person 2766
who resides at the type A home and who is under the age of 2767
eighteen has been adjudicated a delinquent child for committing a 2768
violation of any section listed in division (A)(1) of this 2769
section. The statements shall be kept on file at the center or 2770
type A home. 2771

(3) Each in-home aide and every person eighteen years of age 2772
or older residing in a certified type B home shall sign a 2773
statement on forms prescribed by the director of job and family 2774
services attesting that the aide or resident person has not been 2775
convicted of or pleaded guilty to any offense set forth in 2776
division (A)(1) of this section and that no child has been removed 2777
from the aide's or resident person's home pursuant to section 2778
2151.353 of the Revised Code. Each authorized provider shall sign 2779
a statement on forms prescribed by the director attesting that the 2780
provider has not been convicted of or pleaded guilty to any 2781
offense set forth in division (A)(1) of this section and that no 2782
child has been removed from the provider's home pursuant to 2783
section 2151.353 of the Revised Code. Each authorized provider 2784
shall sign a statement on a form prescribed by the director 2785
attesting to the fact that no person who resides at the certified 2786
type B home and who is under the age of eighteen has been 2787
adjudicated a delinquent child for committing a violation of any 2788
section listed in division (A)(1) of this section. The statements 2789

shall be kept on file at the county department of job and family services. 2790
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(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. 2792
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(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. 2800
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(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~~ gender, or national origin. 2806
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(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. 2812
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Sec. 5107.26. (A) As used in this section: 2818

(1) "Transitional child care" means publicly funded child 2819

care provided under division (A)(3) of section 5104.34 of the Revised Code. 2820
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(2) "Transitional medicaid" means the medical assistance provided under section 5111.0115 of the Revised Code. 2822
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(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. 2824
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(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. 2835
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Just cause includes the following: 2843

(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~~ gender, color, handicap, religious beliefs, or national origin; 2844
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(2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule; 2848
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(3) Employment that has become unsuitable due to any of the following: 2851
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(a) The wage is less than the federal minimum wage; 2853

(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; 2854
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(c) The documented degree of risk to the member or recipient's health and safety is unreasonable; 2861
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(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. 2863
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(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; 2866
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(5) A documented household emergency; 2869

(6) Lack of adequate child care for children of the member or recipient who are under six years of age. 2870
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Sec. 5111.31. (A) Every provider agreement with the provider of a nursing facility or intermediate care facility for the mentally retarded shall: 2872
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(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 in a facility shall be considered a patient in the facility during any hospital stays totaling less than twenty-five days during any 2875
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twelve-month period. Recipients who have been identified by the department of job and family services or its designee as requiring the level of care of an intermediate care facility for the mentally retarded shall not be subject to a maximum period of absences during which they are considered patients if prior authorization of the department for visits with relatives and friends and participation in therapeutic programs is obtained under rules adopted under section 5111.02 of the Revised Code.

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

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

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

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

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

(b) Beds in an intermediate care facility for the mentally retarded that are designated for respite care under a medicaid waiver component operated pursuant to a waiver sought under

section 5111.87 of the Revised Code. 2912

(2) If a provider chooses to include a bed specified in 2913
division (B)(1)(a) of this section in a provider agreement, the 2914
bed may not be removed from the provider agreement unless the 2915
provider withdraws the facility in which the bed is located from 2916
the medicaid program. 2917

(C) Nothing in this section shall bar a provider that is a 2918
religious organization operating a religious or denominational 2919
nursing facility or intermediate care facility for the mentally 2920
retarded from giving preference to persons of the same religion or 2921
denomination. Nothing in this section shall bar any provider from 2922
giving preference to persons with whom the provider has contracted 2923
to provide continuing care. 2924

(D) Nothing in this section shall bar the provider of a 2925
county home organized under Chapter 5155. of the Revised Code from 2926
admitting residents exclusively from the county in which the 2927
county home is located. 2928

(E) No provider of a nursing facility or intermediate care 2929
facility for the mentally retarded for which a provider agreement 2930
is in effect shall violate the provider contract obligations 2931
imposed under this section. 2932

(F) Nothing in divisions (A) and (C) of this section shall 2933
bar a provider from retaining patients who have resided in the 2934
provider's facility for not less than one year as private pay 2935
patients and who subsequently become medicaid recipients, but 2936
refusing to accept as a patient any person who is or may, as a 2937
patient in the facility, become a medicaid recipient, if all of 2938
the following apply: 2939

(1) The provider does not refuse to retain any patient who 2940
has resided in the provider's facility for not less than one year 2941
as a private pay patient because the patient becomes a medicaid 2942

recipient, except as necessary to comply with division (F)(2) of 2943
this section; 2944

(2) The number of medicaid recipients retained under this 2945
division does not at any time exceed ten per cent of all the 2946
patients in the facility; 2947

(3) On July 1, 1980, all the patients in the facility were 2948
private pay patients. 2949

Sec. 5119.623. The director of mental health may withhold 2950
funds otherwise to be allocated to a board of alcohol, drug 2951
addiction, and mental health services under section 5119.62 of the 2952
Revised Code if the board denies available service on the basis of 2953
religion, race, color, creed, ~~sex~~ gender, national origin, or 2954
age; disability, sexual orientation, or gender identity, as those 2955
terms are defined in section 4112.01 of the Revised Code; or 2956
developmental disability. 2957

Sec. 5123.351. The director of developmental disabilities, 2958
with respect to the eligibility for state reimbursement of 2959
expenses incurred by facilities and programs established and 2960
operated under Chapter 5126. of the Revised Code for persons with 2961
mental retardation or a developmental disability, shall do all of 2962
the following: 2963

(A) Make rules that may be necessary to carry out the 2964
purposes of Chapter 5126. and sections 5123.35, 5123.351, and 2965
5123.36 of the Revised Code; 2966

(B) Define minimum standards for qualifications of personnel, 2967
professional services, and in-service training and educational 2968
leave programs; 2969

(C) Review and evaluate community programs and make 2970
recommendations for needed improvements to county boards of 2971
developmental disabilities and to program directors; 2972

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

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

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

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

Each county board of developmental disabilities shall provide a plan of affirmative action describing its goals and methods for the provision of equal employment opportunities for all persons under its authority and shall ensure nondiscrimination in employment under its authority or contract on the basis of sexual orientation or gender identity as those terms are defined in section 4112.01 of the Revised Code, race, color, ~~sex~~ gender, creed, disability, or national origin.

Sec. 5515.08. (A) The department of transportation may

contract to sell commercial advertising space within or on the 3003
outside surfaces of any building located within a roadside rest 3004
area under its jurisdiction in exchange for cash payment. Money 3005
the department receives under this section shall be deposited in 3006
the state treasury to the credit of the roadside rest area 3007
improvement fund, which is hereby created. The department shall 3008
use the money in the fund only to improve roadside rest areas in 3009
accordance with section 5529.06 of the Revised Code. 3010

(B) Advertising placed under this section shall comply with 3011
all of the following: 3012

(1) It shall not be libelous or obscene and shall not promote 3013
any illegal product or service. 3014

(2) It shall not promote illegal discrimination on the basis 3015
of the sexual orientation or gender identity as those terms are 3016
defined in section 4112.01 of the Revised Code, race, religion, 3017
gender, national origin, handicap, age, or ancestry of any person. 3018

(3) It shall not support or oppose any candidate for 3019
political office or any political cause, issue, or organization. 3020

(4) It shall comply with any controlling federal or state 3021
regulations or restrictions. 3022

(5) To the extent physically and technically practical, it 3023
shall state that the advertisement is a paid commercial 3024
advertisement and that the state does not endorse the product or 3025
service promoted by the advertisement or make any representation 3026
about the accuracy of the advertisement or the quality or 3027
performance of the product or service promoted by the 3028
advertisement. 3029

(6) It shall conform to all applicable rules adopted by the 3030
director of transportation under division (E) of this section. 3031

(C) Contracts entered into under this section shall be 3032

awarded only to the qualified bidder who submits the highest 3033
responsive bid or according to uniformly applied rate classes. 3034

(D) No person, except an advertiser alleging a breach of 3035
contract or the improper awarding of a contract, has a cause of 3036
action against the state with respect to any contract or 3037
advertising authorized by this section. Under no circumstances is 3038
the state liable for consequential or noneconomic damages with 3039
respect to any contract or advertising authorized under this 3040
section. 3041

(E) The director, in accordance with Chapter 119. of the 3042
Revised Code, shall adopt rules to implement this section. The 3043
rules shall be consistent with the policy of protecting the safety 3044
of the traveling public and consistent with the national policy 3045
governing the use and control of such roadside rest areas. The 3046
rules shall regulate the awarding of contracts and may regulate 3047
the content, display, and other aspects of the commercial 3048
advertising authorized by this section. 3049

Sec. 5709.832. The legislative authority of a county, 3050
township, or municipal corporation that grants an exemption from 3051
taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 3052
5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 3053
Revised Code shall develop policies to ensure that the recipient 3054
of the exemption practices nondiscriminatory hiring in its 3055
operations. As used in this section, "nondiscriminatory hiring" 3056
means that no individual may be denied employment solely on the 3057
basis of sexual orientation or gender identity as those terms are 3058
defined in section 4112.01 of the Revised Code, race, religion, 3059
~~sex~~ gender, disability, color, national origin, or ancestry. 3060

Section 2. That existing sections 9.03, 124.93, 125.111, 3061
340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3062

3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3332.09, 3721.13, 3063
3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 3064
4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 3065
5104.09, 5107.26, 5111.31, 5119.623, 5123.351, 5126.07, 5515.08, 3066
and 5709.832 of the Revised Code are hereby repealed. 3067

Section 3. Section 4112.04 of the Revised Code is presented 3068
in this act as a composite of the section as amended by both Am. 3069
Sub. H.B. 525 of the 127th General Assembly and Am. Sub. H.B. 1 of 3070
the 128th General Assembly. The General Assembly, applying the 3071
principle stated in division (B) of section 1.52 of the Revised 3072
Code that amendments are to be harmonized if reasonably capable of 3073
simultaneous operation, finds that the composite is the resulting 3074
version of the section in effect prior to the effective date of 3075
the section as presented in this act. 3076