

**As Introduced**

**129th General Assembly  
Regular Session  
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**S. B. No. 261**

**Senators Tavares, Schiavoni**

**Cosponsors: Senators Turner, Sawyer, Skindell**

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**A B I L L**

To amend sections 4112.01, 4112.02, and 4112.99 of 1  
the Revised Code to prohibit and provide a penalty 2  
for employment discrimination and the 3  
advertisement of employment positions that 4  
discriminate on the basis of an individual's 5  
unemployment status. 6

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

**Section 1.** That sections 4112.01, 4112.02, and 4112.99 of the 7  
Revised Code be amended to read as follows: 8

**Sec. 4112.01.** (A) As used in this chapter: 9

(1) "Person" includes one or more individuals, partnerships, 10  
associations, organizations, corporations, legal representatives, 11  
trustees, trustees in bankruptcy, receivers, and other organized 12  
groups of persons. "Person" also includes, but is not limited to, 13  
any owner, lessor, assignor, builder, manager, broker, 14  
salesperson, appraiser, agent, employee, lending institution, and 15  
the state and all political subdivisions, authorities, agencies, 16  
boards, and commissions of the state. 17

(2) "Employer" includes the state, any political subdivision 18  
of the state, any person employing four or more persons within the 19

state, and any person acting directly or indirectly in the 20  
interest of an employer. 21

(3) "Employee" means an individual employed by any employer 22  
but does not include any individual employed in the domestic 23  
service of any person. 24

(4) "Labor organization" includes any organization that 25  
exists, in whole or in part, for the purpose of collective 26  
bargaining or of dealing with employers concerning grievances, 27  
terms or conditions of employment, or other mutual aid or 28  
protection in relation to employment. 29

(5) "Employment agency" includes any person regularly 30  
undertaking, with or without compensation, to procure 31  
opportunities to work or to procure, recruit, refer, or place 32  
employees. 33

(6) "Commission" means the Ohio civil rights commission 34  
created by section 4112.03 of the Revised Code. 35

(7) "Discriminate" includes segregate or separate. 36

(8) "Unlawful discriminatory practice" means any act 37  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 38  
Revised Code. 39

(9) "Place of public accommodation" means any inn, 40  
restaurant, eating house, barbershop, public conveyance by air, 41  
land, or water, theater, store, other place for the sale of 42  
merchandise, or any other place of public accommodation or 43  
amusement of which the accommodations, advantages, facilities, or 44  
privileges are available to the public. 45

(10) "Housing accommodations" includes any building or 46  
structure, or portion of a building or structure, that is used or 47  
occupied or is intended, arranged, or designed to be used or 48  
occupied as the home residence, dwelling, dwelling unit, or 49

sleeping place of one or more individuals, groups, or families 50  
whether or not living independently of each other; and any vacant 51  
land offered for sale or lease. "Housing accommodations" also 52  
includes any housing accommodations held or offered for sale or 53  
rent by a real estate broker, salesperson, or agent, by any other 54  
person pursuant to authorization of the owner, by the owner, or by 55  
the owner's legal representative. 56

(11) "Restrictive covenant" means any specification limiting 57  
the transfer, rental, lease, or other use of any housing 58  
accommodations because of race, color, religion, sex, military 59  
status, familial status, national origin, disability, or ancestry, 60  
or any limitation based upon affiliation with or approval by any 61  
person, directly or indirectly, employing race, color, religion, 62  
sex, military status, familial status, national origin, 63  
disability, or ancestry as a condition of affiliation or approval. 64

(12) "Burial lot" means any lot for the burial of deceased 65  
persons within any public burial ground or cemetery, including, 66  
but not limited to, cemeteries owned and operated by municipal 67  
corporations, townships, or companies or associations incorporated 68  
for cemetery purposes. 69

(13) "Disability" means a physical or mental impairment that 70  
substantially limits one or more major life activities, including 71  
the functions of caring for one's self, performing manual tasks, 72  
walking, seeing, hearing, speaking, breathing, learning, and 73  
working; a record of a physical or mental impairment; or being 74  
regarded as having a physical or mental impairment. 75

(14) Except as otherwise provided in section 4112.021 of the 76  
Revised Code, "age" means at least forty years old. 77

(15) "Familial status" means either of the following: 78

(a) One or more individuals who are under eighteen years of 79  
age and who are domiciled with a parent or guardian having legal 80

custody of the individual or domiciled, with the written 81  
permission of the parent or guardian having legal custody, with a 82  
designee of the parent or guardian; 83

(b) Any person who is pregnant or in the process of securing 84  
legal custody of any individual who is under eighteen years of 85  
age. 86

(16)(a) Except as provided in division (A)(16)(b) of this 87  
section, "physical or mental impairment" includes any of the 88  
following: 89

(i) Any physiological disorder or condition, cosmetic 90  
disfigurement, or anatomical loss affecting one or more of the 91  
following body systems: neurological; musculoskeletal; special 92  
sense organs; respiratory, including speech organs; 93  
cardiovascular; reproductive; digestive; genito-urinary; hemic and 94  
lymphatic; skin; and endocrine; 95

(ii) Any mental or psychological disorder, including, but not 96  
limited to, mental retardation, organic brain syndrome, emotional 97  
or mental illness, and specific learning disabilities; 98

(iii) Diseases and conditions, including, but not limited to, 99  
orthopedic, visual, speech, and hearing impairments, cerebral 100  
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, 101  
cancer, heart disease, diabetes, human immunodeficiency virus 102  
infection, mental retardation, emotional illness, drug addiction, 103  
and alcoholism. 104

(b) "Physical or mental impairment" does not include any of 105  
the following: 106

(i) Homosexuality and bisexuality; 107

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, 108  
voyeurism, gender identity disorders not resulting from physical 109  
impairments, or other sexual behavior disorders; 110

(iii) Compulsive gambling, kleptomania, or pyromania;	111
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	112 113 114
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	115 116
(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	117 118 119 120 121 122
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	123 124 125
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	126 127
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	128 129
(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	130 131 132
(23) "Aggrieved person" includes both of the following:	133
(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;	134 135 136
(b) Any person who believes that the person will be injured by, any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.	137 138 139
<u>(24) "Unemployment status" means being unemployed and</u>	140

currently available for employment. 141

(B) For the purposes of divisions (A) to (F) of section 142  
4112.02 of the Revised Code, the terms "because of sex" and "on 143  
the basis of sex" include, but are not limited to, because of or 144  
on the basis of pregnancy, any illness arising out of and 145  
occurring during the course of a pregnancy, childbirth, or related 146  
medical conditions. Women affected by pregnancy, childbirth, or 147  
related medical conditions shall be treated the same for all 148  
employment-related purposes, including receipt of benefits under 149  
fringe benefit programs, as other persons not so affected but 150  
similar in their ability or inability to work, and nothing in 151  
division (B) of section 4111.17 of the Revised Code shall be 152  
interpreted to permit otherwise. This division shall not be 153  
construed to require an employer to pay for health insurance 154  
benefits for abortion, except where the life of the mother would 155  
be endangered if the fetus were carried to term or except where 156  
medical complications have arisen from the abortion, provided that 157  
nothing in this division precludes an employer from providing 158  
abortion benefits or otherwise affects bargaining agreements in 159  
regard to abortion. 160

**Sec. 4112.02.** It shall be an unlawful discriminatory 161  
practice: 162

(A) For any employer, because of the race, color, religion, 163  
sex, military status, national origin, disability, age, ~~or~~ 164  
ancestry, or unemployment status of any person, to discharge 165  
without just cause, to refuse to hire, or otherwise to 166  
discriminate against that person with respect to hire, tenure, 167  
terms, conditions, or privileges of employment, or any matter 168  
directly or indirectly related to employment. 169

(B) For an employment agency or personnel placement service, 170  
because of race, color, religion, sex, military status, national 171

origin, disability, age, <del>or</del> ancestry, <u>or unemployment status</u> , to	172
do any of the following:	173
(1) Refuse or fail to accept, register, classify properly, or	174
refer for employment, or otherwise discriminate against any	175
person;	176
(2) Comply with a request from an employer for referral of	177
applicants for employment if the request directly or indirectly	178
indicates that the employer fails to comply with the provisions of	179
sections 4112.01 to 4112.07 of the Revised Code.	180
(C) For any labor organization to do any of the following:	181
(1) Limit or classify its membership on the basis of race,	182
color, religion, sex, military status, national origin,	183
disability, age, <del>or</del> ancestry, <u>or unemployment status</u> ;	184
(2) Discriminate against, limit the employment opportunities	185
of, or otherwise adversely affect the employment status, wages,	186
hours, or employment conditions of any person as an employee	187
because of race, color, religion, sex, military status, national	188
origin, disability, age, <del>or</del> ancestry, <u>or unemployment status</u> .	189
(D) For any employer, labor organization, or joint	190
labor-management committee controlling apprentice training	191
programs to discriminate against any person because of race,	192
color, religion, sex, military status, national origin,	193
disability, <del>or</del> ancestry, <u>or unemployment status</u> in admission to,	194
or employment in, any program established to provide apprentice	195
training.	196
(E) Except where based on a bona fide occupational	197
qualification certified in advance by the commission, for any	198
employer, employment agency, personnel placement service, or labor	199
organization, prior to employment or admission to membership, to	200
do any of the following:	201

(1) Elicit or attempt to elicit any information concerning 202  
the race, color, religion, sex, military status, national origin, 203  
disability, age, or ancestry of an applicant for employment or 204  
membership; 205

(2) Make or keep a record of the race, color, religion, sex, 206  
military status, national origin, disability, age, or ancestry of 207  
any applicant for employment or membership; 208

(3) Use any form of application for employment, or personnel 209  
or membership blank, seeking to elicit information regarding race, 210  
color, religion, sex, military status, national origin, 211  
disability, age, or ancestry; but an employer holding a contract 212  
containing a nondiscrimination clause with the government of the 213  
United States, or any department or agency of that government, may 214  
require an employee or applicant for employment to furnish 215  
documentary proof of United States citizenship and may retain that 216  
proof in the employer's personnel records and may use photographic 217  
or fingerprint identification for security purposes; 218

(4) Print or publish or cause to be printed or published any 219  
notice or advertisement relating to employment or membership 220  
indicating any preference, limitation, specification, or 221  
discrimination, based upon race, color, religion, sex, military 222  
status, national origin, disability, age, or ancestry; 223

(5) Announce or follow a policy of denying or limiting, 224  
through a quota system or otherwise, employment or membership 225  
opportunities of any group because of the race, color, religion, 226  
sex, military status, national origin, disability, age, or 227  
ancestry of that group; 228

(6) Utilize in the recruitment or hiring of persons any 229  
employment agency, personnel placement service, training school or 230  
center, labor organization, or any other employee-referring source 231  
known to discriminate against persons because of their race, 232



color, religion, sex, military status, national origin, 233  
disability, age, or ancestry; 234

(7) Print or publish or cause to be printed or published any 235  
notice or advertisement that includes any provision stating or 236  
suggesting the following: 237

(a) That current employment is a job qualification; 238

(b) That an application from a job applicant who is currently 239  
unemployed will not be reviewed or that the applicant will not be 240  
considered for an interview or be hired; 241

(c) That only applications for employment from applicants who 242  
are currently employed will be considered or reviewed. 243

Division (E)(7) of this section does not prohibit granting a 244  
preference in employment decisions to current employees of the 245  
employer or requiring previous experience that is relevant to the 246  
employment. 247

(F) For any person seeking employment to publish or cause to 248  
be published any advertisement that specifies or in any manner 249  
indicates that person's race, color, religion, sex, military 250  
status, national origin, disability, age, or ancestry, or 251  
expresses a limitation or preference as to the race, color, 252  
religion, sex, military status, national origin, disability, age, 253  
or ancestry of any prospective employer. 254

(G) For any proprietor or any employee, keeper, or manager of 255  
a place of public accommodation to deny to any person, except for 256  
reasons applicable alike to all persons regardless of race, color, 257  
religion, sex, military status, national origin, disability, age, 258  
or ancestry, the full enjoyment of the accommodations, advantages, 259  
facilities, or privileges of the place of public accommodation. 260

(H) For any person to do any of the following: 261

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 262

or finance housing accommodations, refuse to negotiate for the 263  
sale or rental of housing accommodations, or otherwise deny or 264  
make unavailable housing accommodations because of race, color, 265  
religion, sex, military status, familial status, ancestry, 266  
disability, or national origin; 267

(2) Represent to any person that housing accommodations are 268  
not available for inspection, sale, or rental, when in fact they 269  
are available, because of race, color, religion, sex, military 270  
status, familial status, ancestry, disability, or national origin; 271

(3) Discriminate against any person in the making or 272  
purchasing of loans or the provision of other financial assistance 273  
for the acquisition, construction, rehabilitation, repair, or 274  
maintenance of housing accommodations, or any person in the making 275  
or purchasing of loans or the provision of other financial 276  
assistance that is secured by residential real estate, because of 277  
race, color, religion, sex, military status, familial status, 278  
ancestry, disability, or national origin or because of the racial 279  
composition of the neighborhood in which the housing 280  
accommodations are located, provided that the person, whether an 281  
individual, corporation, or association of any type, lends money 282  
as one of the principal aspects or incident to the person's 283  
principal business and not only as a part of the purchase price of 284  
an owner-occupied residence the person is selling nor merely 285  
casually or occasionally to a relative or friend; 286

(4) Discriminate against any person in the terms or 287  
conditions of selling, transferring, assigning, renting, leasing, 288  
or subleasing any housing accommodations or in furnishing 289  
facilities, services, or privileges in connection with the 290  
ownership, occupancy, or use of any housing accommodations, 291  
including the sale of fire, extended coverage, or homeowners 292  
insurance, because of race, color, religion, sex, military status, 293  
familial status, ancestry, disability, or national origin or 294

because of the racial composition of the neighborhood in which the 295  
housing accommodations are located; 296

(5) Discriminate against any person in the terms or 297  
conditions of any loan of money, whether or not secured by 298  
mortgage or otherwise, for the acquisition, construction, 299  
rehabilitation, repair, or maintenance of housing accommodations 300  
because of race, color, religion, sex, military status, familial 301  
status, ancestry, disability, or national origin or because of the 302  
racial composition of the neighborhood in which the housing 303  
accommodations are located; 304

(6) Refuse to consider without prejudice the combined income 305  
of both husband and wife for the purpose of extending mortgage 306  
credit to a married couple or either member of a married couple; 307

(7) Print, publish, or circulate any statement or 308  
advertisement, or make or cause to be made any statement or 309  
advertisement, relating to the sale, transfer, assignment, rental, 310  
lease, sublease, or acquisition of any housing accommodations, or 311  
relating to the loan of money, whether or not secured by mortgage 312  
or otherwise, for the acquisition, construction, rehabilitation, 313  
repair, or maintenance of housing accommodations, that indicates 314  
any preference, limitation, specification, or discrimination based 315  
upon race, color, religion, sex, military status, familial status, 316  
ancestry, disability, or national origin, or an intention to make 317  
any such preference, limitation, specification, or discrimination; 318

(8) Except as otherwise provided in division (H)(8) or (17) 319  
of this section, make any inquiry, elicit any information, make or 320  
keep any record, or use any form of application containing 321  
questions or entries concerning race, color, religion, sex, 322  
military status, familial status, ancestry, disability, or 323  
national origin in connection with the sale or lease of any 324  
housing accommodations or the loan of any money, whether or not 325  
secured by mortgage or otherwise, for the acquisition, 326

construction, rehabilitation, repair, or maintenance of housing accommodations. Any person may make inquiries, and make and keep records, concerning race, color, religion, sex, military status, familial status, ancestry, disability, or national origin for the purpose of monitoring compliance with this chapter.

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

(10) Induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, 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, 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, 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 358  
discriminate against any person in the terms or conditions of that 359  
access, membership, or participation, on account of race, color, 360  
religion, sex, military status, familial status, national origin, 361  
disability, or ancestry; 362

(12) Coerce, intimidate, threaten, or interfere with any 363  
person in the exercise or enjoyment of, or on account of that 364  
person's having exercised or enjoyed or having aided or encouraged 365  
any other person in the exercise or enjoyment of, any right 366  
granted or protected by division (H) of this section; 367

(13) Discourage or attempt to discourage the purchase by a 368  
prospective purchaser of housing accommodations, by representing 369  
that any block, neighborhood, or other area has undergone or might 370  
undergo a change with respect to its religious, racial, sexual, 371  
military status, familial status, or ethnic composition; 372

(14) Refuse to sell, transfer, assign, rent, lease, sublease, 373  
or finance, or otherwise deny or withhold, a burial lot from any 374  
person because of the race, color, sex, military status, familial 375  
status, age, ancestry, disability, or national origin of any 376  
prospective owner or user of the lot; 377

(15) Discriminate in the sale or rental of, or otherwise make 378  
unavailable or deny, housing accommodations to any buyer or renter 379  
because of a disability of any of the following: 380

(a) The buyer or renter; 381

(b) A person residing in or intending to reside in the 382  
housing accommodations after they are sold, rented, or made 383  
available; 384

(c) Any individual associated with the person described in 385  
division (H)(15)(b) of this section. 386

(16) Discriminate in the terms, conditions, or privileges of 387

the sale or rental of housing accommodations to any person or in	388
the provision of services or facilities to any person in	389
connection with the housing accommodations because of a disability	390
of any of the following:	391
(a) That person;	392
(b) A person residing in or intending to reside in the	393
housing accommodations after they are sold, rented, or made	394
available;	395
(c) Any individual associated with the person described in	396
division (H)(16)(b) of this section.	397
(17) Except as otherwise provided in division (H)(17) of this	398
section, make an inquiry to determine whether an applicant for the	399
sale or rental of housing accommodations, a person residing in or	400
intending to reside in the housing accommodations after they are	401
sold, rented, or made available, or any individual associated with	402
that person has a disability, or make an inquiry to determine the	403
nature or severity of a disability of the applicant or such a	404
person or individual. The following inquiries may be made of all	405
applicants for the sale or rental of housing accommodations,	406
regardless of whether they have disabilities:	407
(a) An inquiry into an applicant's ability to meet the	408
requirements of ownership or tenancy;	409
(b) An inquiry to determine whether an applicant is qualified	410
for housing accommodations available only to persons with	411
disabilities or persons with a particular type of disability;	412
(c) An inquiry to determine whether an applicant is qualified	413
for a priority available to persons with disabilities or persons	414
with a particular type of disability;	415
(d) An inquiry to determine whether an applicant currently	416
uses a controlled substance in violation of section 2925.11 of the	417

Revised Code or a substantively comparable municipal ordinance; 418

(e) An inquiry to determine whether an applicant at any time 419  
has been convicted of or pleaded guilty to any offense, an element 420  
of which is the illegal sale, offer to sell, cultivation, 421  
manufacture, other production, shipment, transportation, delivery, 422  
or other distribution of a controlled substance. 423

(18)(a) Refuse to permit, at the expense of a person with a 424  
disability, reasonable modifications of existing housing 425  
accommodations that are occupied or to be occupied by the person 426  
with a disability, if the modifications may be necessary to afford 427  
the person with a disability full enjoyment of the housing 428  
accommodations. This division does not preclude a landlord of 429  
housing accommodations that are rented or to be rented to a 430  
disabled tenant from conditioning permission for a proposed 431  
modification upon the disabled tenant's doing one or more of the 432  
following: 433

(i) Providing a reasonable description of the proposed 434  
modification and reasonable assurances that the proposed 435  
modification will be made in a workerlike manner and that any 436  
required building permits will be obtained prior to the 437  
commencement of the proposed modification; 438

(ii) Agreeing to restore at the end of the tenancy the 439  
interior of the housing accommodations to the condition they were 440  
in prior to the proposed modification, but subject to reasonable 441  
wear and tear during the period of occupancy, if it is reasonable 442  
for the landlord to condition permission for the proposed 443  
modification upon the agreement; 444

(iii) Paying into an interest-bearing escrow account that is 445  
in the landlord's name, over a reasonable period of time, a 446  
reasonable amount of money not to exceed the projected costs at 447  
the end of the tenancy of the restoration of the interior of the 448

housing accommodations to the condition they were in prior to the 449  
proposed modification, but subject to reasonable wear and tear 450  
during the period of occupancy, if the landlord finds the account 451  
reasonably necessary to ensure the availability of funds for the 452  
restoration work. The interest earned in connection with an escrow 453  
account described in this division shall accrue to the benefit of 454  
the disabled tenant who makes payments into the account. 455

(b) A landlord shall not condition permission for a proposed 456  
modification upon a disabled tenant's payment of a security 457  
deposit that exceeds the customarily required security deposit of 458  
all tenants of the particular housing accommodations. 459

(19) Refuse to make reasonable accommodations in rules, 460  
policies, practices, or services when necessary to afford a person 461  
with a disability equal opportunity to use and enjoy a dwelling 462  
unit, including associated public and common use areas; 463

(20) Fail to comply with the standards and rules adopted 464  
under division (A) of section 3781.111 of the Revised Code; 465

(21) Discriminate against any person in the selling, 466  
brokering, or appraising of real property because of race, color, 467  
religion, sex, military status, familial status, ancestry, 468  
disability, or national origin; 469

(22) Fail to design and construct covered multifamily 470  
dwellings for first occupancy on or after June 30, 1992, in 471  
accordance with the following conditions: 472

(a) The dwellings shall have at least one building entrance 473  
on an accessible route, unless it is impractical to do so because 474  
of the terrain or unusual characteristics of the site. 475

(b) With respect to dwellings that have a building entrance 476  
on an accessible route, all of the following apply: 477

(i) The public use areas and common use areas of the 478



dwelling shall be readily accessible to and usable by persons 479  
with a disability. 480

(ii) All the doors designed to allow passage into and within 481  
all premises shall be sufficiently wide to allow passage by 482  
persons with a disability who are in wheelchairs. 483

(iii) All premises within covered multifamily dwelling units 484  
shall contain an accessible route into and through the dwelling; 485  
all light switches, electrical outlets, thermostats, and other 486  
environmental controls within such units shall be in accessible 487  
locations; the bathroom walls within such units shall contain 488  
reinforcements to allow later installation of grab bars; and the 489  
kitchens and bathrooms within such units shall be designed and 490  
constructed in a manner that enables an individual in a wheelchair 491  
to maneuver about such rooms. 492

For purposes of division (H)(22) of this section, "covered 493  
multifamily dwellings" means buildings consisting of four or more 494  
units if such buildings have one or more elevators and ground 495  
floor units in other buildings consisting of four or more units. 496

(I) For any person to discriminate in any manner against any 497  
other person because that person has opposed any unlawful 498  
discriminatory practice defined in this section or because that 499  
person has made a charge, testified, assisted, or participated in 500  
any manner in any investigation, proceeding, or hearing under 501  
sections 4112.01 to 4112.07 of the Revised Code. 502

(J) For any person to aid, abet, incite, compel, or coerce 503  
the doing of any act declared by this section to be an unlawful 504  
discriminatory practice, to obstruct or prevent any person from 505  
complying with this chapter or any order issued under it, or to 506  
attempt directly or indirectly to commit any act declared by this 507  
section to be an unlawful discriminatory practice. 508

(K)(1) Nothing in division (H) of this section shall bar any 509

religious or denominational institution or organization, or any 510  
nonprofit charitable or educational organization that is operated, 511  
supervised, or controlled by or in connection with a religious 512  
organization, from limiting the sale, rental, or occupancy of 513  
housing accommodations that it owns or operates for other than a 514  
commercial purpose to persons of the same religion, or from giving 515  
preference in the sale, rental, or occupancy of such housing 516  
accommodations to persons of the same religion, unless membership 517  
in the religion is restricted on account of race, color, or 518  
national origin. 519

(2) Nothing in division (H) of this section shall bar any 520  
bona fide private or fraternal organization that, incidental to 521  
its primary purpose, owns or operates lodgings for other than a 522  
commercial purpose, from limiting the rental or occupancy of the 523  
lodgings to its members or from giving preference to its members. 524

(3) Nothing in division (H) of this section limits the 525  
applicability of any reasonable local, state, or federal 526  
restrictions regarding the maximum number of occupants permitted 527  
to occupy housing accommodations. Nothing in that division 528  
prohibits the owners or managers of housing accommodations from 529  
implementing reasonable occupancy standards based on the number 530  
and size of sleeping areas or bedrooms and the overall size of a 531  
dwelling unit, provided that the standards are not implemented to 532  
circumvent the purposes of this chapter and are formulated, 533  
implemented, and interpreted in a manner consistent with this 534  
chapter and any applicable local, state, or federal restrictions 535  
regarding the maximum number of occupants permitted to occupy 536  
housing accommodations. 537

(4) Nothing in division (H) of this section requires that 538  
housing accommodations be made available to an individual whose 539  
tenancy would constitute a direct threat to the health or safety 540  
of other individuals or whose tenancy would result in substantial 541

physical damage to the property of others. 542

(5) Nothing in division (H) of this section pertaining to 543  
discrimination on the basis of familial status shall be construed 544  
to apply to any of the following: 545

(a) Housing accommodations provided under any state or 546  
federal program that have been determined under the "Fair Housing 547  
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 548  
amended, to be specifically designed and operated to assist 549  
elderly persons; 550

(b) Housing accommodations intended for and solely occupied 551  
by persons who are sixty-two years of age or older; 552

(c) Housing accommodations intended and operated for 553  
occupancy by at least one person who is fifty-five years of age or 554  
older per unit, as determined under the "Fair Housing Amendments 555  
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 556

(L) Nothing in divisions (A) to (E) of this section shall be 557  
construed to require a person with a disability to be employed or 558  
trained under circumstances that would significantly increase the 559  
occupational hazards affecting either the person with a 560  
disability, other employees, the general public, or the facilities 561  
in which the work is to be performed, or to require the employment 562  
or training of a person with a disability in a job that requires 563  
the person with a disability routinely to undertake any task, the 564  
performance of which is substantially and inherently impaired by 565  
the person's disability. 566

(M) Nothing in divisions (H)(1) to (18) of this section shall 567  
be construed to require any person selling or renting property to 568  
modify the property in any way or to exercise a higher degree of 569  
care for a person with a disability, to relieve any person with a 570  
disability of any obligation generally imposed on all persons 571  
regardless of disability in a written lease, rental agreement, or 572

contract of purchase or sale, or to forbid distinctions based on 573  
the inability to fulfill the terms and conditions, including 574  
financial obligations, of the lease, agreement, or contract. 575

(N) An aggrieved individual may enforce the individual's 576  
rights relative to discrimination on the basis of age as provided 577  
for in this section by instituting a civil action, within one 578  
hundred eighty days after the alleged unlawful discriminatory 579  
practice occurred, in any court with jurisdiction for any legal or 580  
equitable relief that will effectuate the individual's rights. 581

A person who files a civil action under this division is 582  
barred, with respect to the practices complained of, from 583  
instituting a civil action under section 4112.14 of the Revised 584  
Code and from filing a charge with the commission under section 585  
4112.05 of the Revised Code. 586

(O) With regard to age, it shall not be an unlawful 587  
discriminatory practice and it shall not constitute a violation of 588  
division (A) of section 4112.14 of the Revised Code for any 589  
employer, employment agency, joint labor-management committee 590  
controlling apprenticeship training programs, or labor 591  
organization to do any of the following: 592

(1) Establish bona fide employment qualifications reasonably 593  
related to the particular business or occupation that may include 594  
standards for skill, aptitude, physical capability, intelligence, 595  
education, maturation, and experience; 596

(2) Observe the terms of a bona fide seniority system or any 597  
bona fide employee benefit plan, including, but not limited to, a 598  
retirement, pension, or insurance plan, that is not a subterfuge 599  
to evade the purposes of this section. However, no such employee 600  
benefit plan shall excuse the failure to hire any individual, and 601  
no such seniority system or employee benefit plan shall require or 602  
permit the involuntary retirement of any individual, because of 603

the individual's age except as provided for in the "Age 604  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 605  
29 U.S.C.A. 623, as amended by the "Age Discrimination in 606  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 607  
623, as amended. 608

(3) Retire an employee who has attained sixty-five years of 609  
age who, for the two-year period immediately before retirement, is 610  
employed in a bona fide executive or a high policymaking position, 611  
if the employee is entitled to an immediate nonforfeitable annual 612  
retirement benefit from a pension, profit-sharing, savings, or 613  
deferred compensation plan, or any combination of those plans, of 614  
the employer of the employee, which equals, in the aggregate, at 615  
least forty-four thousand dollars, in accordance with the 616  
conditions of the "Age Discrimination in Employment Act Amendment 617  
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 618  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 619  
3342, 29 U.S.C.A. 631, as amended; 620

(4) Observe the terms of any bona fide apprenticeship program 621  
if the program is registered with the Ohio apprenticeship council 622  
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 623  
approved by the federal committee on apprenticeship of the United 624  
States department of labor. 625

(P) Nothing in this chapter prohibiting age discrimination 626  
and nothing in division (A) of section 4112.14 of the Revised Code 627  
shall be construed to prohibit the following: 628

(1) The designation of uniform age the attainment of which is 629  
necessary for public employees to receive pension or other 630  
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 631  
or 5505. of the Revised Code; 632

(2) The mandatory retirement of uniformed patrol officers of 633  
the state highway patrol as provided in section 5505.16 of the 634

Revised Code; 635

(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code; 636  
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(4) The maximum age requirements established for original appointment to a police department or fire department in sections 124.41 and 124.42 of the Revised Code; 639  
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(5) Any maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter; 642  
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(6) Any mandatory retirement provision not in conflict with federal law of a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters; 646  
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(7) Until January 1, 1994, the mandatory retirement of any employee who has attained seventy years of age and who is serving under a contract of unlimited tenure, or similar arrangement providing for unlimited tenure, at an institution of higher education as defined in the "Education Amendments of 1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 650  
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(Q)(1)(a) Except as provided in division (Q)(1)(b) of this section, for purposes of divisions (A) to (E) of this section, a disability does not include any physiological disorder or condition, mental or psychological disorder, or disease or condition caused by an illegal use of any controlled substance by an employee, applicant, or other person, if an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee acts on the basis of that illegal use. 656  
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(b) Division (Q)(1)(a) of this section does not apply to an 665

employee, applicant, or other person who satisfies any of the 666  
following: 667

(i) The employee, applicant, or other person has successfully 668  
completed a supervised drug rehabilitation program and no longer 669  
is engaging in the illegal use of any controlled substance, or the 670  
employee, applicant, or other person otherwise successfully has 671  
been rehabilitated and no longer is engaging in that illegal use. 672

(ii) The employee, applicant, or other person is 673  
participating in a supervised drug rehabilitation program and no 674  
longer is engaging in the illegal use of any controlled substance. 675

(iii) The employee, applicant, or other person is erroneously 676  
regarded as engaging in the illegal use of any controlled 677  
substance, but the employee, applicant, or other person is not 678  
engaging in that illegal use. 679

(2) Divisions (A) to (E) of this section do not prohibit an 680  
employer, employment agency, personnel placement service, labor 681  
organization, or joint labor-management committee from doing any 682  
of the following: 683

(a) Adopting or administering reasonable policies or 684  
procedures, including, but not limited to, testing for the illegal 685  
use of any controlled substance, that are designed to ensure that 686  
an individual described in division (Q)(1)(b)(i) or (ii) of this 687  
section no longer is engaging in the illegal use of any controlled 688  
substance; 689

(b) Prohibiting the illegal use of controlled substances and 690  
the use of alcohol at the workplace by all employees; 691

(c) Requiring that employees not be under the influence of 692  
alcohol or not be engaged in the illegal use of any controlled 693  
substance at the workplace; 694

(d) Requiring that employees behave in conformance with the 695

requirements established under "The Drug-Free Workplace Act of 696  
1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 697

(e) Holding an employee who engages in the illegal use of any 698  
controlled substance or who is an alcoholic to the same 699  
qualification standards for employment or job performance, and the 700  
same behavior, to which the employer, employment agency, personnel 701  
placement service, labor organization, or joint labor-management 702  
committee holds other employees, even if any unsatisfactory 703  
performance or behavior is related to an employee's illegal use of 704  
a controlled substance or alcoholism; 705

(f) Exercising other authority recognized in the "Americans 706  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 707  
as amended, including, but not limited to, requiring employees to 708  
comply with any applicable federal standards. 709

(3) For purposes of this chapter, a test to determine the 710  
illegal use of any controlled substance does not include a medical 711  
examination. 712

(4) Division (Q) of this section does not encourage, 713  
prohibit, or authorize, and shall not be construed as encouraging, 714  
prohibiting, or authorizing, the conduct of testing for the 715  
illegal use of any controlled substance by employees, applicants, 716  
or other persons, or the making of employment decisions based on 717  
the results of that type of testing. 718

**Sec. 4112.99. (A)** Whoever violates this chapter is subject to 719  
a civil action for damages, injunctive relief, or any other 720  
appropriate relief. 721

(B) In addition to any damages and relief which may be 722  
available in division (A) of this section, a court shall impose a 723  
fine on whoever violates division (A), (B), (C), or (D) of section 724  
4112.02 of the Revised Code because of or on the basis of 725



unemployment status or violates division (E)(7) of section 4112.02 726  
of the Revised Code. The amount of the fine shall be five thousand 727  
dollars for the first violation of one of these divisions and ten 728  
thousand dollars for each subsequent violation. 729

**Section 2.** That existing sections 4112.01, 4112.02, and 730  
4112.99 of the Revised Code are hereby repealed. 731