

As Introduced

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H. B. No. 82

Representatives Hayes, Blair

**Cosponsors: Representatives Wachtmann, Derickson, Becker, Terhar,
Boose, Thompson, Scherer, Buchy, Conditt**

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A B I L L

To amend section 4112.01 of the Revised Code to 1
exempt religious corporations, associations, 2
educational institutions, or societies from the 3
definition of "employer" for the purpose of Ohio's 4
Civil Rights law. 5

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

Section 1. That section 4112.01 of the Revised Code be 6
amended to read as follows: 7

Sec. 4112.01. (A) As used in this chapter: 8

(1) "Person" includes one or more individuals, partnerships, 9
associations, organizations, corporations, legal representatives, 10
trustees, trustees in bankruptcy, receivers, and other organized 11
groups of persons. "Person" also includes, but is not limited to, 12
any owner, lessor, assignor, builder, manager, broker, 13
salesperson, appraiser, agent, employee, lending institution, and 14
the state and all political subdivisions, authorities, agencies, 15
boards, and commissions of the state. 16

(2) "Employer" includes the state, any political subdivision 17
of the state, any person employing four or more persons within the 18

state, and any person acting directly or indirectly in the 19
interest of an employer, but shall not include a religious 20
corporation, association, educational institution, or society with 21
respect to the employment of individuals of a particular religion 22
to perform work connected with the carrying on by such 23
corporation, association, educational institution, or society. 24

(3) "Employee" means an individual employed by any employer 25
but does not include any individual employed in the domestic 26
service of any person. 27

(4) "Labor organization" includes any organization that 28
exists, in whole or in part, for the purpose of collective 29
bargaining or of dealing with employers concerning grievances, 30
terms or conditions of employment, or other mutual aid or 31
protection in relation to employment. 32

(5) "Employment agency" includes any person regularly 33
undertaking, with or without compensation, to procure 34
opportunities to work or to procure, recruit, refer, or place 35
employees. 36

(6) "Commission" means the Ohio civil rights commission 37
created by section 4112.03 of the Revised Code. 38

(7) "Discriminate" includes segregate or separate. 39

(8) "Unlawful discriminatory practice" means any act 40
prohibited by section 4112.02, 4112.021, or 4112.022 of the 41
Revised Code. 42

(9) "Place of public accommodation" means any inn, 43
restaurant, eating house, barbershop, public conveyance by air, 44
land, or water, theater, store, other place for the sale of 45
merchandise, or any other place of public accommodation or 46
amusement of which the accommodations, advantages, facilities, or 47
privileges are available to the public. 48

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

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

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

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

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

(15) "Familial status" means either of the following:	81
(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;	82 83 84 85 86
(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.	87 88 89
(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:	90 91 92
(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;	93 94 95 96 97 98
(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;	99 100 101
(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.	102 103 104 105 106 107
(b) "Physical or mental impairment" does not include any of the following:	108 109
(i) Homosexuality and bisexuality;	110

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	111
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(iii) Compulsive gambling, kleptomania, or pyromania;	114
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	115
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(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	118
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(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.	120
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(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.	126
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(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	129
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(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	131
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(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	133
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(23) "Aggrieved person" includes both of the following:	136
(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;	137
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(b) Any person who believes that the person will be injured	140

by, any unlawful discriminatory practice described in division (H) 141
of section 4112.02 of the Revised Code that is about to occur. 142

(B) For the purposes of divisions (A) to (F) of section 143
4112.02 of the Revised Code, the terms "because of sex" and "on 144
the basis of sex" include, but are not limited to, because of or 145
on the basis of pregnancy, any illness arising out of and 146
occurring during the course of a pregnancy, childbirth, or related 147
medical conditions. Women affected by pregnancy, childbirth, or 148
related medical conditions shall be treated the same for all 149
employment-related purposes, including receipt of benefits under 150
fringe benefit programs, as other persons not so affected but 151
similar in their ability or inability to work, and nothing in 152
division (B) of section 4111.17 of the Revised Code shall be 153
interpreted to permit otherwise. This division shall not be 154
construed to require an employer to pay for health insurance 155
benefits for abortion, except where the life of the mother would 156
be endangered if the fetus were carried to term or except where 157
medical complications have arisen from the abortion, provided that 158
nothing in this division precludes an employer from providing 159
abortion benefits or otherwise affects bargaining agreements in 160
regard to abortion. 161

Section 2. That existing section 4112.01 of the Revised Code 162
is hereby repealed. 163