

I_132_1257

132nd General Assembly
Regular Session
2017-2018

. B. No.

A BILL

To amend sections 955.011, 955.99, 4112.01, 1
4112.04, 4112.05, and 4112.99, to enact section 2
4112.025, and to repeal section 955.43 of the 3
Revised Code to prohibit places of public 4
accommodation from preventing the use of a 5
service animal. 6

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

Section 1. That sections 955.011, 955.99, 4112.01, 7
4112.04, 4112.05, and 4112.99 be amended and section 4112.025 of 8
the Revised Code be enacted to read as follows: 9

Sec. 955.011. (A) When an application is made for 10
registration of an assistance dog and the owner can show proof 11
by certificate or other means that the dog is an assistance dog, 12
the owner of the dog shall be exempt from any fee for the 13
registration. Registration for an assistance dog shall be 14
permanent and not subject to annual renewal so long as the dog 15
is an assistance dog. Certificates and tags stamped "Ohio 16
Assistance Dog-Permanent Registration," with registration 17
number, shall be issued upon registration of such a dog. Any 18



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certificate and tag stamped "Ohio Guide Dog-Permanent 19
Registration" or "Ohio Hearing Dog-Permanent Registration," with 20
registration number, that was issued for a dog in accordance 21
with this section as it existed prior to July 4, 1984, any 22
certificate and tag stamped "Ohio Handicapped Assistance Dog- 23
Permanent Registration," with registration number, that was 24
issued for a dog in accordance with this section as it existed 25
on and after July 5, 1984, but prior to November 26, 2004, and 26
any certificate and tag stamped "Ohio Service Dog-Permanent 27
Registration," with registration number, that was issued for a 28
dog in accordance with this section as it existed on and after 29
November 26, 2004, but prior to June 30, 2006, shall remain in 30
effect as valid proof of the registration of the dog on and 31
after November 26, 2004. Duplicate certificates and tags for a 32
dog registered in accordance with this section, upon proper 33
proof of loss, shall be issued and no fee required. Each 34
duplicate certificate and tag that is issued shall be stamped 35
"Ohio Assistance Dog-Permanent Registration." 36

(B) As used in this section and in ~~sections~~ section 955.16 37
~~and 955.43~~ of the Revised Code: 38

(1) "Mobility impaired person" means any person, 39
regardless of age, who is subject to a physiological defect or 40
deficiency regardless of its cause, nature, or extent that 41
renders the person unable to move about without the aid of 42
crutches, a wheelchair, or any other form of support, or that 43
limits the person's functional ability to ambulate, climb, 44
descend, sit, rise, or perform any related function. "Mobility 45
impaired person" includes a person with a neurological or 46
psychological disability that limits the person's functional 47
ability to ambulate, climb, descend, sit, rise, or perform any 48
related function. "Mobility impaired person" also includes a 49

person with a seizure disorder and a person who is diagnosed 50
with autism. 51

(2) "Blind" means either of the following: 52

(a) Vision twenty/two hundred or less in the better eye 53
with proper correction; 54

(b) Field defect in the better eye with proper correction 55
that contracts the peripheral field so that the diameter of the 56
visual field subtends an angle no greater than twenty degrees. 57

(3) "Assistance dog" means a guide dog, hearing dog, or 58
service dog that has been trained by a nonprofit special agency. 59

(4) "Guide dog" means a dog that has been trained or is in 60
training to assist a blind person. 61

(5) "Hearing dog" means a dog that has been trained or is 62
in training to assist a deaf or hearing-impaired person. 63

(6) "Service dog" means a dog that has been trained or is 64
in training to assist a mobility impaired person. 65

Sec. 955.99. (A) (1) Whoever violates division (E) of 66
section 955.11 of the Revised Code because of a failure to 67
comply with division (B) of that section is guilty of a minor 68
misdemeanor. 69

(2) Whoever violates division (E) of section 955.11 of the 70
Revised Code because of a failure to comply with division (C) or 71
(D) of that section is guilty of a minor misdemeanor on a first 72
offense and of a misdemeanor of the fourth degree on each 73
subsequent offense. 74

(B) Whoever violates section 955.10, 955.23, 955.24, or 75
955.25 of the Revised Code is guilty of a minor misdemeanor. 76

(C) Whoever violates section 955.261, 955.39, or 955.50 of the Revised Code is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(D) Whoever violates division (F) of section 955.16 ~~or~~ ~~division (B) of section 955.43~~ of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E) (1) Whoever violates section 955.21 of the Revised Code, violates division (B) of section 955.22 of the Revised Code, or commits a violation of division (C) of section 955.22 of the Revised Code that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(2) In addition to the penalties prescribed in division (E) (1) of this section, if the offender is guilty of a violation of division (B) of section 955.22 of the Revised Code or a violation of division (C) of section 955.22 of the Revised Code that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(F) (1) Whoever commits a violation of division (C) of section 955.22 of the Revised Code that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or

pleading guilty to a third violation of division (C) of section 107
955.22 of the Revised Code involving the same dog, the court 108
shall require the offender to register the involved dog as a 109
dangerous dog. 110

(2) In addition to the penalties prescribed in division 111
(F) (1) of this section, if a violation of division (C) of 112
section 955.22 of the Revised Code involves a nuisance dog, the 113
court may order the offender to personally supervise the 114
nuisance dog that the offender owns, keeps, or harbors, to cause 115
that dog to complete dog obedience training, or to do both. 116

(G) Whoever commits a violation of division (C) of section 117
955.22 of the Revised Code that involves a dangerous dog or a 118
violation of division (D) of that section is guilty of a 119
misdemeanor of the fourth degree on a first offense and of a 120
misdemeanor of the third degree on each subsequent offense. 121
Additionally, the court may order the offender to personally 122
supervise the dangerous dog that the offender owns, keeps, or 123
harbors, to cause that dog to complete dog obedience training, 124
or to do both, and the court may order the offender to obtain 125
liability insurance pursuant to division (E) of section 955.22 126
of the Revised Code. The court, in the alternative, may order 127
the dangerous dog to be humanely destroyed by a licensed 128
veterinarian, the county dog warden, or the county humane 129
society at the owner's expense. With respect to a violation of 130
division (C) of section 955.22 of the Revised Code that involves 131
a dangerous dog, until the court makes a final determination and 132
during the pendency of any appeal of a violation of that 133
division and at the discretion of the dog warden, the dog shall 134
be confined or restrained in accordance with division (D) of 135
section 955.22 of the Revised Code or at the county dog pound at 136
the owner's expense. 137

(H) (1) Whoever commits a violation of division (C) of 138
section 955.22 of the Revised Code that involves a vicious dog 139
is guilty of one of the following: 140

(a) A felony of the fourth degree if the dog kills a 141
person. Additionally, the court shall order that the vicious dog 142
be humanely destroyed by a licensed veterinarian, the county dog 143
warden, or the county humane society at the owner's expense. 144

(b) A misdemeanor of the first degree if the dog causes 145
serious injury to a person. Additionally, the court may order 146
the vicious dog to be humanely destroyed by a licensed 147
veterinarian, the county dog warden, or the county humane 148
society at the owner's expense. 149

(2) If the court does not order the vicious dog to be 150
destroyed under division (H) (1) (b) of this section, the court 151
shall issue an order that specifies that division (D) of section 152
955.11 and divisions (D) to (I) of section 955.22 of the Revised 153
Code apply with respect to the dog and the owner, keeper, or 154
harborer of the dog as if the dog were a dangerous dog and that 155
section 955.54 of the Revised Code applies with respect to the 156
dog as if it were a dangerous dog. As part of the order, the 157
court shall order the offender to obtain the liability insurance 158
required under division (E) (1) of section 955.22 of the Revised 159
Code in an amount, exclusive of interest and costs, that equals 160
or exceeds one hundred thousand dollars. Until the court makes a 161
final determination and during the pendency of any appeal of a 162
violation of division (C) of section 955.22 of the Revised Code 163
and at the discretion of the dog warden, the dog shall be 164
confined or restrained in accordance with the provisions 165
described in division (D) of section 955.22 of the Revised Code 166
or at the county dog pound at the owner's expense. 167

(I) Whoever violates division (A) (2) of section 955.01 of the Revised Code is guilty of a misdemeanor of the first degree. 168
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(J) Whoever violates division (E) (2) of section 955.22 of the Revised Code is guilty of a misdemeanor of the fourth degree. 170
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(K) Whoever violates division (C) of section 955.221 of the Revised Code is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violations of that division shall be distributed by the mayor or clerk of the municipal or county court in accordance with section 733.40, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code to the treasury of the county, township, or municipal corporation whose resolution or ordinance was violated. 173
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(L) Whoever violates division (F) (1), (2), or (3) of section 955.22 of the Revised Code is guilty of a felony of the fourth degree. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (F) (1), (2), or (3) of section 955.22 of the Revised Code and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (D) of section 955.22 of the Revised Code or at the county dog pound at the owner's expense. 182
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(M) Whoever violates division (E) (1), (3), or (4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor. 194
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(N) Whoever violates division (I) (4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor. 197
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(O) Whoever violates division (A) or (B) of section 955.54 of the Revised Code is guilty of a misdemeanor of the first degree. 199
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(P) (1) If a dog is confined at the county dog pound pursuant to division (G), (H), or (L) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of one hundred dollars is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for sixty days, expected to be incurred by the county dog pound in caring for the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog. 202
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(2) If the person ordered to post security under division (P) (1) of this section does not do so within ten days of the confinement of the animal, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise. 217
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(3) Not more than ten days after the court makes a final determination under division (G), (H), or (L) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (P) (1) of 222
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this section is less than the actual cost of confinement of the 227
dog, the owner shall remit the difference between the security 228
provided and the actual cost to the county dog warden within 229
thirty days after the court's determination. If the county dog 230
warden finds that the security provided under division (P) (1) of 231
this section is greater than that actual cost, the county dog 232
warden shall remit the difference between the security provided 233
and the actual cost to the owner within thirty days after the 234
court's determination. 235

(Q) As used in this section, "nuisance dog," "dangerous 236
dog," and "vicious dog" have the same meanings as in section 237
955.11 of the Revised Code. 238

Sec. 4112.01. (A) As used in this chapter: 239

(1) "Person" includes one or more individuals, 240
partnerships, associations, organizations, corporations, legal 241
representatives, trustees, trustees in bankruptcy, receivers, 242
and other organized groups of persons. "Person" also includes, 243
but is not limited to, any owner, lessor, assignor, builder, 244
manager, broker, salesperson, appraiser, agent, employee, 245
lending institution, and the state and all political 246
subdivisions, authorities, agencies, boards, and commissions of 247
the state. 248

(2) "Employer" includes the state, any political 249
subdivision of the state, any person employing four or more 250
persons within the state, and any person acting directly or 251
indirectly in the interest of an employer. 252

(3) "Employee" means an individual employed by any 253
employer but does not include any individual employed in the 254
domestic service of any person. 255

- (4) "Labor organization" includes any organization that 256
exists, in whole or in part, for the purpose of collective 257
bargaining or of dealing with employers concerning grievances, 258
terms or conditions of employment, or other mutual aid or 259
protection in relation to employment. 260
- (5) "Employment agency" includes any person regularly 261
undertaking, with or without compensation, to procure 262
opportunities to work or to procure, recruit, refer, or place 263
employees. 264
- (6) "Commission" means the Ohio civil rights commission 265
created by section 4112.03 of the Revised Code. 266
- (7) "Discriminate" includes segregate or separate. 267
- (8) "Unlawful discriminatory practice" means any act 268
prohibited by section 4112.02, 4112.021, ~~or~~ 4112.022, or 269
4112.025 of the Revised Code. 270
- (9) "Place of public accommodation" means any inn, 271
restaurant, eating house, barbershop, public conveyance by air, 272
land, or water, theater, store, other place for the sale of 273
merchandise, or any other place of public accommodation or 274
amusement of which the accommodations, advantages, facilities, 275
or privileges are available to the public. 276
- (10) "Housing accommodations" includes any building or 277
structure, or portion of a building or structure, that is used 278
or occupied or is intended, arranged, or designed to be used or 279
occupied as the home residence, dwelling, dwelling unit, or 280
sleeping place of one or more individuals, groups, or families 281
whether or not living independently of each other; and any 282
vacant land offered for sale or lease. "Housing accommodations" 283
also includes any housing accommodations held or offered for 284

sale or rent by a real estate broker, salesperson, or agent, by 285
any other person pursuant to authorization of the owner, by the 286
owner, or by the owner's legal representative. 287

(11) "Restrictive covenant" means any specification 288
limiting the transfer, rental, lease, or other use of any 289
housing accommodations because of race, color, religion, sex, 290
military status, familial status, national origin, disability, 291
or ancestry, or any limitation based upon affiliation with or 292
approval by any person, directly or indirectly, employing race, 293
color, religion, sex, military status, familial status, national 294
origin, disability, or ancestry as a condition of affiliation or 295
approval. 296

(12) "Burial lot" means any lot for the burial of deceased 297
persons within any public burial ground or cemetery, including, 298
but not limited to, cemeteries owned and operated by municipal 299
corporations, townships, or companies or associations 300
incorporated for cemetery purposes. 301

(13) "Disability" means a physical or mental impairment 302
that substantially limits one or more major life activities, 303
including the functions of caring for one's self, performing 304
manual tasks, walking, seeing, hearing, speaking, breathing, 305
learning, and working; a record of a physical or mental 306
impairment; or being regarded as having a physical or mental 307
impairment. 308

(14) Except as otherwise provided in section 4112.021 of 309
the Revised Code, "age" means at least forty years old. 310

(15) "Familial status" means either of the following: 311

(a) One or more individuals who are under eighteen years 312
of age and who are domiciled with a parent or guardian having 313

legal custody of the individual or domiciled, with the written 314
permission of the parent or guardian having legal custody, with 315
a designee of the parent or guardian; 316

(b) Any person who is pregnant or in the process of 317
securing legal custody of any individual who is under eighteen 318
years of age. 319

(16) (a) Except as provided in division (A) (16) (b) of this 320
section, "physical or mental impairment" includes any of the 321
following: 322

(i) Any physiological disorder or condition, cosmetic 323
disfigurement, or anatomical loss affecting one or more of the 324
following body systems: neurological; musculoskeletal; special 325
sense organs; respiratory, including speech organs; 326
cardiovascular; reproductive; digestive; genito-urinary; hemic 327
and lymphatic; skin; and endocrine; 328

(ii) Any mental or psychological disorder, including, but 329
not limited to, intellectual disability, organic brain syndrome, 330
emotional or mental illness, and specific learning disabilities; 331

(iii) Diseases and conditions, including, but not limited 332
to, orthopedic, visual, speech, and hearing impairments, 333
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 334
sclerosis, cancer, heart disease, diabetes, human 335
immunodeficiency virus infection, intellectual disability, 336
emotional illness, drug addiction, and alcoholism. 337

(b) "Physical or mental impairment" does not include any 338
of the following: 339

(i) Homosexuality and bisexuality; 340

(ii) Transvestism, transsexualism, pedophilia, 341

exhibitionism, voyeurism, gender identity disorders not	342
resulting from physical impairments, or other sexual behavior	343
disorders;	344
(iii) Compulsive gambling, kleptomania, or pyromania;	345
(iv) Psychoactive substance use disorders resulting from	346
the current illegal use of a controlled substance or the current	347
use of alcoholic beverages.	348
(17) "Dwelling unit" means a single unit of residence for	349
a family of one or more persons.	350
(18) "Common use areas" means rooms, spaces, or elements	351
inside or outside a building that are made available for the use	352
of residents of the building or their guests, and includes, but	353
is not limited to, hallways, lounges, lobbies, laundry rooms,	354
refuse rooms, mail rooms, recreational areas, and passageways	355
among and between buildings.	356
(19) "Public use areas" means interior or exterior rooms	357
or spaces of a privately or publicly owned building that are	358
made available to the general public.	359
(20) "Controlled substance" has the same meaning as in	360
section 3719.01 of the Revised Code.	361
(21) "Disabled tenant" means a tenant or prospective	362
tenant who is a person with a disability.	363
(22) "Military status" means a person's status in "service	364
in the uniformed services" as defined in section 5923.05 of the	365
Revised Code.	366
(23) "Aggrieved person" includes both of the following:	367
(a) Any person who claims to have been injured by any	368

unlawful discriminatory practice described in division (H) of 369
section 4112.02 of the Revised Code; 370

(b) Any person who believes that the person will be 371
injured by, any unlawful discriminatory practice described in 372
division (H) of section 4112.02 of the Revised Code that is 373
about to occur. 374

(24) "Service animal" means any dog that is individually 375
trained for the benefit of an individual with a disability to do 376
work or perform tasks that are directly related to the 377
individual's disability. "Service animal" does not include any 378
species of animal other than a dog, whether wild or domestic, 379
trained or untrained. 380

(B) For the purposes of divisions (A) to (F) of section 381
4112.02 of the Revised Code, the terms "because of sex" and "on 382
the basis of sex" include, but are not limited to, because of or 383
on the basis of pregnancy, any illness arising out of and 384
occurring during the course of a pregnancy, childbirth, or 385
related medical conditions. Women affected by pregnancy, 386
childbirth, or related medical conditions shall be treated the 387
same for all employment-related purposes, including receipt of 388
benefits under fringe benefit programs, as other persons not so 389
affected but similar in their ability or inability to work, and 390
nothing in division (B) of section 4111.17 of the Revised Code 391
shall be interpreted to permit otherwise. This division shall 392
not be construed to require an employer to pay for health 393
insurance benefits for abortion, except where the life of the 394
mother would be endangered if the fetus were carried to term or 395
except where medical complications have arisen from the 396
abortion, provided that nothing in this division precludes an 397
employer from providing abortion benefits or otherwise affects 398

bargaining agreements in regard to abortion. 399

Sec. 4112.025. (A) Except as provided in division (B) of 400
this section, no place of public accommodation shall prohibit 401
the use of a service animal by an individual with a disability. 402

(B) A place of public accommodation may ask an individual 403
with a disability to remove a service animal from the premises 404
if either of the following applies: 405

(1) The animal is out of control and the individual or the 406
animal's handler does not take effective action to control it; 407
or 408

(2) The animal is not housebroken. 409

(C) If a place of public accommodation properly excludes a 410
service animal under division (B) of this section, the place of 411
public accommodation shall give the individual with a disability 412
the opportunity to participate in the services, programs, or 413
activities offered by the place of public accommodation without 414
having the service animal on the premises. 415

(D) An individual with a disability or a handler shall 416
keep a service animal under control. The individual or handler 417
shall use a harness, leash, or other tether for the service 418
animal, unless either of the following apply: 419

(1) The individual or handler is unable to use a harness, 420
leash, or other tether because of the individual's disability; 421
or 422

(2) The use of a harness, leash, or other tether would 423
interfere with the service animal's safe, effective performance 424
of work or tasks. 425

If either division (D) (1) or (2) of this section apply, 426

the individual or handler shall otherwise keep the service 427
animal under control. A place of public accommodation is not 428
responsible for the care or supervision of a service animal. 429

(E) No place of public accommodation shall ask about the 430
nature or extent of a person's disability, but may ask both of 431
the following questions to determine if an animal qualifies as a 432
service animal: 433

(1) Is the animal required because of a disability? 434

(2) What work or task has the animal been trained to 435
perform? 436

No place of public accommodation shall require 437
documentation, such as proof that the animal has been certified, 438
trained, or licensed as a service animal. No place of public 439
accommodation shall ask the questions set forth in divisions (E) 440
(1) and (2) of this section when it is readily apparent that an 441
animal is trained to do work or perform tasks for an individual 442
with a disability. 443

(F) A service animal may accompany an individual with a 444
disability in all areas of a place of public accommodation's 445
facilities where members of the public, participants in 446
services, programs or activities, or invitees, as relevant, are 447
allowed to go. 448

(G) No place of public accommodation shall ask or require 449
an individual with a disability to pay a surcharge, even if 450
people accompanied by pets are required to pay fees, or to 451
comply with other requirements generally not applicable to 452
people without pets. If a place of public accommodation normally 453
charges individuals for the damage they cause, the place of 454
public accommodation may charge an individual with a disability 455

for damage caused by the individual's service animal. 456

(H) An individual with a disability who has a service animal is entitled to keep the service animal on the premises purchased, leased, rented, assigned, or subleased by the individual. The individual is not required to pay any extra charge for the service animal, but is liable for damage done by the service animal to the premises. 457
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(I) No person shall falsely claim that an animal is a service animal in order for the animal to gain access to a place of public accommodation. 463
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(J) (1) A place of public accommodation shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been trained to do work or perform tasks for the benefit of the individual with a disability. 466
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(2) In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a place of public accommodation shall consider all of the following: 472
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(a) The type, size, and weight of the miniature horse and whether the facility can accommodate these features; 476
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(b) Whether the handler has sufficient control of the miniature horse; 478
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(c) Whether the miniature horse is housebroken; and 480

(d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. 481
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(K) Divisions (A) through (H) of this section apply to 484
miniature horses that have been trained to do work or perform 485
tasks for the benefit of an individual with a disability. 486

Sec. 4112.04. (A) The commission shall do all of the 487
following: 488

(1) Establish and maintain a principal office in the city 489
of Columbus and any other offices within the state that it 490
considers necessary; 491

(2) Appoint an executive director who shall serve at the 492
pleasure of the commission and be its principal administrative 493
officer. The executive director shall be paid a salary fixed 494
pursuant to Chapter 124. of the Revised Code. 495

(3) Appoint hearing examiners and other employees and 496
agents who it considers necessary and prescribe their duties 497
subject to Chapter 124. of the Revised Code; 498

(4) Adopt, promulgate, amend, and rescind rules to 499
effectuate the provisions of this chapter and the policies and 500
practice of the commission in connection with this chapter. 501
However, the commission shall not adopt or enforce rules 502
governing the use of a service animal or other assistance animal 503
at a place of public accommodation. The commission may enforce 504
the requirements of section 4112.025 of the Revised Code in 505
accordance with this chapter. 506

(5) Formulate policies to effectuate the purposes of this 507
chapter and make recommendations to agencies and officers of the 508
state or political subdivisions to effectuate the policies; 509

(6) Receive, investigate, and pass upon written charges 510
made under oath of unlawful discriminatory practices; 511

(7) Make periodic surveys of the existence and effect of 512
discrimination because of race, color, religion, sex, military 513
status, familial status, national origin, disability, age, or 514
ancestry on the enjoyment of civil rights by persons within the 515
state; 516

(8) Report, from time to time, but not less than once a 517
year, to the general assembly and the governor, describing in 518
detail the investigations, proceedings, and hearings it has 519
conducted and their outcome, the decisions it has rendered, and 520
the other work performed by it, which report shall include a 521
copy of any surveys prepared pursuant to division (A) (7) of this 522
section and shall include the recommendations of the commission 523
as to legislative or other remedial action; 524

(9) Prepare a comprehensive educational program, in 525
cooperation with the department of education, for the students 526
of the public schools of this state and for all other residents 527
of this state that is designed to eliminate prejudice on the 528
basis of race, color, religion, sex, military status, familial 529
status, national origin, disability, age, or ancestry in this 530
state, to further good will among those groups, and to emphasize 531
the origin of prejudice against those groups, its harmful 532
effects, and its incompatibility with American principles of 533
equality and fair play; 534

(10) Receive progress reports from agencies, 535
instrumentalities, institutions, boards, commissions, and other 536
entities of this state or any of its political subdivisions and 537
their agencies, instrumentalities, institutions, boards, 538
commissions, and other entities regarding affirmative action 539
programs for the employment of persons against whom 540
discrimination is prohibited by this chapter, or regarding any 541

affirmative housing accommodations programs developed to 542
eliminate or reduce an imbalance of race, color, religion, sex, 543
military status, familial status, national origin, disability, 544
or ancestry. All agencies, instrumentalities, institutions, 545
boards, commissions, and other entities of this state or its 546
political subdivisions, and all political subdivisions, that 547
have undertaken affirmative action programs pursuant to a 548
conciliation agreement with the commission, an executive order 549
of the governor, any federal statute or rule, or an executive 550
order of the president of the United States shall file progress 551
reports with the commission annually on or before the first day 552
of November. The commission shall analyze and evaluate the 553
progress reports and report its findings annually to the general 554
assembly on or before the thirtieth day of January of the year 555
immediately following the receipt of the reports. 556

(B) The commission may do any of the following: 557

(1) Meet and function at any place within the state; 558

(2) Initiate and undertake on its own motion 559
investigations of problems of employment or housing 560
accommodations discrimination; 561

(3) Hold hearings, subpoena witnesses, compel their 562
attendance, administer oaths, take the testimony of any person 563
under oath, require the production for examination of any books 564
and papers relating to any matter under investigation or in 565
question before the commission, and make rules as to the 566
issuance of subpoenas by individual commissioners. 567

(a) In conducting a hearing or investigation, the 568
commission shall have access at all reasonable times to 569
premises, records, documents, individuals, and other evidence or 570

possible sources of evidence and may examine, record, and copy 571
the premises, records, documents, and other evidence or possible 572
sources of evidence and take and record the testimony or 573
statements of the individuals as reasonably necessary for the 574
furtherance of the hearing or investigation. In investigations, 575
the commission shall comply with the fourth amendment to the 576
United States Constitution relating to unreasonable searches and 577
seizures. The commission or a member of the commission may issue 578
subpoenas to compel access to or the production of premises, 579
records, documents, and other evidence or possible sources of 580
evidence or the appearance of individuals, and may issue 581
interrogatories to a respondent, to the same extent and subject 582
to the same limitations as would apply if the subpoenas or 583
interrogatories were issued or served in aid of a civil action 584
in a court of common pleas. 585

(b) Upon written application by a party to a hearing under 586
division (B) of section 4112.05 of the Revised Code, the 587
commission shall issue subpoenas in its name to the same extent 588
and subject to the same limitations as subpoenas issued by the 589
commission. Subpoenas issued at the request of a party shall 590
show on their face the name and address of the party and shall 591
state that they were issued at the party's request. 592

(c) Witnesses summoned by subpoena of the commission are 593
entitled to the witness and mileage fees provided for under 594
section 119.094 of the Revised Code. 595

(d) Within five days after service of a subpoena upon any 596
person, the person may petition the commission to revoke or 597
modify the subpoena. The commission shall grant the petition if 598
it finds that the subpoena requires an appearance or attendance 599
at an unreasonable time or place, that it requires production of 600

evidence that does not relate to any matter before the 601
commission, that it does not describe with sufficient 602
particularity the evidence to be produced, that compliance would 603
be unduly onerous, or for other good reason. 604

(e) In case of contumacy or refusal to obey a subpoena, 605
the commission or person at whose request it was issued may 606
petition for its enforcement in the court of common pleas in the 607
county in which the person to whom the subpoena was addressed 608
resides, was served, or transacts business. 609

(4) Create local or statewide advisory agencies and 610
conciliation councils to aid in effectuating the purposes of 611
this chapter. The commission may itself, or it may empower these 612
agencies and councils to, do either or both of the following: 613

(a) Study the problems of discrimination in all or 614
specific fields of human relationships when based on race, 615
color, religion, sex, military status, familial status, national 616
origin, disability, age, or ancestry; 617

(b) Foster through community effort, or otherwise, good 618
will among the groups and elements of the population of the 619
state. 620

The agencies and councils may make recommendations to the 621
commission for the development of policies and procedures in 622
general. They shall be composed of representative citizens who 623
shall serve without pay, except that reimbursement for actual 624
and necessary traveling expenses shall be made to citizens who 625
serve on a statewide agency or council. 626

(5) Issue any publications and the results of 627
investigations and research that in its judgment will tend to 628
promote good will and minimize or eliminate discrimination 629

because of race, color, religion, sex, military status, familial 630
status, national origin, disability, age, or ancestry. 631

Sec. 4112.05. (A) (1) The commission, as provided in this 632
section, shall prevent any person from engaging in unlawful 633
discriminatory practices. 634

(2) The commission may at any time attempt to resolve 635
allegations of unlawful discriminatory practices by the use of 636
alternative dispute resolution, provided that, before 637
instituting the formal hearing authorized by division (B) of 638
this section, it shall attempt, by informal methods of 639
conference, conciliation, and persuasion, to induce compliance 640
with this chapter. 641

(B) (1) Any person may file a charge with the commission 642
alleging that another person has engaged or is engaging in an 643
unlawful discriminatory practice. In the case of a charge 644
alleging an unlawful discriminatory practice described in 645
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 646
section 4112.02 or in section 4112.021 ~~or~~ 4112.022, or 647
4112.025 of the Revised Code, the charge shall be in writing and 648
under oath and shall be filed with the commission within six 649
months after the alleged unlawful discriminatory practice was 650
committed. In the case of a charge alleging an unlawful 651
discriminatory practice described in division (H) of section 652
4112.02 of the Revised Code, the charge shall be in writing and 653
under oath and shall be filed with the commission within one 654
year after the alleged unlawful discriminatory practice was 655
committed. 656

(a) An oath under this chapter may be made in any form of 657
affirmation the person deems binding on the person's conscience. 658
Acceptable forms include, but are not limited to, declarations 659

made under penalty of perjury. 660

(b) Any charge timely received, via facsimile, postal 661
mail, electronic mail, or otherwise, may be signed under oath 662
after the limitations period for filing set forth under division 663
(B) (1) of this section and will relate back to the original 664
filing date. 665

(2) Upon receiving a charge, the commission may initiate a 666
preliminary investigation to determine whether it is probable 667
that an unlawful discriminatory practice has been or is being 668
engaged in. The commission also may conduct, upon its own 669
initiative and independent of the filing of any charges, a 670
preliminary investigation relating to any of the unlawful 671
discriminatory practices described in division (A), (B), (C), 672
(D), (E), (F), (I), or (J) of section 4112.02 or in section 673
4112.021~~or~~, 4112.022, or 4112.025 of the Revised Code. Prior 674
to a notification of a complainant under division (B) (4) of this 675
section or prior to the commencement of informal methods of 676
conference, conciliation, and persuasion, or alternative dispute 677
resolution, under that division, the members of the commission 678
and the officers and employees of the commission shall not make 679
public in any manner and shall retain as confidential all 680
information that was obtained as a result of or that otherwise 681
pertains to a preliminary investigation other than one described 682
in division (B) (3) of this section. 683

(3) (a) Unless it is impracticable to do so and subject to 684
its authority under division (B) (3) (d) of this section, the 685
commission shall complete a preliminary investigation of a 686
charge filed pursuant to division (B) (1) of this section that 687
alleges an unlawful discriminatory practice described in 688
division (H) of section 4112.02 of the Revised Code, and shall 689

take one of the following actions, within one hundred days after 690
the filing of the charge: 691

(i) Notify the complainant and the respondent that it is 692
not probable that an unlawful discriminatory practice described 693
in division (H) of section 4112.02 of the Revised Code has been 694
or is being engaged in and that the commission will not issue a 695
complaint in the matter; 696

(ii) Initiate a complaint and schedule it for informal 697
methods of conference, conciliation, and persuasion, or 698
alternative dispute resolution; 699

(iii) Initiate a complaint and refer it to the attorney 700
general with a recommendation to seek a temporary or permanent 701
injunction or a temporary restraining order. If this action is 702
taken, the attorney general shall apply, as expeditiously as 703
possible after receipt of the complaint, to the court of common 704
pleas of the county in which the unlawful discriminatory 705
practice allegedly occurred for the appropriate injunction or 706
order, and the court shall hear and determine the application as 707
expeditiously as possible. 708

(b) If it is not practicable to comply with the 709
requirements of division (B) (3) (a) of this section within the 710
one-hundred-day period described in that division, the 711
commission shall notify the complainant and the respondent in 712
writing of the reasons for the noncompliance. 713

(c) Prior to the issuance of a complaint under division 714
(B) (3) (a) (ii) or (iii) of this section or prior to a 715
notification of the complainant and the respondent under 716
division (B) (3) (a) (i) of this section, the members of the 717
commission and the officers and employees of the commission 718

shall not make public in any manner and shall retain as 719
confidential all information that was obtained as a result of or 720
that otherwise pertains to a preliminary investigation of a 721
charge filed pursuant to division (B) (1) of this section that 722
alleges an unlawful discriminatory practice described in 723
division (H) of section 4112.02 of the Revised Code. 724

(d) Notwithstanding the types of action described in 725
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 726
issuance of a complaint or the referral of a complaint to the 727
attorney general and prior to endeavoring to eliminate an 728
unlawful discriminatory practice described in division (H) of 729
section 4112.02 of the Revised Code by informal methods of 730
conference, conciliation, and persuasion, or by alternative 731
dispute resolution, the commission may seek a temporary or 732
permanent injunction or a temporary restraining order in the 733
court of common pleas of the county in which the unlawful 734
discriminatory practice allegedly occurred. 735

(4) If the commission determines after a preliminary 736
investigation other than one described in division (B) (3) of 737
this section that it is not probable that an unlawful 738
discriminatory practice has been or is being engaged in, it 739
shall notify any complainant under division (B) (1) of this 740
section that it has so determined and that it will not issue a 741
complaint in the matter. If the commission determines after a 742
preliminary investigation other than the one described in 743
division (B) (3) of this section that it is probable that an 744
unlawful discriminatory practice has been or is being engaged 745
in, it shall endeavor to eliminate the practice by informal 746
methods of conference, conciliation, and persuasion, or by 747
alternative dispute resolution. 748

(5) Nothing said or done during informal methods of 749
conference, conciliation, and persuasion, or during alternative 750
dispute resolution, under this section shall be disclosed by any 751
member of the commission or its staff or be used as evidence in 752
any subsequent hearing or other proceeding. If, after a 753
preliminary investigation and the use of informal methods of 754
conference, conciliation, and persuasion, or alternative dispute 755
resolution, under this section, the commission is satisfied that 756
any unlawful discriminatory practice will be eliminated, it may 757
treat the charge involved as being conciliated and enter that 758
disposition on the records of the commission. If the commission 759
fails to effect the elimination of an unlawful discriminatory 760
practice by informal methods of conference, conciliation, and 761
persuasion, or by alternative dispute resolution under this 762
section and to obtain voluntary compliance with this chapter, 763
the commission shall issue and cause to be served upon any 764
person, including the respondent against whom a complainant has 765
filed a charge pursuant to division (B)(1) of this section, a 766
complaint stating the charges involved and containing a notice 767
of an opportunity for a hearing before the commission, a member 768
of the commission, or a hearing examiner at a place that is 769
stated in the notice and that is located within the county in 770
which the alleged unlawful discriminatory practice has occurred 771
or is occurring or in which the respondent resides or transacts 772
business. The hearing shall be held not less than thirty days 773
after the service of the complaint upon the complainant, the 774
aggrieved persons other than the complainant on whose behalf the 775
complaint is issued, and the respondent, unless the complainant, 776
an aggrieved person, or the respondent elects to proceed under 777
division (A)(2) of section 4112.051 of the Revised Code when 778
that division is applicable. If a complaint pertains to an 779
alleged unlawful discriminatory practice described in division 780

(H) of section 4112.02 of the Revised Code, the complaint shall 781
notify the complainant, an aggrieved person, and the respondent 782
of the right of the complainant, an aggrieved person, or the 783
respondent to elect to proceed with the administrative hearing 784
process under this section or to proceed under division (A) (2) 785
of section 4112.051 of the Revised Code. 786

(6) The attorney general shall represent the commission at 787
any hearing held pursuant to division (B) (5) of this section and 788
shall present the evidence in support of the complaint. 789

(7) Any complaint issued pursuant to division (B) (5) of 790
this section after the filing of a charge under division (B) (1) 791
of this section shall be so issued within one year after the 792
complainant filed the charge with respect to an alleged unlawful 793
discriminatory practice. 794

(C) (1) Any complaint issued pursuant to division (B) of 795
this section may be amended by the commission, a member of the 796
commission, or the hearing examiner conducting a hearing under 797
division (B) of this section. 798

(a) Except as provided in division (C) (1) (b) of this 799
section, a complaint issued pursuant to division (B) of this 800
section may be amended at any time prior to or during the 801
hearing. 802

(b) If a complaint issued pursuant to division (B) of this 803
section alleges an unlawful discriminatory practice described in 804
division (H) of section 4112.02 of the Revised Code, the 805
complaint may be amended at any time up to seven days prior to 806
the hearing and not thereafter. 807

(2) The respondent has the right to file an answer or an 808
amended answer to the original and amended complaints and to 809

appear at the hearing in person, by attorney, or otherwise to 810
examine and cross-examine witnesses. 811

(D) The complainant shall be a party to a hearing under 812
division (B) of this section, and any person who is an 813
indispensable party to a complete determination or settlement of 814
a question involved in the hearing shall be joined. Any 815
aggrieved person who has or claims an interest in the subject of 816
the hearing and in obtaining or preventing relief against the 817
unlawful discriminatory practices complained of shall be 818
permitted to appear only for the presentation of oral or written 819
arguments, to present evidence, perform direct and cross- 820
examination, and be represented by counsel. The commission shall 821
adopt rules, in accordance with Chapter 119. of the Revised Code 822
governing the authority granted under this division. 823

(E) In any hearing under division (B) of this section, the 824
commission, a member of the commission, or the hearing examiner 825
shall not be bound by the Rules of Evidence but, in ascertaining 826
the practices followed by the respondent, shall take into 827
account all reliable, probative, and substantial statistical or 828
other evidence produced at the hearing that may tend to prove 829
the existence of a predetermined pattern of employment or 830
membership, provided that nothing contained in this section 831
shall be construed to authorize or require any person to observe 832
the proportion that persons of any race, color, religion, sex, 833
military status, familial status, national origin, disability, 834
age, or ancestry bear to the total population or in accordance 835
with any criterion other than the individual qualifications of 836
the applicant. 837

(F) The testimony taken at a hearing under division (B) of 838
this section shall be under oath and shall be reduced to writing 839

and filed with the commission. Thereafter, in its discretion, 840
the commission, upon the service of a notice upon the 841
complainant and the respondent that indicates an opportunity to 842
be present, may take further testimony or hear argument. 843

(G) (1) (a) If, upon all reliable, probative, and 844
substantial evidence presented at a hearing under division (B) 845
of this section, the commission determines that the respondent 846
has engaged in, or is engaging in, any unlawful discriminatory 847
practice, whether against the complainant or others, the 848
commission shall state its findings of fact and conclusions of 849
law and shall issue and, subject to the provisions of Chapter 850
119. of the Revised Code, cause to be served on the respondent 851
an order requiring the respondent to do all of the following: 852

~~(1)~~(i) Cease and desist from the unlawful discriminatory 853
practice; 854

(ii) Take any further affirmative or other action that 855
will effectuate the purposes of this chapter, including, but not 856
limited to, hiring, reinstatement, or upgrading of employees 857
with or without back pay, or admission or restoration to union 858
membership; 859

(iii) Report to the commission the manner of compliance. 860

If the commission directs payment of back pay, it shall 861
make allowance for interim earnings. 862

(b) If the commission finds a violation of division (H) of 863
section 4112.02 of the Revised Code, in addition to the action 864
described in division (G) (1) (a) of this section, the commission 865
additionally may require the respondent to undergo 866
~~recommendation~~remediation in the form of a class, seminar, or 867
any other type of remediation approved by the commission, may 868

require the ~~responded~~-respondent to pay actual damages and 869
reasonable attorney's fees, and may, to vindicate the public 870
interest, assess a civil penalty against the respondent as 871
follows: 872

(i) If division (G) (1) (b) (ii) or (iii) of this section 873
does not apply, a civil penalty in an amount not to exceed ten 874
thousand dollars; 875

(ii) If division (G) (1) (b) (iii) of this section does not 876
apply and if the respondent has been determined by a final order 877
of the commission or by a final judgment of a court to have 878
committed one violation of division (H) of section 4112.02 of 879
the Revised Code during the five-year period immediately 880
preceding the date on which a complaint was issued pursuant to 881
division (B) of this section, a civil penalty in an amount not 882
to exceed twenty-five thousand dollars; 883

(iii) If the respondent has been determined by a final 884
order of the commission or by a final judgment of a court to 885
have committed two or more violations of division (H) of section 886
4112.02 of the Revised Code during the seven-year period 887
immediately preceding the date on which a complaint was issued 888
pursuant to division (B) of this section, a civil penalty 889
damages in an amount not to exceed fifty thousand dollars. 890

(2) Upon the submission of reports of compliance, the 891
commission may issue a declaratory order stating that the 892
respondent has ceased to engage in particular unlawful 893
discriminatory practices. 894

(H) If the commission finds that no probable cause exists 895
for crediting charges of unlawful discriminatory practices or 896
if, upon all the evidence presented at a hearing under division 897

(B) of this section on a charge, the commission finds that a respondent has not engaged in any unlawful discriminatory practice against the complainant or others, it shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent. A copy of the order shall be delivered in all cases to the attorney general and any other public officers whom the commission considers proper.

If, upon all the evidence presented at a hearing under division (B) of this section on a charge, the commission finds that a respondent has not engaged in any unlawful discriminatory practice against the complainant or others, it may award to the respondent reasonable attorney's fees to the extent provided in 5 U.S.C. 504 and accompanying regulations.

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

Sec. 4112.99. ~~Whoever~~ (A) Except as provided in division (B) or (C) of this section, whoever violates this chapter is subject to a civil action for damages, injunctive relief, or any other appropriate relief.

(B) Whoever violates division (A) of section 4112.025 of the Revised Code is guilty of a second degree misdemeanor. The offense established under this division is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for

which there is no specified degree of culpability, is not a 928
strict liability offense. 929

(C) Whoever negligently violates division (I) of section 930
4112.025 of the Revised Code is guilty of a second degree 931
misdemeanor. 932

Section 2. That existing sections 955.011, 955.99, 4112.01 933
, 4112.04, 4112.05, and 4112.99 and section 955.43 of the 934
Revised Code are hereby repealed. 935

Section 3. It is the intent of the General Assembly, by 936
amending sections 4112.01 and 4112.04 of the Revised Code and 937
enacting section 4112.025 of the Revised Code under this act, to 938
supersede the rules adopted by the Ohio Civil Rights Commission 939
governing "animal assistants" in Chapter 4112-5 of the Ohio 940
Administrative Code. 941

Section 4. Section 4112.04 of the Revised Code is 942
presented in this act as a composite of the section as amended 943
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 944
Sub. H.B. 1 of the 128th General Assembly. The General Assembly, 945
applying the principle stated in division (B) of section 1.52 of 946
the Revised Code that amendments are to be harmonized if 947
reasonably capable of simultaneous operation, finds that the 948
composite is the resulting version of the section in effect 949
prior to the effective date of the section as presented in this 950
act. 951