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Bill Analysis
Legislative Service Commission

Am. H.B. 264

123rd General Assembly

(As Reported by H. State Government)

Reps. Salerno, Sutton, Allen, Barrett, Bender, Boyd, Britton, Clancy, Evans, Flannery, Ford, Goodman, Hartnett, James, Jones, Lucas, Metelsky, Mottley, Myers, Olman, Opfer, Pringle, Sullivan, Sulzer, Sykes, Taylor, Terwilleger, Willamowski, Williams, Young, Barnes, Austria

BILL SUMMARY

- Substitutes "disability" for "handicap" in the Ohio Civil Rights Commission Law and certain other related laws.

CONTENT AND OPERATION

Background

The Ohio Civil Rights Commission (OCRC) Law specifies certain unlawful discriminatory practices (UDP's) by employers; employment agencies or personnel placement services; labor organizations or joint labor-management committees; persons seeking employment; proprietors or employees, keepers, or managers of a place of public accommodation; any person; creditors or credit reporting agencies; or educational institutions. The UDP's involve conduct that discriminates on the basis of race, color, religion, sex, familiar status, national origin, *handicap*, age, or ancestry of a person. (Secs. 4112.02, 4112.021, and 4112.022.)

Handicap

The OCRC Law currently defines "handicap" to mean (1) 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, (2) a record of a physical or mental impairment, or (3) being regarded as having a physical or mental impairment (sec. 4112.01(A)(13)). Current law further lists specific diseases, disorders, or conditions that either are, or are not, considered to be a "physical or mental impairment" that may constitute a "handicap" (sec. 4112.01(A)(16)).

The bill changes "handicap" to "disability" in the definition described in the immediately preceding paragraph, but does *not change the substance* (1) of that definition, (2) of the specific diseases, disorders, or conditions that either are, or are not, considered to be a "physical or mental impairment" that may constitute a handicap, or (3) of any associated unlawful discriminatory practice (sec. 4112.01(A)(13)). This change applies to (1) provisions of the OCRC Law that forbid discrimination on the basis of "handicap" in employment, housing, public accommodations, the provision of credit or other services, and certain other contexts and (2) related Revised Code sections that now use "handicap" as defined in the OCRC Law or that now use this term without explicitly defining it. These related sections generally prohibit public agencies, private entities, or individuals from discriminating against persons because they are handicapped or require these agencies, entities, or individuals to take some specific action for the benefit of persons who are handicapped. (Secs. 124.93(B), 125.111(A), 153.59, 175.05(D)(1), 175.06(L), 176.04(B)(3), 176.06(D), 306.43(H)(9), 717.01(AA), 1501.012(C)(9), 2927.03(A)(3), 3781.111, 4112.01(A)(11) and (21), 4112.02, 4112.021, 4112.022, 4112.04, 4112.05(E), 4112.08, 4117.19(B)(5), 4735.16(C), 4735.55(A)(2), 4757.07, 5119.61(G), and 5123.351(E).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
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