



Phil Mullin

Bill Analysis
Legislative Service Commission

H.B. 147

125th General Assembly
(As Introduced)

**Reps. Miller, Allen, Ujvagi, Barrett, Sykes, Beatty, Skindell, Redfern,
D. Stewart**

BILL SUMMARY

- Prohibits under many of the Ohio Civil Rights Commission Law's existing prohibitions discrimination on the basis of sexual orientation--heterosexuality, homosexuality, bisexuality, asexuality, or transgenderism.
- Provides that the Ohio Civil Rights Commission must exercise certain of its existing powers and duties also with respect to discrimination on the basis of sexual orientation.

CONTENT AND OPERATION

Current law

The Ohio Civil Rights Commission (OCRC) Law currently prohibits various unlawful discriminatory practices (R.C. 4112.01(A)(8)--not in the bill) by (1) employers, employment agencies, personnel placement services, labor organizations, and joint labor-management committees in employment or membership situations, (2) proprietors, employees, keepers, and managers of places of public accommodation in making the full enjoyment of these places available to the public, (3) any person in the sale or rental of housing accommodations or the extension of financial assistance for the purchase of those accommodations, (4) any creditor in the extension of credit for other types of purchases, (5) credit reporting agencies in maintaining information, and (6) educational institutions in connection with their treatment of individuals with a disability (R.C. 4112.02 and 4112.021; R.C. 4112.022--not in the bill). These unlawful discriminatory practices include, but are not limited to, discrimination on the basis of the race, color, religion, age, sex, familial status, marital status, national origin, ancestry, or disability (hereafter, "covered characteristic") of an employee; an applicant for employment, for membership, for the purchase, lease,

or financing of housing accommodations, or for credit; or a person seeking access to a place of public accommodation (R.C. 4112.02(A) to (H) and 4112.021).¹

Changes proposed by the bill

The bill adds *sexual orientation* to the "covered characteristics" that can be the basis for unlawful discriminatory practices under the prohibitions of the existing OCRC Law (R.C. 4112.01(A)(11), 4112.02(A) to (H), and 4112.021). The bill defines "sexual orientation" as heterosexuality, homosexuality, bisexuality, asexuality, or transgenderism, whether real or perceived (R.C. 4112.01(A)(22)).

The bill also adds sexual orientation to provisions of existing law that require the Ohio Civil Rights Commission to do all of the following (R.C. 4112.04(A)(7), (9), and (10)):

- Make periodic surveys of the existence of and the effect on the enjoyment of civil rights of discrimination on the basis of most of the covered characteristics.
- Prepare a comprehensive educational program, in cooperation with the state Department of Education, for Ohio public school students and all other Ohio residents that is designed to eliminate prejudice on the basis of most of the covered characteristics.
- Receive progress reports from state agencies and political subdivisions regarding (1) affirmative action programs for the employment of persons against whom discrimination is prohibited by the OCRC Law or (2) any affirmative housing accommodations programs developed to eliminate or reduce an imbalance of a covered characteristic.

Sexual orientation also is added to current law's provisions that authorize the Commission, or local or statewide advisory agencies or conciliation councils the Commission creates, to study the problems of discrimination on the basis of most of the covered characteristics in all or specific fields of human relationships and to issue any publications and the results of investigations and research that in its judgment will tend to promote good will and minimize or eliminate

¹ *It should be noted that not every covered characteristic listed in this sentence is necessarily listed in a prohibition in the OCRC Law. For example, "familial status" is listed consistently in R.C. 4112.02, but not in R.C. 4112.021 (creditors and credit reporting agencies) where "marital status" is listed.*

discrimination on the basis of most of the covered characteristics (R.C. 4112.04(B)(4)(a) and (5)).

Nothing in the OCRC Law's provisions that govern Commission hearings on alleged unlawful discriminatory practices authorizes or requires any person to observe the proportion that persons of any sexual orientation bear to the total population or in accordance with any criterion other than the individual qualifications of an applicant for employment or membership. And, nothing in the OCRC Law can be considered as repealing any Ohio laws relating to discrimination because of sexual orientation. Similar provisions exist in current law relative to discrimination on the basis of most of the covered characteristics. (R.C. 4112.05(E) and 4112.08.)

HISTORY

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