

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 404

Representatives Daniels, Lorenz

A BILL

To amend section 5739.01 of the Revised Code to
authorize a sales tax credit for the trade-in
value of portable electronics or home appliances
for another similar item.

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

Section 1. That section 5739.01 of the Revised Code be
amended to read as follows:

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees,
trustees in bankruptcy, estates, firms, partnerships,
associations, joint-stock companies, joint ventures, clubs,
societies, corporations, the state and its political
subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following
transactions for a consideration in any manner, whether
absolutely or conditionally, whether for a price or rental, in
money or by exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or
both, of tangible personal property, is or is to be transferred,

or a license to use or consume tangible personal property is or 19
is to be granted; 20

(2) All transactions by which lodging by a hotel is or is 21
to be furnished to transient guests; 22

(3) All transactions by which: 23

(a) An item of tangible personal property is or is to be 24
repaired, except property, the purchase of which would not be 25
subject to the tax imposed by section 5739.02 of the Revised 26
Code; 27

(b) An item of tangible personal property is or is to be 28
installed, except property, the purchase of which would not be 29
subject to the tax imposed by section 5739.02 of the Revised 30
Code or property that is or is to be incorporated into and will 31
become a part of a production, transmission, transportation, or 32
distribution system for the delivery of a public utility 33
service; 34

(c) The service of washing, cleaning, waxing, polishing, 35
or painting a motor vehicle is or is to be furnished; 36

(d) Laundry and dry cleaning services are or are to be 37
provided; 38

(e) Automatic data processing, computer services, or 39
electronic information services are or are to be provided for 40
use in business when the true object of the transaction is the 41
receipt by the consumer of automatic data processing, computer 42
services, or electronic information services rather than the 43
receipt of personal or professional services to which automatic 44
data processing, computer services, or electronic information 45
services are incidental or supplemental. Notwithstanding any 46
other provision of this chapter, such transactions that occur 47

between members of an affiliated group are not sales. An 48
"affiliated group" means two or more persons related in such a 49
way that one person owns or controls the business operation of 50
another member of the group. In the case of corporations with 51
stock, one corporation owns or controls another if it owns more 52
than fifty per cent of the other corporation's common stock with 53
voting rights. 54

(f) Telecommunications service, including prepaid calling 55
service, prepaid wireless calling service, or ancillary service, 56
is or is to be provided, but not including coin-operated 57
telephone service; 58

(g) Landscaping and lawn care service is or is to be 59
provided; 60

(h) Private investigation and security service is or is to 61
be provided; 62

(i) Information services or tangible personal property is 63
provided or ordered by means of a nine hundred telephone call; 64

(j) Building maintenance and janitorial service is or is 65
to be provided; 66

(k) Exterminating service is or is to be provided; 67

(l) Physical fitness facility service is or is to be 68
provided; 69

(m) Recreation and sports club service is or is to be 70
provided; 71

(n) Satellite broadcasting service is or is to be 72
provided; 73

(o) Personal care service is or is to be provided to an 74

individual. As used in this division, "personal care service" 75
includes skin care, the application of cosmetics, manicuring, 76
pedicuring, hair removal, tattooing, body piercing, tanning, 77
massage, and other similar services. "Personal care service" 78
does not include a service provided by or on the order of a 79
licensed physician, certified nurse-midwife, clinical nurse 80
specialist, certified nurse practitioner, or chiropractor, or 81
the cutting, coloring, or styling of an individual's hair. 82

(p) The transportation of persons by motor vehicle or 83
aircraft is or is to be provided, when the transportation is 84
entirely within this state, except for transportation provided 85
by an ambulance service, by a transit bus, as defined in section 86
5735.01 of the Revised Code, and transportation provided by a 87
citizen of the United States holding a certificate of public 88
convenience and necessity issued under 49 U.S.C. 41102; 89

(q) Motor vehicle towing service is or is to be provided. 90
As used in this division, "motor vehicle towing service" means 91
the towing or conveyance of a wrecked, disabled, or illegally 92
parked motor vehicle. 93

(r) Snow removal service is or is to be provided. As used 94
in this division, "snow removal service" means the removal of 95
snow by any mechanized means, but does not include the providing 96
of such service by a person that has less than five thousand 97
dollars in sales of such service during the calendar year. 98

(s) Electronic publishing service is or is to be provided 99
to a consumer for use in business, except that such transactions 100
occurring between members of an affiliated group, as defined in 101
division (B) (3) (e) of this section, are not sales. 102

(4) All transactions by which printed, imprinted, 103

overprinted, lithographic, multilithic, blueprinted, 104
photostatic, or other productions or reproductions of written or 105
graphic matter are or are to be furnished or transferred; 106

(5) The production or fabrication of tangible personal 107
property for a consideration for consumers who furnish either 108
directly or indirectly the materials used in the production of 109
fabrication work; and include the furnishing, preparing, or 110
serving for a consideration of any tangible personal property 111
consumed on the premises of the person furnishing, preparing, or 112
serving such tangible personal property. Except as provided in 113
section 5739.03 of the Revised Code, a construction contract 114
pursuant to which tangible personal property is or is to be 115
incorporated into a structure or improvement on and becoming a 116
part of real property is not a sale of such tangible personal 117
property. The construction contractor is the consumer of such 118
tangible personal property, provided that the sale and 119
installation of carpeting, the sale and installation of 120
agricultural land tile, the sale and erection or installation of 121
portable grain bins, or the provision of landscaping and lawn 122
care service and the transfer of property as part of such 123
service is never a construction contract. 124

As used in division (B) (5) of this section: 125

(a) "Agricultural land tile" means fired clay or concrete 126
tile, or flexible or rigid perforated plastic pipe or tubing, 127
incorporated or to be incorporated into a subsurface drainage 128
system appurtenant to land used or to be used primarily in 129
production by farming, agriculture, horticulture, or 130
floriculture. The term does not include such materials when they 131
are or are to be incorporated into a drainage system appurtenant 132
to a building or structure even if the building or structure is 133

used or to be used in such production. 134

(b) "Portable grain bin" means a structure that is used or 135
to be used by a person engaged in farming or agriculture to 136
shelter the person's grain and that is designed to be 137
disassembled without significant damage to its component parts. 138

(6) All transactions in which all of the shares of stock 139
of a closely held corporation are transferred, or an ownership 140
interest in a pass-through entity, as defined in section 5733.04 141
of the Revised Code, is transferred, if the corporation or pass- 142
through entity is not engaging in business and its entire assets 143
consist of boats, planes, motor vehicles, or other tangible 144
personal property operated primarily for the use and enjoyment 145
of the shareholders or owners; 146

(7) All transactions in which a warranty, maintenance or 147
service contract, or similar agreement by which the vendor of 148
the warranty, contract, or agreement agrees to repair or 149
maintain the tangible personal property of the consumer is or is 150
to be provided; 151

(8) The transfer of copyrighted motion picture films used 152
solely for advertising purposes, except that the transfer of 153
such films for exhibition purposes is not a sale; 154

(9) All transactions by which tangible personal property 155
is or is to be stored, except such property that the consumer of 156
the storage holds for sale in the regular course of business; 157

(10) All transactions in which "guaranteed auto 158
protection" is provided whereby a person promises to pay to the 159
consumer the difference between the amount the consumer receives 160
from motor vehicle insurance and the amount the consumer owes to 161
a person holding title to or a lien on the consumer's motor 162

vehicle in the event the consumer's motor vehicle suffers a 163
total loss under the terms of the motor vehicle insurance policy 164
or is stolen and not recovered, if the protection and its price 165
are included in the purchase or lease agreement; 166

(11) (a) Except as provided in division (B) (11) (b) of this 167
section, all transactions by which health care services are paid 168
for, reimbursed, provided, delivered, arranged for, or otherwise 169
made available by a medicaid health insuring corporation 170
pursuant to the corporation's contract with the state. 171

(b) If the centers for medicare and medicaid services of 172
the United States department of health and human services 173
determines that the taxation of transactions described in 174
division (B) (11) (a) of this section constitutes an impermissible 175
health care-related tax under the "Social Security Act," section 176
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 177
the medicaid director shall notify the tax commissioner of that 178
determination. Beginning with the first day of the month 179
following that notification, the transactions described in 180
division (B) (11) (a) of this section are not sales for the 181
purposes of this chapter or Chapter 5741. of the Revised Code. 182
The tax commissioner shall order that the collection of taxes 183
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 184
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 185
for transactions occurring on or after that date. 186

(12) All transactions by which a specified digital product 187
is provided for permanent use or less than permanent use, 188
regardless of whether continued payment is required. 189

(13) All transactions by a delivery network company for 190
the company's delivery network services, provided the company 191
has a waiver issued under section 5741.072 of the Revised Code. 192

Except as provided in this section, "sale" and "selling" 193
do not include transfers of interest in leased property where 194
the original lessee and the terms of the original lease 195
agreement remain unchanged, or professional, insurance, or 196
personal service transactions that involve the transfer of 197
tangible personal property as an inconsequential element, for 198
which no separate charges are made. 199

(C) "Vendor" means the person providing the service or by 200
whom the transfer effected or license given by a sale is or is 201
to be made or given and, for sales described in division (B)(3) 202
(i) of this section, the telecommunications service vendor that 203
provides the nine hundred telephone service; if two or more 204
persons are engaged in business at the same place of business 205
under a single trade name in which all collections on account of 206
sales by each are made, such persons shall constitute a single 207
vendor. 208

Physicians, certified nurse-midwives, clinical nurse 209
specialists, certified nurse practitioners, dentists, hospitals, 210
and veterinarians who are engaged in selling tangible personal 211
property as received from others, such as eyeglasses, 212
mouthwashes, dentifrices, or similar articles, are vendors. 213
Veterinarians who are engaged in transferring to others for a 214
consideration drugs, the dispensing of which does not require an 215
order of a licensed veterinarian, physician, certified nurse- 216
midwife, clinical nurse specialist, or certified nurse 217
practitioner under federal law, are vendors. 218

The operator of any peer-to-peer car sharing program shall 219
be considered to be the vendor. 220

(D)(1) "Consumer" means the person for whom the service is 221
provided, to whom the transfer effected or license given by a 222

sale is or is to be made or given, to whom the service described 223
in division (B) (3) (f) or (i) of this section is charged, or to 224
whom the admission is granted. 225

(2) Physicians, certified nurse-midwives, clinical nurse 226
specialists, certified nurse practitioners, dentists, hospitals, 227
and blood banks operated by nonprofit institutions and persons 228
licensed to practice veterinary medicine, surgery, and dentistry 229
are consumers of all tangible personal property and services 230
purchased by them in connection with the practice of medicine, 231
dentistry, the rendition of hospital or blood bank service, or 232
the practice of veterinary medicine, surgery, and dentistry. In 233
addition to being consumers of drugs administered by them or by 234
their assistants according to their direction, veterinarians 235
also are consumers of drugs that under federal law may be 236
dispensed only by or upon the order of a licensed veterinarian, 237
physician, certified nurse-midwife, clinical nurse specialist, 238
or certified nurse practitioner, when transferred by them to 239
others for a consideration to provide treatment to animals as 240
directed by the veterinarian. 241

(3) A person who performs a facility management, or 242
similar service contract for a contractee is a consumer of all 243
tangible personal property and services purchased for use in 244
connection with the performance of such contract, regardless of 245
whether title to any such property vests in the contractee. The 246
purchase of such property and services is not subject to the 247
exception for resale under division (E) of this section. 248

(4) (a) In the case of a person who purchases printed 249
matter for the purpose of distributing it or having it 250
distributed to the public or to a designated segment of the 251
public, free of charge, that person is the consumer of that 252

printed matter, and the purchase of that printed matter for that 253
purpose is a sale. 254

(b) In the case of a person who produces, rather than 255
purchases, printed matter for the purpose of distributing it or 256
having it distributed to the public or to a designated segment 257
of the public, free of charge, that person is the consumer of 258
all tangible personal property and services purchased for use or 259
consumption in the production of that printed matter. That 260
person is not entitled to claim exemption under division (B) (42) 261
(f) of section 5739.02 of the Revised Code for any material 262
incorporated into the printed matter or any equipment, supplies, 263
or services primarily used to produce the printed matter. 264

(c) The distribution of printed matter to the public or to 265
a designated segment of the public, free of charge, is not a 266
sale to the members of the public to whom the printed matter is 267
distributed or to any persons who purchase space in the printed 268
matter for advertising or other purposes. 269

(5) A person who makes sales of any of the services listed 270
in division (B) (3) of this section is the consumer of any 271
tangible personal property used in performing the service. The 272
purchase of that property is not subject to the resale exception 273
under division (E) of this section. 274

(6) A person who engages in highway transportation for 275
hire is the consumer of all packaging materials purchased by 276
that person and used in performing the service, except for 277
packaging materials sold by such person in a transaction 278
separate from the service. 279

(7) In the case of a transaction for health care services 280
under division (B) (11) of this section, a medicaid health 281

insuring corporation is the consumer of such services. The 282
purchase of such services by a medicaid health insuring 283
corporation is not subject to the exception for resale under 284
division (E) of this section or to the exemptions provided under 285
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 286
the Revised Code. 287

(E) "Retail sale" and "sales at retail" include all sales, 288
except those in which the purpose of the consumer is to resell 289
the thing transferred or benefit of the service provided, by a 290
person engaging in business, in the form in which the same is, 291
or is to be, received by the person. 292

(F) "Business" includes any activity engaged in by any 293
person with the object of gain, benefit, or advantage, either 294
direct or indirect. "Business" does not include the activity of 295
a person in managing and investing the person's own funds. 296

(G) "Engaging in business" means commencing, conducting, 297
or continuing in business, and liquidating a business when the 298
liquidator thereof holds itself out to the public as conducting 299
such business. Making a casual sale is not engaging in business. 300

(H) (1) (a) "Price," except as provided in divisions (H) (2) ~~7~~ 301
~~(3), and (4)~~ to (6) of this section, means the total amount of 302
consideration, including cash, credit, property, and services, 303
for which tangible personal property or services are sold, 304
leased, or rented, valued in money, whether received in money or 305
otherwise, without any deduction for any of the following: 306

(i) The vendor's cost of the property sold; 307

(ii) The cost of materials used, labor or service costs, 308
interest, losses, all costs of transportation to the vendor, all 309
taxes imposed on the vendor, including the tax imposed under 310

Chapter 5751. of the Revised Code, and any other expense of the 311
vendor; 312

(iii) Charges by the vendor for any services necessary to 313
complete the sale; 314

(iv) Delivery charges. As used in this division, "delivery 315
charges" means charges by the vendor for preparation and 316
delivery to a location designated by the consumer of tangible 317
personal property or a service, including transportation, 318
shipping, postage, handling, crating, and packing. 319

(v) Installation charges; 320

(vi) Credit for any trade-in. 321

(b) "Price" includes consideration received by the vendor 322
from a third party, if the vendor actually receives the 323
consideration from a party other than the consumer, and the 324
consideration is directly related to a price reduction or 325
discount on the sale; the vendor has an obligation to pass the 326
price reduction or discount through to the consumer; the amount 327
of the consideration attributable to the sale is fixed and 328
determinable by the vendor at the time of the sale of the item 329
to the consumer; and one of the following criteria is met: 330

(i) The consumer presents a coupon, certificate, or other 331
document to the vendor to claim a price reduction or discount 332
where the coupon, certificate, or document is authorized, 333
distributed, or granted by a third party with the understanding 334
that the third party will reimburse any vendor to whom the 335
coupon, certificate, or document is presented; 336

(ii) The consumer identifies the consumer's self to the 337
seller as a member of a group or organization entitled to a 338
price reduction or discount. A preferred customer card that is 339

available to any patron does not constitute membership in such a 340
group or organization. 341

(iii) The price reduction or discount is identified as a 342
third party price reduction or discount on the invoice received 343
by the consumer, or on a coupon, certificate, or other document 344
presented by the consumer. 345

(c) "Price" does not include any of the following: 346

(i) Discounts, including cash, term, or coupons that are 347
not reimbursed by a third party that are allowed by a vendor and 348
taken by a consumer on a sale; 349

(ii) Interest, financing, and carrying charges from credit 350
extended on the sale of tangible personal property or services, 351
if the amount is separately stated on the invoice, bill of sale, 352
or similar document given to the purchaser; 353

(iii) Any taxes legally imposed directly on the consumer 354
that are separately stated on the invoice, bill of sale, or 355
similar document given to the consumer. For the purpose of this 356
division, the tax imposed under Chapter 5751. of the Revised 357
Code is not a tax directly on the consumer, even if the tax or a 358
portion thereof is separately stated. 359

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 360
this section, any discount allowed by an automobile manufacturer 361
to its employee, or to the employee of a supplier, on the 362
purchase of a new motor vehicle from a new motor vehicle dealer 363
in this state. 364

(v) The dollar value of a gift card that is not sold by a 365
vendor or purchased by a consumer and that is redeemed by the 366
consumer in purchasing tangible personal property or services if 367
the vendor is not reimbursed and does not receive compensation 368

from a third party to cover all or part of the gift card value. 369
For the purposes of this division, a gift card is not sold by a 370
vendor or purchased by a consumer if it is distributed pursuant 371
to an awards, loyalty, or promotional program. Past and present 372
purchases of tangible personal property or services by the 373
consumer shall not be treated as consideration exchanged for a 374
gift card. 375

(2) In the case of a sale of any new motor vehicle by a 376
new motor vehicle dealer, as defined in section 4517.01 of the 377
Revised Code, in which another motor vehicle is accepted by the 378
dealer as part of the consideration received, "price" has the 379
same meaning as in division (H)(1) of this section, reduced by 380
the credit afforded the consumer by the dealer for the motor 381
vehicle received in trade. 382

(3) In the case of a sale of any watercraft or outboard 383
motor by a watercraft dealer licensed in accordance with section 384
1547.543 of the Revised Code, in which another watercraft, 385
watercraft and trailer, or outboard motor is accepted by the 386
dealer as part of the consideration received, "price" has the 387
same meaning as in division (H)(1) of this section, reduced by 388
the credit afforded the consumer by the dealer for the 389
watercraft, watercraft and trailer, or outboard motor received 390
in trade. As used in this division, "watercraft" includes an 391
outdrive unit attached to the watercraft. 392

(4) In the case of transactions for health care services 393
under division (B)(11) of this section, "price" means the amount 394
of managed care premiums received each month by a medicaid 395
health insuring corporation. 396

(5) In the case of a sale of any new or used portable 397
electronics, as defined in section 3905.062 of the Revised Code, 398

in which other portable electronics are accepted by the seller 399
as part of the consideration received, "price" has the same 400
meaning as in division (H) (1) of this section, reduced by the 401
credit afforded the consumer by the seller for the portable 402
electronics received in trade, or in a series of trades, as a 403
credit on the sale of the new or used portable electronics, 404
provided the credit is separately stated on the invoice, bill of 405
sale, or similar document given to the purchaser. 406

(6) In the case of a sale of any new or used home 407
appliance, in which another home appliance is accepted by the 408
seller as part of the consideration received, "price" has the 409
same meaning as in division (H) (1) of this section, reduced by 410
the credit afforded the consumer by the seller for the home 411
appliance received in trade, or in a series of trades, as a 412
credit on the sale of the new or used home appliance, provided 413
the credit is separately stated on the invoice, bill of sale, or 414
similar document given to the purchaser. As used in division (H) 415
(6) of this section, "home appliance" means tangible personal 416
property used in the home for performance of domestic chores or 417
other domestic tasks, including a refrigerator, stove, washing 418
machine, or vacuum cleaner. 419

(I) "Receipts" means the total amount of the prices of the 420
sales of vendors, provided that the dollar value of gift cards 421
distributed pursuant to an awards, loyalty, or promotional 422
program, and cash discounts allowed and taken on sales at the 423
time they are consummated are not included, minus any amount 424
deducted as a bad debt pursuant to section 5739.121 of the 425
Revised Code. "Receipts" does not include the sale price of 426
property returned or services rejected by consumers when the 427
full sale price and tax are refunded either in cash or by 428
credit. 429

(J) "Place of business" means any location at which a 430
person engages in business. 431

(K) "Premises" includes any real property or portion 432
thereof upon which any person engages in selling tangible 433
personal property at retail or making retail sales and also 434
includes any real property or portion thereof designated for, or 435
devoted to, use in conjunction with the business engaged in by 436
such person. 437

(L) "Casual sale" means a sale of an item of tangible 438
personal property that was obtained by the person making the 439
sale, through purchase or otherwise, for the person's own use 440
and was previously subject to any state's taxing jurisdiction on 441
its sale or use, and includes such items acquired for the 442
seller's use that are sold by an auctioneer employed directly by 443
the person for such purpose, provided the location of such sales 444
is not the auctioneer's permanent place of business. As used in 445
this division, "permanent place of business" includes any 446
location where such auctioneer has conducted more than two 447
auctions during the year. 448

(M) "Hotel" means every establishment kept, used, 449
maintained, advertised, or held out to the public to be a place 450
where sleeping accommodations are offered to guests, in which 451
five or more rooms are used for the accommodation of such 452
guests, whether the rooms are in one or several structures, 453
except as otherwise provided in section 5739.091 of the Revised 454
Code. 455

(N) "Transient guests" means persons occupying a room or 456
rooms for sleeping accommodations for less than thirty 457
consecutive days. 458

(O) "Making retail sales" means the effecting of 459
transactions wherein one party is obligated to pay the price and 460
the other party is obligated to provide a service or to transfer 461
title to or possession of the item sold. "Making retail sales" 462
does not include the preliminary acts of promoting or soliciting 463
the retail sales, other than the distribution of printed matter 464
which displays or describes and prices the item offered for 465
sale, nor does it include delivery of a predetermined quantity 466
of tangible personal property or transportation of property or 467
personnel to or from a place where a service is performed. 468

(P) "Used directly in the rendition of a public utility 469
service" means that property that is to be incorporated into and 470
will become a part of the consumer's production, transmission, 471
transportation, or distribution system and that retains its 472
classification as tangible personal property after such 473
incorporation; fuel or power used in the production, 474
transmission, transportation, or distribution system; and 475
tangible personal property used in the repair and maintenance of 476
the production, transmission, transportation, or distribution 477
system, including only such motor vehicles as are specially 478
designed and equipped for such use. Tangible personal property 479
and services used primarily in providing highway transportation 480
for hire are not used directly in the rendition of a public 481
utility service. In this definition, "public utility" includes a 482
citizen of the United States holding, and required to hold, a 483
certificate of public convenience and necessity issued under 49 484
U.S.C. 41102. 485

(Q) "Refining" means removing or separating a desirable 486
product from raw or contaminated materials by distillation or 487
physical, mechanical, or chemical processes. 488

(R) "Assembly" and "assembling" mean attaching or fitting 489
together parts to form a product, but do not include packaging a 490
product. 491

(S) "Manufacturing operation" means a process in which 492
materials are changed, converted, or transformed into a 493
different state or form from which they previously existed and 494
includes refining materials, assembling parts, and preparing raw 495
materials and parts by mixing, measuring, blending, or otherwise 496
committing such materials or parts to the manufacturing process. 497
"Manufacturing operation" does not include packaging. 498

(T) "Fiscal officer" means, with respect to a regional 499
transit authority, the secretary-treasurer thereof, and with 500
respect to a county that is a transit authority, the fiscal 501
officer of the county transit board if one is appointed pursuant 502
to section 306.03 of the Revised Code or the county auditor if 503
the board of county commissioners operates the county transit 504
system. 505

(U) "Transit authority" means a regional transit authority 506
created pursuant to section 306.31 of the Revised Code or a 507
county in which a county transit system is created pursuant to 508
section 306.01 of the Revised Code. For the purposes of this 509
chapter, a transit authority must extend to at least the entire 510
area of a single county. A transit authority that includes 511
territory in more than one county must include all the area of 512
the most populous county that is a part of such transit 513
authority. County population shall be measured by the most 514
recent census taken by the United States census bureau. 515

(V) "Legislative authority" means, with respect to a 516
regional transit authority, the board of trustees thereof, and 517
with respect to a county that is a transit authority, the board 518

of county commissioners. 519

(W) "Territory of the transit authority" means all of the 520
area included within the territorial boundaries of a transit 521
authority as they from time to time exist. Such territorial 522
boundaries must at all times include all the area of a single 523
county or all the area of the most populous county that is a 524
part of such transit authority. County population shall be 525
measured by the most recent census taken by the United States 526
census bureau. 527

(X) "Providing a service" means providing or furnishing 528
anything described in division (B) (3) of this section for 529
consideration. 530

(Y) (1) (a) "Automatic data processing" means processing of 531
others' data, including keypunching or similar data entry 532
services together with verification thereof, or providing access 533
to computer equipment for the purpose of processing data. 534

(b) "Computer services" means providing services 535
consisting of specifying computer hardware configurations and 536
evaluating technical processing characteristics, computer 537
programming, and training of computer programmers and operators, 538
provided in conjunction with and to support the sale, lease, or 539
operation of taxable computer equipment or systems. 540

(c) "Electronic information services" means providing 541
access to computer equipment by means of telecommunications 542
equipment for the purpose of either of the following: 543

(i) Examining or acquiring data stored in or accessible to 544
the computer equipment; 545

(ii) Placing data into the computer equipment to be 546
retrieved by designated recipients with access to the computer 547

equipment. 548

"Electronic information services" does not include 549
electronic publishing. 550

(d) "Automatic data processing, computer services, or 551
electronic information services" shall not include personal or 552
professional services. 553

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 554
section, "personal and professional services" means all services 555
other than automatic data processing, computer services, or 556
electronic information services, including but not limited to: 557

(a) Accounting and legal services such as advice on tax 558
matters, asset management, budgetary matters, quality control, 559
information security, and auditing and any other situation where 560
the service provider receives data or information and studies, 561
alters, analyzes, interprets, or adjusts such material; 562

(b) Analyzing business policies and procedures; 563

(c) Identifying management information needs; 564

(d) Feasibility studies, including economic and technical 565
analysis of existing or potential computer hardware or software 566
needs and alternatives; 567

(e) Designing policies, procedures, and custom software 568
for collecting business information, and determining how data 569
should be summarized, sequenced, formatted, processed, 570
controlled, and reported so that it will be meaningful to 571
management; 572

(f) Developing policies and procedures that document how 573
business events and transactions are to be authorized, executed, 574
and controlled; 575

(g) Testing of business procedures;	576
(h) Training personnel in business procedure applications;	577
(i) Providing credit information to users of such	578
information by a consumer reporting agency, as defined in the	579
"Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15	580
U.S.C. 1681a(f), or as hereafter amended, including but not	581
limited to gathering, organizing, analyzing, recording, and	582
furnishing such information by any oral, written, graphic, or	583
electronic medium;	584
(j) Providing debt collection services by any oral,	585
written, graphic, or electronic means;	586
(k) Providing digital advertising services;	587
(l) Providing services to electronically file any federal,	588
state, or local individual income tax return, report, or other	589
related document or schedule with a federal, state, or local	590
government entity or to electronically remit a payment of any	591
such individual income tax to such an entity. For the purpose of	592
this division, "individual income tax" does not include federal,	593
state, or local taxes withheld by an employer from an employee's	594
compensation.	595
The services listed in divisions (Y) (2) (a) to (l) of this	596
section are not automatic data processing or computer services.	597
(Z) "Highway transportation for hire" means the	598
transportation of personal property belonging to others for	599
consideration by any of the following:	600
(1) The holder of a permit or certificate issued by this	601
state or the United States authorizing the holder to engage in	602
transportation of personal property belonging to others for	603

consideration over or on highways, roadways, streets, or any 604
similar public thoroughfare; 605

(2) A person who engages in the transportation of personal 606
property belonging to others for consideration over or on 607
highways, roadways, streets, or any similar public thoroughfare 608
but who could not have engaged in such transportation on 609
December 11, 1985, unless the person was the holder of a permit 610
or certificate of the types described in division (Z)(1) of this 611
section; 612

(3) A person who leases a motor vehicle to and operates it 613
for a person described by division (Z)(1) or (2) of this 614
section. 615

"Highway transportation for hire" does not include 616
delivery network services. 617

(AA)(1) "Telecommunications service" means the electronic 618
transmission, conveyance, or routing of voice, data, audio, 619
video, or any other information or signals to a point, or 620
between or among points. "Telecommunications service" includes 621
such transmission, conveyance, or routing in which computer 622
processing applications are used to act on the form, code, or 623
protocol of the content for purposes of transmission, 624
conveyance, or routing without regard to whether the service is 625
referred to as voice-over internet protocol service or is 626
classified by the federal communications commission as enhanced 627
or value-added. "Telecommunications service" does not include 628
any of the following: 629

(a) Data processing and information services that allow 630
data to be generated, acquired, stored, processed, or retrieved 631
and delivered by an electronic transmission to a consumer where 632

the consumer's primary purpose for the underlying transaction is 633
the processed data or information; 634

(b) Installation or maintenance of wiring or equipment on 635
a customer's premises; 636

(c) Tangible personal property; 637

(d) Advertising, including directory advertising; 638

(e) Billing and collection services provided to third 639
parties; 640

(f) Internet access service; 641

(g) Radio and television audio and video programming 642
services, regardless of the medium, including the furnishing of 643
transmission, conveyance, and routing of such services by the 644
programming service provider. Radio and television audio and 645
video programming services include, but are not limited to, 646
cable service, as defined in 47 U.S.C. 522(6), and audio and 647
video programming services delivered by commercial mobile radio 648
service providers, as defined in 47 C.F.R. 20.3; 649

(h) Ancillary service; 650

(i) Digital products delivered electronically, including 651
software, music, video, reading materials, or ring tones. 652

(2) "Ancillary service" means a service that is associated 653
with or incidental to the provision of telecommunications 654
service, including conference bridging service, detailed 655
telecommunications billing service, directory assistance, 656
vertical service, and voice mail service. As used in this 657
division: 658

(a) "Conference bridging service" means an ancillary 659

service that links two or more participants of an audio or video
conference call, including providing a telephone number.

"Conference bridging service" does not include
telecommunications services used to reach the conference bridge.

(b) "Detailed telecommunications billing service" means an
ancillary service of separately stating information pertaining
to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of
providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is
offered in connection with one or more telecommunications
services, which offers advanced calling features that allow
customers to identify callers and manage multiple calls and call
connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that
enables the customer to store, send, or receive recorded
messages. "Voice mail service" does not include any vertical
services that the customer may be required to have in order to
utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications
service purchased by a subscriber that allows the subscriber's
customers to call in to the subscriber's prerecorded
announcement or live service, and which is typically marketed
under the name "900 service" and any subsequent numbers
designated by the federal communications commission. "900
service" does not include the charge for collection services
provided by the seller of the telecommunications service to the
subscriber, or services or products sold by the subscriber to
the subscriber's customer.

(4) "Prepaid calling service" means the right to access 689
exclusively telecommunications services, which must be paid for 690
in advance and which enables the origination of calls using an 691
access number or authorization code, whether manually or 692
electronically dialed, and that is sold in predetermined units 693
or dollars of which the number declines with use in a known 694
amount. 695

(5) "Prepaid wireless calling service" means a 696
telecommunications service that provides the right to utilize 697
mobile telecommunications service as well as other non- 698
telecommunications services, including the download of digital 699
products delivered electronically, and content and ancillary 700
services, that must be paid for in advance and that is sold in 701
predetermined units or dollars of which the number declines with 702
use in a known amount. 703

(6) "Value-added non-voice data service" means a 704
telecommunications service in which computer processing 705
applications are used to act on the form, content, code, or 706
protocol of the information or data primarily for a purpose 707
other than transmission, conveyance, or routing. 708

(7) "Coin-operated telephone service" means a 709
telecommunications service paid for by inserting money into a 710
telephone accepting direct deposits of money to operate. 711

(8) "Customer" has the same meaning as in section 5739.034 712
of the Revised Code. 713

(BB) "Laundry and dry cleaning services" means removing 714
soil or dirt from towels, linens, articles of clothing, or other 715
fabric items that belong to others and supplying towels, linens, 716
articles of clothing, or other fabric items. "Laundry and dry 717

cleaning services" does not include the provision of self- 718
service facilities for use by consumers to remove soil or dirt 719
from towels, linens, articles of clothing, or other fabric 720
items. 721

(CC) "Magazines distributed as controlled circulation 722
publications" means magazines containing at least twenty-four 723
pages, at least twenty-five per cent editorial content, issued 724
at regular intervals four or more times a year, and circulated 725
without charge to the recipient, provided that such magazines 726
are not owned or controlled by individuals or business concerns 727
which conduct such publications as an auxiliary to, and 728
essentially for the advancement of the main business or calling 729
of, those who own or control them. 730

(DD) "Landscaping and lawn care service" means the 731
services of planting, seeding, sodding, removing, cutting, 732
trimming, pruning, mulching, aerating, applying chemicals, 733
watering, fertilizing, and providing similar services to 734
establish, promote, or control the growth of trees, shrubs, 735
flowers, grass, ground cover, and other flora, or otherwise 736
maintaining a lawn or landscape grown or maintained by the owner 737
for ornamentation or other nonagricultural purpose. However, 738
"landscaping and lawn care service" does not include the 739
providing of such services by a person who has less than five 740
thousand dollars in sales of such services during the calendar 741
year. 742

(EE) "Private investigation and security service" means 743
the performance of any activity for which the provider of such 744
service is required to be licensed pursuant to Chapter 4749. of 745
the Revised Code, or would be required to be so licensed in 746
performing such services in this state, and also includes the 747

services of conducting polygraph examinations and of monitoring 748
or overseeing the activities on or in, or the condition of, the 749
consumer's home, business, or other facility by means of 750
electronic or similar monitoring devices. "Private investigation 751
and security service" does not include special duty services 752
provided by off-duty police officers, deputy sheriffs, and other 753
peace officers regularly employed by the state or a political 754
subdivision. 755

(FF) "Information services" means providing conversation, 756
giving consultation or advice, playing or making a voice or 757
other recording, making or keeping a record of the number of 758
callers, and any other service provided to a consumer by means 759
of a nine hundred telephone call, except when the nine hundred 760
telephone call is the means by which the consumer makes a 761
contribution to a recognized charity. 762

(GG) "Research and development" means designing, creating, 763
or formulating new or enhanced products, equipment, or 764
manufacturing processes, and also means conducting scientific or 765
technological inquiry and experimentation in the physical 766
sciences with the goal of increasing scientific knowledge which 767
may reveal the bases for new or enhanced products, equipment, or 768
manufacturing processes. 769

(HH) "Qualified research and development equipment" means 770
either of the following: 771

(1) Capitalized tangible personal property, and leased 772
personal property that would be capitalized if purchased, used 773
by a person primarily to perform research and development; 774

(2) Any tangible personal property used by a megaproject 775
operator primarily to perform research and development at the 776

site of a megaproject that satisfies the criteria described in 777
division (A) (11) (a) (ii) of section 122.17 of the Revised Code 778
during the period that the megaproject operator has an agreement 779
for such megaproject with the tax credit authority under 780
division (D) of that section that remains in effect and has not 781
expired or been terminated. 782

"Qualified research and development equipment" does not 783
include tangible personal property primarily used in testing, as 784
defined in division (A) (4) of section 5739.011 of the Revised 785
Code, or used for recording or storing test results, unless such 786
property is primarily used by the consumer in testing the 787
product, equipment, or manufacturing process being created, 788
designed, or formulated by the consumer in the research and 789
development activity or in recording or storing such test 790
results. 791

(II) "Building maintenance and janitorial service" means 792
cleaning the interior or exterior of a building and any tangible 793
personal property located therein or thereon, including any 794
services incidental to such cleaning for which no separate 795
charge is made. However, "building maintenance and janitorial 796
service" does not include the providing of such service by a 797
person who has less than five thousand dollars in sales of such 798
service during the calendar year. As used in this division, 799
"cleaning" does not include sanitation services necessary for an 800
establishment described in 21 U.S.C. 608 to comply with rules 801
and regulations adopted pursuant to that section. 802

(JJ) "Exterminating service" means eradicating or 803
attempting to eradicate vermin infestations from a building or 804
structure, or the area surrounding a building or structure, and 805
includes activities to inspect, detect, or prevent vermin 806

infestation of a building or structure. 807

(KK) "Physical fitness facility service" means all 808
transactions by which a membership is granted, maintained, or 809
renewed, including initiation fees, membership dues, renewal 810
fees, monthly minimum fees, and other similar fees and dues, by 811
a physical fitness facility such as an athletic club, health 812
spa, or gymnasium, which entitles the member to use the facility 813
for physical exercise. 814

(LL) "Recreation and sports club service" means all 815
transactions by which a membership is granted, maintained, or 816
renewed, including initiation fees, membership dues, renewal 817
fees, monthly minimum fees, and other similar fees and dues, by 818
a recreation and sports club, which entitles the member to use 819
the facilities of the organization. "Recreation and sports club" 820
means an organization that has ownership of, or controls or 821
leases on a continuing, long-term basis, the facilities used by 822
its members and includes an aviation club, gun or shooting club, 823
yacht club, card club, swimming club, tennis club, golf club, 824
country club, riding club, amateur sports club, or similar 825
organization. 826

(MM) "Livestock" means farm animals commonly raised for 827
food, food production, or other agricultural purposes, 828
including, but not limited to, cattle, sheep, goats, swine, 829
poultry, and captive deer. "Livestock" does not include 830
invertebrates, amphibians, reptiles, domestic pets, animals for 831
use in laboratories or for exhibition, or other animals not 832
commonly raised for food or food production. 833

(NN) "Livestock structure" means a building or structure 834
used exclusively for the housing, raising, feeding, or 835
sheltering of livestock, and includes feed storage or handling 836

structures and structures for livestock waste handling. 837

(OO) "Horticulture" means the growing, cultivation, and 838
production of flowers, fruits, herbs, vegetables, sod, 839
mushrooms, and nursery stock. As used in this division, "nursery 840
stock" has the same meaning as in section 927.51 of the Revised 841
Code. 842

(PP) "Horticulture structure" means a building or 843
structure used exclusively for the commercial growing, raising, 844
or overwintering of horticultural products, and includes the 845
area used for stocking, storing, and packing horticultural 846
products when done in conjunction with the production of those 847
products. 848

(QQ) "Newspaper" means an unbound publication bearing a 849
title or name that is regularly published, at least as 850
frequently as biweekly, and distributed from a fixed place of 851
business to the public in a specific geographic area, and that 852
contains a substantial amount of news matter of international, 853
national, or local events of interest to the general public. 854

(RR) (1) "Feminine hygiene products" means tampons, panty 855
liners, menstrual cups, sanitary napkins, and other similar 856
tangible personal property designed for feminine hygiene in 857
connection with the human menstrual cycle, but does not include 858
grooming and hygiene products. 859

(2) "Grooming and hygiene products" means soaps and 860
cleaning solutions, shampoo, toothpaste, mouthwash, 861
antiperspirants, and sun tan lotions and screens, regardless of 862
whether any of these products are over-the-counter drugs. 863

(3) "Over-the-counter drugs" means a drug that contains a 864
label that identifies the product as a drug as required by 21 865

C.F.R. 201.66, which label includes a drug facts panel or a 866
statement of the active ingredients with a list of those 867
ingredients contained in the compound, substance, or 868
preparation. 869

(SS) (1) "Lease" or "rental" means any transfer of the 870
possession or control of tangible personal property for a fixed 871
or indefinite term, for consideration. "Lease" or "rental" 872
includes future options to purchase or extend, and agreements 873
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and 874
trailers where the amount of consideration may be increased or 875
decreased by reference to the amount realized upon the sale or 876
disposition of the property. "Lease" or "rental" does not 877
include: 878

(a) A transfer of possession or control of tangible 879
personal property under a security agreement or a deferred 880
payment plan that requires the transfer of title upon completion 881
of the required payments; 882

(b) A transfer of possession or control of tangible 883
personal property under an agreement that requires the transfer 884
of title upon completion of required payments and payment of an 885
option price that does not exceed the greater of one hundred 886
dollars or one per cent of the total required payments; 887

(c) Providing tangible personal property along with an 888
operator for a fixed or indefinite period of time, if the 889
operator is necessary for the property to perform as designed. 890
For purposes of this division, the operator must do more than 891
maintain, inspect, or set up the tangible personal property. 892

(2) "Lease" and "rental," as defined in division (SS) of 893
this section, shall not apply to leases or rentals that exist 894

before June 26, 2003. 895

(3) "Lease" and "rental" have the same meaning as in 896
division (SS) (1) of this section regardless of whether a 897
transaction is characterized as a lease or rental under 898
generally accepted accounting principles, the Internal Revenue 899
Code, Title XIII of the Revised Code, or other federal, state, 900
or local laws. 901

(TT) "Mobile telecommunications service" has the same 902
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 903
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 904
amended, and, on and after August 1, 2003, includes related fees 905
and ancillary services, including universal service fees, 906
detailed billing service, directory assistance, service 907
initiation, voice mail service, and vertical services, such as 908
caller ID and three-way calling. 909

(UU) "Certified service provider" has the same meaning as 910
in section 5740.01 of the Revised Code. 911

(VV) "Satellite broadcasting service" means the 912
distribution or broadcasting of programming or services by 913
satellite directly to the subscriber's receiving equipment 914
without the use of ground receiving or distribution equipment, 915
except the subscriber's receiving equipment or equipment used in 916
the uplink process to the satellite, and includes all service 917
and rental charges, premium channels or other special services, 918
installation and repair service charges, and any other charges 919
having any connection with the provision of the satellite 920
broadcasting service. 921

(WW) "Tangible personal property" means personal property 922
that can be seen, weighed, measured, felt, or touched, or that 923

is in any other manner perceptible to the senses. For purposes 924
of this chapter and Chapter 5741. of the Revised Code, "tangible 925
personal property" includes motor vehicles, electricity, water, 926
gas, steam, and prewritten computer software. 927

(XX) "Municipal gas utility" means a municipal corporation 928
that owns or operates a system for the distribution of natural 929
gas. 930

(YY) "Computer" means an electronic device that accepts 931
information in digital or similar form and manipulates it for a 932
result based on a sequence of instructions. 933

(ZZ) "Computer software" means a set of coded instructions 934
designed to cause a computer or automatic data processing 935
equipment to perform a task. 936

(AAA) "Delivered electronically" means delivery of 937
computer software from the seller to the purchaser by means 938
other than tangible storage media. 939

(BBB) "Prewritten computer software" means computer 940
software, including prewritten upgrades, that is not designed 941
and developed by the author or other creator to the 942
specifications of a specific purchaser. The combining of two or 943
more prewritten computer software programs or prewritten 944
portions thereof does not cause the combination to be other than 945
prewritten computer software. "Prewritten computer software" 946
includes software designed and developed by the author or other 947
creator to the specifications of a specific purchaser when it is 948
sold to a person other than the purchaser. If a person modifies 949
or enhances computer software of which the person is not the 950
author or creator, the person shall be deemed to be the author 951
or creator only of such person's modifications or enhancements. 952

Prewritten computer software or a prewritten portion thereof 953
that is modified or enhanced to any degree, where such 954
modification or enhancement is designed and developed to the 955
specifications of a specific purchaser, remains prewritten 956
computer software; provided, however, that where there is a 957
reasonable, separately stated charge or an invoice or other 958
statement of the price given to the purchaser for the 959
modification or enhancement, the modification or enhancement 960
shall not constitute prewritten computer software. 961

(CCC) (1) "Food" means substances, whether in liquid, 962
concentrated, solid, frozen, dried, or dehydrated form, that are 963
sold for ingestion or chewing by humans and are consumed for 964
their taste or nutritional value. "Food" does not include 965
alcoholic beverages, dietary supplements, soft drinks, or 966
tobacco. 967

(2) As used in division (CCC) (1) of this section: 968

(a) "Dietary supplements" means any product, other than 969
tobacco, that is intended to supplement the diet and that is 970
intended for ingestion in tablet, capsule, powder, softgel, 971
gelcap, or liquid form, or, if not intended for ingestion in 972
such a form, is not represented as conventional food for use as 973
a sole item of a meal or of the diet; that is required to be 974
labeled as a dietary supplement, identifiable by the "supplement 975
facts" box found on the label, as required by 21 C.F.R. 101.36; 976
and that contains one or more of the following dietary 977
ingredients: 978

(i) A vitamin; 979

(ii) A mineral; 980

(iii) An herb or other botanical; 981

(iv) An amino acid;	982
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	983 984
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (CCC) (2) (a) (i) to (v) of this section.	985 986 987
(b) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	988 989 990 991 992
(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.	993 994 995 996 997 998 999 1000 1001
(EEE) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.	1002 1003 1004 1005
(FFF) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the	1006 1007 1008 1009 1010

body. "Durable medical equipment" does not include mobility 1011
enhancing equipment. 1012

(GGG) "Mobility enhancing equipment" means equipment, 1013
including repair and replacement parts for such equipment, that 1014
is primarily and customarily used to provide or increase the 1015
ability to move from one place to another and is appropriate for 1016
use either in a home or a motor vehicle, that is not generally 1017
used by persons with normal mobility, and that does not include 1018
any motor vehicle or equipment on a motor vehicle normally 1019
provided by a motor vehicle manufacturer. "Mobility enhancing 1020
equipment" does not include durable medical equipment. 1021

(HHH) "Prosthetic device" means a replacement, corrective, 1022
or supportive device, including repair and replacement parts for 1023
the device, worn on or in the human body to artificially replace 1024
a missing portion of the body, prevent or correct physical 1025
deformity or malfunction, or support a weak or deformed portion 1026
of the body. As used in this division, before July 1, 2019, 1027
"prosthetic device" does not include corrective eyeglasses, 1028
contact lenses, or dental prosthesis. On or after July 1, 2019, 1029
"prosthetic device" does not include dental prosthesis but does 1030
include corrective eyeglasses or contact lenses. 1031

(III) (1) "Fractional aircraft ownership program" means a 1032
program in which persons within an affiliated group sell and 1033
manage fractional ownership program aircraft, provided that at 1034
least one hundred airworthy aircraft are operated in the program 1035
and the program meets all of the following criteria: 1036

(a) Management services are provided by at least one 1037
program manager within an affiliated group on behalf of the 1038
fractional owners. 1039

(b) Each program aircraft is owned or possessed by at least one fractional owner. 1040
1041

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 1042
1043
1044

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 1045
1046

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 1047
1048
1049

(2) As used in division (III)(1) of this section: 1050

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 1051
1052

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (III)(1)(e) of this section. 1053
1054
1055
1056

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 1057
1058
1059
1060
1061
1062
1063

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and 1064
1065
1066
1067

offered by the program manager to the fractional owners, 1068
including, at a minimum, the establishment and implementation of 1069
safety guidelines; the coordination of the scheduling of the 1070
program aircraft and crews; program aircraft maintenance; 1071
program aircraft insurance; crew training for crews employed, 1072
furnished, or contracted by the program manager or the 1073
fractional owner; the satisfaction of record-keeping 1074
requirements; and the development and use of an operations 1075
manual and a maintenance manual for the fractional aircraft 1076
ownership program. 1077

(e) "Program manager" means the person that offers 1078
management services to fractional owners pursuant to a 1079
management services agreement under division (III)(1)(e) of this 1080
section. 1081

(JJJ) "Electronic publishing" means providing access to 1082
one or more of the following primarily for business customers, 1083
including the federal government or a state government or a 1084
political subdivision thereof, to conduct research: news; 1085
business, financial, legal, consumer, or credit materials; 1086
editorials, columns, reader commentary, or features; photos or 1087
images; archival or research material; legal notices, identity 1088
verification, or public records; scientific, educational, 1089
instructional, technical, professional, trade, or other literary 1090
materials; or other similar information which has been gathered 1091
and made available by the provider to the consumer in an 1092
electronic format. Providing electronic publishing includes the 1093
functions necessary for the acquisition, formatting, editing, 1094
storage, and dissemination of data or information that is the 1095
subject of a sale. 1096

(KKK) "Medicaid health insuring corporation" means a 1097

health insuring corporation that holds a certificate of 1098
authority under Chapter 1751. of the Revised Code and is under 1099
contract with the department of medicaid pursuant to section 1100
5167.10 of the Revised Code. 1101

(LLL) "Managed care premium" means any premium, 1102
capitation, or other payment a medicaid health insuring 1103
corporation receives for providing or arranging for the 1104
provision of health care services to its members or enrollees 1105
residing in this state. 1106

(MMM) "Captive deer" means deer and other cervidae that 1107
have been legally acquired, or their offspring, that are 1108
privately owned for agricultural or farming purposes. 1109

(NNN) "Gift card" means a document, card, certificate, or 1110
other record, whether tangible or intangible, that may be 1111
redeemed by a consumer for a dollar value when making a purchase 1112
of tangible personal property or services. 1113

(OOO) "Specified digital product" means an electronically 1114
transferred digital audiovisual work, digital audio work, or 1115
digital book. 1116

As used in division (OOO) of this section: 1117

(1) "Digital audiovisual work" means a series of related 1118
images that, when shown in succession, impart an impression of 1119
motion, together with accompanying sounds, if any. 1120

(2) "Digital audio work" means a work that results from 1121
the fixation of a series of musical, spoken, or other sounds, 1122
including digitized sound files that are downloaded onto a 1123
device and that may be used to alert the customer with respect 1124
to a communication. 1125

(3) "Digital book" means a work that is generally 1126
recognized in the ordinary and usual sense as a book. 1127

(4) "Electronically transferred" means obtained by the 1128
purchaser by means other than tangible storage media. 1129

(PPP) "Digital advertising services" means providing 1130
access, by means of telecommunications equipment, to computer 1131
equipment that is used to enter, upload, download, review, 1132
manipulate, store, add, or delete data for the purpose of 1133
electronically displaying, delivering, placing, or transferring 1134
promotional advertisements to potential customers about products 1135
or services or about industry or business brands. 1136

(QQQ) "Peer-to-peer car sharing program" has the same 1137
meaning as in section 4516.01 of the Revised Code. 1138

(RRR) "Megaproject" and "megaproject operator" have the 1139
same meanings as in section 122.17 of the Revised Code. 1140

(SSS) (1) "Diaper" means an absorbent garment worn by 1141
humans who are incapable of, or have difficulty, controlling 1142
their bladder or bowel movements. 1143

(2) "Children's diaper" means a diaper marketed to be worn 1144
by children. 1145

(3) "Adult diaper" means a diaper other than a children's 1146
diaper. 1147

(TTT) "Sales tax holiday" means three or more dates on 1148
which sales of all eligible tangible personal property are 1149
exempt from the taxes levied under sections 5739.02, 5739.021, 1150
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 1151
the Revised Code. 1152

(UUU) "Eligible tangible personal property" means any item 1153

of tangible personal property that meets both of the following 1154
requirements: 1155

(1) The price of the item does not exceed five hundred 1156
dollars; 1157

(2) The item is not a watercraft or outboard motor 1158
required to be titled pursuant to Chapter 1548. of the Revised 1159
Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor 1160
product as defined in section 5743.01 of the Revised Code, or an 1161
item that contains marijuana as defined in section 3796.01 of 1162
the Revised Code. 1163

(VVV) "Alcoholic beverages" means beverages that are 1164
suitable for human consumption and contain one-half of one per 1165
cent or more of alcohol by volume. 1166

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 1167
tobacco, or any other item that contains tobacco. 1168

(XXX) (1) "Delivery network company" means a person that 1169
operates a business platform, including a web site or mobile 1170
application, to facilitate delivery network services. 1171

(2) "Delivery network courier" means an individual 1172
connected to a consumer through a delivery network company and 1173
who provides delivery network services to that consumer. 1174

(3) "Delivery network services" means both of the 1175
following when performed as part of a single transaction: 1176

(a) Pickup of a local product by a delivery network 1177
courier from a local merchant that is not under common ownership 1178
or control of the delivery network company through which the 1179
transaction was initiated, and which may include selection, 1180
collection, and purchase of the local product; 1181

(b) Delivery by the delivery network courier of that local 1182
product to a location designated by the consumer that is not 1183
more than seventy-five miles from the local merchant's place of 1184
business where the pickup described in division (XXX) (3) (a) of 1185
this section occurs. 1186

(4) "Local merchant" means a person engaged in selling 1187
local products from a temporary or fixed place of business in 1188
this state, including a kitchen, restaurant, grocery store, 1189
retail store, or convenience store. 1190

(5) "Local product" means any tangible personal property, 1191
including food, but excluding freight, mail, or a package to 1192
which postage is affixed. 1193

Section 2. That existing section 5739.01 of the Revised 1194
Code is hereby repealed. 1195

Section 3. The amendment by this act of section 5739.01 of 1196
the Revised Code applies on and after the first day of the first 1197
month that begins after the effective date of this section. 1198

Section 4. Section 5739.01 of the Revised Code is 1199
presented in this act as a composite of the section as amended 1200
by both H.B. 315 and S.B. 196 of the 135th General Assembly. The 1201
General Assembly, applying the principle stated in division (B) 1202
of section 1.52 of the Revised Code that amendments are to be 1203
harmonized if reasonably capable of simultaneous operation, 1204
finds that the composite is the resulting version of the section 1205
in effect prior to the effective date of the section as 1206
presented in this act. 1207