

**As Reported by the House Technology and Innovation Committee**

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**Regular Session**

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**Sub. H. B. No. 563**

**Representative Hiner**

**Cosponsors: Representatives Johnson, Fischer**

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To enact sections 1345.53 and 1345.54 of the  
Revised Code to regulate ticket sales.

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

**Section 1.** That sections 1345.53 and 1345.54 of the  
Revised Code be enacted to read as follows:

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**Sec. 1345.53.** (A) As used in this section and section  
1345.54 of the Revised Code:

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(1) "Entertainment" means all forms of entertainment,  
including theatrical or operatic performances, dance, ballet,  
concerts, motion pictures, entertainment at fairgrounds,  
amusement parks, athletic competitions and other sports, and all  
other forms of diversion, recreation, or show.

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(2) "Internet domain name" means a globally unique,  
hierarchical reference to an internet host or service, which is  
assigned through a centralized internet naming authority and  
which is composed of a series of character strings separated by  
periods with the rightmost string specifying the top of the  
hierarchy.

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(3) "Online ticket marketplace" means the administrator of  
a web site or other electronic service, including an agent,

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employee, or assignee of the administrator, that sells tickets 20  
or maintains a platform to facilitate the sale of tickets. 21

(4) "Operator" means a person, including an agent, 22  
employee, or assignee of the person who does one or more of the 23  
following: 24

(a) Owns, operates, or controls a place of entertainment; 25

(b) Produces entertainment; 26

(c) Sells a ticket to a place of entertainment for 27  
original sale. 28

(5) "Place of entertainment" means an entertainment 29  
facility, including an amphitheater, theater, stadium, arena, 30  
racetrack, museum, amusement park, venue, club, or other place 31  
where performances, concerts, exhibits, athletic games, 32  
contests, or other forms of entertainment are held in this 33  
state. 34

(6) "Ticket-buying session" means an online interaction 35  
between a purchaser and an online ticket marketplace, operator, 36  
or ticket reseller measured as from the time a purchaser selects 37  
a specific ticket and either completes the purchase or the 38  
session times out. 39

(7) (a) "Ticket reseller" means a person that offers or 40  
sells tickets for resale after the original sale to an 41  
entertainment event located in this state and includes an 42  
operator to the extent that the operator offers or sells tickets 43  
for resale. Sales by a ticket reseller include sales by any 44  
means, including in person or by telephone, mail, delivery 45  
service, facsimile, internet, email, or other electronic means. 46

(b) "Ticket reseller" does not include a person that 47

purchases a ticket solely for the person's own use or the use of 48  
the person's invitees, employees, or agents. 49

(8) "URL" means a uniform resource locator for a web site 50  
on the internet. 51

(B) A ticket reseller or online ticket marketplace shall, 52  
at the first time a ticket price is displayed, include mandatory 53  
fees other than taxes and costs associated with shipping a 54  
physical ticket to a buyer. An itemized breakdown of all 55  
components of the total price, including taxes and shipping 56  
costs, shall be clearly disclosed prior to final purchase. 57

(C) (1) An operator, ticket reseller, or online ticket 58  
marketplace shall disclose subtotals, fees, charges, or other 59  
components of the total cost of a ticket in a way that is not 60  
false or misleading, and such that the information is not 61  
presented more prominently than, or in the same or larger font 62  
as, the total cost of the ticket. 63

(2) An operator, ticket reseller, or online ticket 64  
marketplace may disclose subtotals, fees, charges, and other 65  
components of the total cost of the ticket in a manner that 66  
allows the purchaser to hide or minimize the itemized list. 67

(3) An operator, ticket reseller, or online ticket 68  
marketplace shall not increase the price of a ticket with 69  
respect to a particular person after the ticket price is first 70  
displayed to that person. This division does not prohibit an 71  
operator, ticket reseller, or online ticket marketplace from 72  
doing any of the following: 73

(a) Charging a reasonable fee for the delivery of tickets 74  
in a nonelectronic form, upon election of that delivery method 75  
by the purchaser; 76

(b) Adding to the total cost additional charges for any 77  
optional purchases made by the purchaser, so long as the cost of 78  
those additional purchases are disclosed to the purchaser prior 79  
to the operator, ticket reseller, or online ticket marketplace 80  
accepting payment; 81

(c) Including a tax imposed on the transaction by a 82  
federal, state, tribal, or local government agency, unit, or 83  
department; 84

(d) Not disclosing the components or fees included in a 85  
season ticket which combined make up the operator's base ticket 86  
price. 87

(D) (1) A ticket reseller or online ticket marketplace 88  
shall disclose in an easily readable and conspicuous manner on 89  
the ticket reseller's or online ticket marketplace's web site or 90  
electronic service, including in the entity's terms of service, 91  
all of the following: 92

(a) That the web site or electronic service is owned or 93  
operated by a ticket reseller or online ticket marketplace and 94  
that the price of a resale ticket may be higher or lower than 95  
the original purchase price; 96

(b) That the purchaser is responsible for checking with 97  
the place of entertainment for information on changes to the 98  
event or cancellations prior to the event's start time; 99

(c) The refund policy of the ticket reseller or online 100  
ticket marketplace. 101

(2) A ticket reseller or online ticket marketplace shall 102  
require a purchaser to confirm having read the disclosures 103  
required by division (D) (1) of this section before completing a 104  
transaction. 105

(E) Within twenty-four hours after selling a resale ticket, a ticket reseller or online ticket marketplace shall provide proof of purchase to the purchaser, which shall include all of the following: 106  
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(1) All event and ticket information; 110

(2) That the purchaser is responsible for checking with the place of entertainment for information on changes to the event or cancellations prior to the event's start time; 111  
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(3) The refund policy of the ticket reseller or online ticket marketplace. 114  
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(F) An online ticket marketplace or ticket reseller shall not use any words, image, trademark, copyright, web design, or internet address that is identical or substantially similar to words, images, trademark, copyright, web designs, or internet addresses associated with a place of entertainment without the written permission of the place of entertainment or license holder duly authorized to provide the permission. This division does not prohibit an online ticket marketplace from doing either or both of the following: 116  
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(1) Using words containing the name of a place of entertainment or of an event, including the name of an artist or team, in order to describe the location of the event or the event itself; 125  
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(2) Providing information or images identifying the specific seat or area the purchaser will occupy in the place of entertainment. 129  
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**Sec. 1345.54.** (A) No person shall do any of the following: 132

(1) Sell or offer to sell more than one copy of the same 133

<u>ticket to a place of entertainment;</u>	134
<u>(2) Directly or indirectly employ or compensate another</u>	135
<u>person to purchase tickets for the purpose of reselling the</u>	136
<u>tickets if the practice is prohibited by law or if the place of</u>	137
<u>entertainment posts a policy prohibiting the practice;</u>	138
<u>(3) Sell or offer to sell a ticket without first informing</u>	139
<u>the person of the location of the place of entertainment and the</u>	140
<u>ticket's assigned seat, including the seat number, row, and</u>	141
<u>section number of the seat, or if the place of entertainment</u>	142
<u>does not utilize section, row, or seat identifiers because it is</u>	143
<u>a general admission event, then the most precise seat location</u>	144
<u>identifier used by the place of entertainment;</u>	145
<u>(4) Sell or offer to sell a ticket for which there is no</u>	146
<u>assigned seat without first informing the person of the general</u>	147
<u>admission area to which the ticket corresponds;</u>	148
<u>(5) Advertise, offer for sale, or contract for the sale of</u>	149
<u>a ticket before the ticket has been made available to the</u>	150
<u>public, including via presale, without first obtaining</u>	151
<u>permission from the place of entertainment and having actual or</u>	152
<u>constructive possession of the ticket, unless the ticket</u>	153
<u>reseller owns the ticket pursuant to a season ticket package</u>	154
<u>purchased by the ticket reseller.</u>	155
<u>(B) No operator, ticket reseller, or online ticket</u>	156
<u>marketplace shall use or caused to be used for reselling tickets</u>	157
<u>an internet domain name or subdomain with a web site URL that</u>	158
<u>contains the name of a place of entertainment, the name of an</u>	159
<u>event, the name of a person scheduled to perform or appear at an</u>	160
<u>event, or a name substantially similar to any of the foregoing,</u>	161
<u>unless the operator, ticket reseller, or online ticket</u>	162

<u>marketplace is acting on behalf of the place, event, or person.</u>	163
<u>(C) No person shall knowingly do any of the following:</u>	164
<u>(1) Circumvent through any automated means any security or identity validation measures or access control system used to protect the process for purchasing a ticket on the internet or for admission to a place of entertainment;</u>	165 166 167 168
<u>(2) Disguise the identity of a purchaser for the purpose of purchasing a number of tickets for admission to a place of entertainment that exceeds the maximum number of tickets allowed for purchase by a person;</u>	169 170 171 172
<u>(3) Sell a ticket acquired in violation of division (C) (1) or (2) of this section regardless of whether the person participated in or had the ability to control the prohibited conduct.</u>	173 174 175 176
<u>(D) An operator, online ticket marketplace, or ticket reseller shall not sell a ticket unless one or both of the following apply:</u>	177 178 179
<u>(1) The ticket is in the possession or constructive possession of the operator, online ticket marketplace, or ticket reseller;</u>	180 181 182
<u>(2) The operator, online ticket marketplace, or ticket reseller has a written contract with the place of entertainment to obtain the ticket.</u>	183 184 185
<u>(E) A violation of this section or section 1345.53 of the Revised Code is an unfair or deceptive act or practice in violation of section 1345.02 of the Revised Code. All powers and remedies available to the attorney general to enforce sections 1345.01 to 1345.13 of the Revised Code are available to the</u>	186 187 188 189 190

attorney general to enforce this section and section 1345.53 of 191  
the Revised Code. 192

(F) Nothing in this section shall be construed to create a 193  
private cause of action for individual consumers due to an 194  
entity's violation of this section. 195