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S.B. 30
(1_136_0383-1)
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 30's Bill Analysis](#)

Version: In Senate Small Business and Economic Opportunity

Primary Sponsors: Sens. Blessing and Ingram

Local Impact Statement Procedure Required: No

Jessica Murphy, Senior Budget Analyst

Highlights

- The bill prohibits a person selling or offering for sale goods or services “at retail” to require a buyer to pay via credit or prohibit payment via cash. It also requires the seller to accept cash when offered as payment. Violators face a penalty of \$300 per violation. Available evidence suggests that a very small number of Ohio businesses have or had cashless policies in recent years, therefore violations are expected to be minimal.
- The Attorney General may bring a civil action to enforce the bill in a court of common pleas or other court of competent jurisdiction. The associated legal work will likely be handled by the Office of the Attorney General’s Consumer Protection Section, funded by the Consumer Protection Enforcement Fund (Fund 6310). Costs to investigate and enforce violations will depend on the number of complaints filed/reported, investigations performed, and enforcement actions taken, but will likely be no more than minimal and absorbed by utilizing existing staff and resources.

Detailed Analysis

The bill prohibits a person selling or offering for sale goods or services “at retail” to require a buyer to pay via credit or prohibit payment via cash. It also requires the seller to accept cash when offered as payment. The bill is limited to any cumulative transactions of \$200 or less. The term “at retail” includes any retail transaction conducted in person and excludes any telephone, mail, or internet-based transaction. Additional exclusions are made for several businesses, notably sports and entertainment venues with a seating capacity of at least 10,000, municipal parking facilities, and retail establishments that convert consumer cash into a prepaid card under certain conditions. To date, there is no requirement mandating that a private business accept coins and currency (cash) as payment for goods or services. Private businesses are free to develop

their own policies on whether to take cash absent state law requiring them to give consumers the option to pay in cash.

Finding specific data to estimate the number of private businesses operating in Ohio that are strictly cashless is difficult. Both the Attorney General's Office and the Ohio Chamber of Commerce suggest that such businesses are likely in the minority. LBO performed an internet search which revealed a very small number of businesses that have or had cashless policies in recent years. Thus, it appears that the bill is largely preemptive. According to the Ohio Chamber of Commerce, more businesses have moved toward cashless policies in response to the COVID-19 pandemic, and this may become more of a trend in future years.

While the bill appears preemptive in Ohio, examining similar legislation in other states provides insight. For example, in 2023, the New Jersey Attorney General's Division of Consumer Affairs issued civil penalties to 30 businesses across the state for violations of cash acceptance laws. This number suggests that violations, while occurring, are relatively infrequent, supporting the assumption that reported violations would be small.

Enforcement

The Attorney General may bring a civil action to enforce the bill in a court of common pleas or other court of competent jurisdiction. If the court finds that the seller violated the bill, the court will impose a civil penalty of \$300 for each violation. Each time a seller prohibits cash payment, refuses to accept cash payment, or requires a buyer to pay by credit card in a transaction is a separate violation. The bill is silent as to where the civil penalties would be credited.

The Attorney General's enforcement costs will depend on the number of investigations and resulting civil actions filed. The Consumer Protection Section of the Attorney General's Office, funded by the Consumer Protection Enforcement Fund (Fund 6310), would likely handle the associated legal work. Overall, the number of additional civil actions is expected to be relatively small in the context of a court's total caseload, with associated costs minimal at most. Any costs would be absorbed utilizing existing staff and appropriated resources.