As Introduced

136th General Assembly
Regular Session
2025-2026

S. B. No. 336

Senator Blessing

To enact sections 1345.15, 1345.16, 1345.161, 1345.162, and 1345.17 of the Revised Code to require the disclosure of mandatory fees or surcharges in consumer transactions.

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

Section 1. That sections 1345.15, 1345.16, 1345.161, 1345.162, and 1345.17 of the Revised Code be enacted to read as follows:

Sec. 1345.15. As used in sections 1345.16 to 1345.17 of the Revised Code:

(A) "Auction" means the sale of goods or real estate by means of exchanges between an auctioneer and members of the audience, the exchanges consisting of a series of invitations for offers made by the auctioneer, offers made by members of the audience, and acceptance by the auctioneer of the highest or most favorable offer.

(B) "Broadband internet access service" has the same meaning as in 47 C.F.R. 8.1(b).

(C) "Cable operator" has the same meaning as in 47 U.S.C. 522.

(D) "Clear and conspicuous" or "clearly and conspicuously" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. In the case of an audio disclosure, "clear and conspicuous" or "clearly and conspicuously" means in a volume and cadence sufficient to be readily audible and understandable.

(E) "Consumer transaction" has the same meaning as in section 1345.01 of the Revised Code.

(F) "Electric utility" has the same meaning as in section 4928.01 of the Revised Code.

(G) "Federal broadband consumer requirements" means the broadband consumer requirements under 47 C.F.R. 8.2.

(H) "Food delivery platform" means a person that operates a mobile application or other online service to act as an intermediary between consumers and multiple restaurants to submit food orders on behalf of a consumer to a participating restaurant and to arrange for the delivery of the order from the restaurant to the consumer.

(I) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.

(J)(1) "Mandatory fees or surcharges" includes any additional fee or surcharge that must be paid in order to purchase the good or service being advertised.

(2) "Mandatory fees or surcharges" does not include any of the following:

(a) Taxes or fees imposed on the consumer by a government or government-approved entity or assessment fees of a government-created special district or program paid to the government or government-approved entity;

(b) Reasonable postage or shipping fees.

(K) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code.

(L) "Natural gas company" has the same meaning as in section 4929.01 of the Revised Code.

(M) "Price-variable supplier" means a supplier that offers services the total price of which is determined by consumer selections or preferences or dependent on distance or time.

(N)(1) "Restaurant" means all of the following:

(a) Any place where food is prepared for service to the public on or off the premises or any place where food is served, including lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities;

(b) Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public, including operations preparing or storing food for catering services, push cart operations, hot dog stands, and other mobile points of service;

(c) Mobile points of service to which food is distributed

by a place or operation described in division (N)(1)(b) of this section unless the point of service and of consumption is in a private residence;

(d) Any place or operation that prepares or stores food for distribution to child or adult day care centers or schools, regardless of whether the receiving day care center or school holds a restaurant license.

(2) "Restaurant" does not include any place manufacturing packaged or canned foods that are distributed to grocery stores or other similar retailers for sale to the public.

(O) "Settlement services" has the same meaning as in 12 U.S.C. 2602.

(P) "Supplier" has the same meaning as in section 1345.15 of the Revised Code.

(Q) "Telecommunications service provider" means a provider of telecommunication service as defined in section 4927.01 of the Revised Code.

Sec. 1345.16. (A) No supplier shall, in connection with a consumer transaction, advertise or display a price for goods or services without clearly and conspicuously displaying the total price, which shall include all mandatory fees or surcharges. A supplier that provides both a good and a service to consumers may comply with this section by displaying or advertising the total price of the good separately from the total price or rate charged for providing the service.

(B) A supplier offering goods or services in an auction is compliant with this section if the supplier clearly and conspicuously discloses any mandatory fees associated with the transaction and that the total cost of such goods or services

may vary.

(C) A restaurant or hotel is compliant with this section if, in every offer or advertisement for the purchase of a good or service that includes pricing information, such restaurant or hotel includes a clear and conspicuous disclosure of the percentage of any automatic and mandatory gratuities charged.

(D) A price-variable supplier is compliant with this section if such supplier clearly and conspicuously discloses all of the following:

(1) The factors determining the final price;

(2) Any mandatory fees or surcharges associated with the transaction;

(3) That the total cost of services may vary.

(E) A provider of broadband internet access service on its own or as part of a bundle that complies with federal broadband consumer requirements shall be deemed compliant with this section.

(F) A cable operator that complies with the pricing requirements of 47 U.S.C. 552 shall be deemed compliant with this section.

(G) A direct broadcast satellite provider that complies with the pricing requirements of 47 C.F.R. 76.310 shall be deemed compliant with this section.

(H) A provider of live event tickets that complies with the provisions of 16 C.F.R. 464 relating to live event tickets shall be deemed compliant with this section.

(I) A food delivery platform that complies with section

1345.17 of the Revised Code shall be deemed compliant with this section.

Sec. 1345.161. (A) It is not a violation of section 1345.16 of the Revised Code for a supplier to do any of the following:

(1) Reduce the total price that was previously advertised or displayed;

(2) Display a promotion or discount, including an offer to waive one or more mandatory fees;

(3) Advertise or display a price for goods and services in compliance with applicable state or federal laws.

(B) Section 1345.16 of the Revised Code shall not be construed to apply to any of the following:

(1) Fees authorized by law related to the purchase or lease of a motor vehicle that are charged by a motor vehicle dealer;

(2) Fees, surcharges, or costs charged by any electric utility, natural gas company, or telecommunications service provider;

(3) Any fees, surcharges, or other costs associated with settlement services, provided that such associated costs do not include real estate broker commissions and fees;

(4) The provision of air transportation by air carriers, as defined in 49 U.S.C. 40102;

(5) In a way that is expressly preempted by federal law.

Sec. 1345.162. A violation of sections 1345.16 to 1345.17 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 attorney general to enforce sections 1345.16 to 1345.17 of the Revised Code.

Sec. 1345.17. (A) A food delivery platform shall do both of the following:

(1) At the point when a consumer views and selects a vendor or items for purchase, include a clear and conspicuous disclosure of any mandatory fees or surcharges;

(2) Prior to checkout, display a subtotal page that itemizes the price of the selected items for purchase and any mandatory fees or surcharges included in the total cost.

(B) Nothing in this section shall be construed to prohibit a food delivery platform from doing any of the following:

(1) Reducing the total cost that was previously advertised or displayed;

(2) Displaying a promotion or discount, including an offer to waive one or more mandatory fees;

(3) Advertising or displaying a price for goods and services in compliance with applicable state or federal laws.

(C) A food delivery platform that is a price-variable supplier complies with division (A) of this section if the supplier includes a disclosure at the point when a consumer selects items for purchase that includes all of the following:

(1) The factors determining the final price;

(2) Any mandatory fees or surcharges associated with the

transaction;

(3) That the total cost of services may vary.