

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 415

Senator Patton

To enact section 4113.35 of the Revised Code to
regulate sale procedures at certain retail
establishments.

1
2
3

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

Section 1. That section 4113.35 of the Revised Code be
enacted to read as follows:

4
5

Sec. 4113.35. (A) As used in this section:

6

(1) "Employee" means an individual employed by a retail
pharmacy or retail food establishment, but does not include an
independent contractor, an individual hired through a third-
party agency, a manager, supervisor, or confidential employee.

7
8
9
10

(2) "Retail pharmacy" means a retail store that contains a
pharmacy as defined in section 4729.01 of the Revised Code.

11
12

(3) "Retail food establishment" means either of the
following:

13
14

(a) A retail store over fifteen thousand square feet in
size that primarily sells household foodstuff for offsite
consumption;

15
16
17

(b) A retail store over eighty-five thousand square feet
where ten percent of the sales floor is dedicated to the sale of

18
19

household foodstuff for offsite consumption. 20

(4) "Household foodstuff" includes fresh produce, meats, 21
deli products, dairy products, canned or dry foods, beverages, 22
baked goods, or prepared foods. 23

(5) "Self-service checkout" means an automated process 24
that allows customers to scan, bag, and pay for purchases 25
without employee assistance. 26

(6) "Staffed checkout" means a station that is not a self- 27
service checkout at which an employee facilitates a customer 28
purchase. 29

(B) A retail pharmacy or retail food establishment that 30
operates a self-service checkout shall do all of the following: 31

(1) Provide at least one staffed checkout; 32

(2) Limit purchases made at a self-service checkout to 33
fifteen items and advertise this limit to customers; 34

(3) If a retail pharmacy or retail food establishment 35
operates two or more self-service checkouts, staff at least one 36
employee for every three self-service checkouts in operation; 37

(4) Assign at least one employee to monitor the self- 38
service checkout area at all times it is in operation; 39

(5) Ensure that the employee assigned to monitor the self- 40
service checkout area in accordance with division (B)(4) of this 41
section has no other work responsibilities that would interfere 42
with the employee's ability to monitor the self-service checkout 43
area; 44

(6) Locate the self-service checkout in a place that 45
enables observation from employees and law enforcement; 46

<u>(7) Prohibit customers from using a self-service checkout</u>	47
<u>to purchase either of the following:</u>	48
<u>(a) Items that require a customer to provide a form of</u>	49
<u>identification to purchase, including alcohol and tobacco</u>	50
<u>products;</u>	51
<u>(b) Items that are subject to theft deterrent measures,</u>	52
<u>including any item that has a theft-deterrent device affixed to</u>	53
<u>it or any item stored in a locked cabinet that requires the</u>	54
<u>intervention of an employee to remove it before purchase.</u>	55
<u>(8) Notify the public of the requirements and enforcement</u>	56
<u>options under this section by prominently posting signage in a</u>	57
<u>location accessible to customers, which includes either a link</u>	58
<u>or quick response code that directs the customer to this section</u>	59
<u>of the Revised Code as published by the legislative service</u>	60
<u>commission in accordance with sections 149.21 to 149.27 of the</u>	61
<u>Revised Code.</u>	62
<u>(C) Any customer or employee of a retail pharmacy or</u>	63
<u>retail food establishment may bring a civil action in a court of</u>	64
<u>competent jurisdiction for a violation of division (B) of this</u>	65
<u>section. If the customer or employee prevails, the court may</u>	66
<u>award the following to the prevailing party:</u>	67
<u>(1) A civil penalty calculated in the manner prescribed by</u>	68
<u>division (D) of this section;</u>	69
<u>(2) Reasonable costs and attorney's fees.</u>	70
<u>(D) The court shall calculate the amount of a civil</u>	71
<u>penalty awarded under division (C) (1) of this section as</u>	72
<u>follows:</u>	73
<u>(1) For each violation, one hundred dollars per each</u>	74

employee that was working on the premises of the retail pharmacy 75
or retail food establishment on the day the violation occurred. 76

(2) For each day that the violation continues, the penalty 77
amount shall increase by an additional one hundred dollars per 78
employee that was working on the premises of the retail pharmacy 79
or retail food establishment on the day the violation occurred, 80
up to a limit of one thousand dollars per employee per day of 81
the violation. 82

(E) No retail pharmacy or retail food establishment shall 83
retaliate against an employee for bringing or participating in a 84
civil action related to an alleged violation of this section, 85
participating in court proceedings related to a civil action 86
brought under this section, opposing any practice prohibited by 87
this section, or otherwise asserting their rights under this 88
section. 89