

**As Passed by the Senate**

**134th General Assembly**

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**Sub. S. B. No. 184**

**Senators Lang, Rulli**

**Cosponsors: Senators Reineke, Schaffer, Cirino, Dolan, Gavarone, Hoagland,  
Huffman, S., Johnson, Manning, Roegner, Romanchuk, Schuring, Wilson**

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**A BILL**

To enact sections 1349.65, 1349.66, 1349.67, and 1  
1349.68 of the Revised Code regarding 2  
transparency by large-volume third-party sellers 3  
in online marketplaces. 4

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

**Section 1.** That sections 1349.65, 1349.66, 1349.67, and 5  
1349.68 of the Revised Code be enacted to read as follows: 6

**Sec. 1349.65.** As used in sections 1349.65 to 1349.68 of 7  
the Revised Code: 8

(A) "Consumer product" means any tangible personal 9  
property that is distributed in commerce and that is normally 10  
used for personal, family, or household purposes, including any 11  
such property intended to be attached to or installed in any 12  
real property without regard to whether it is so attached or 13  
installed. 14

(B) "High-volume third-party seller" means a participant 15  
in an online marketplace that is a third-party seller and that, 16  
in any continuous twelve-month period during the previous 17

twenty-four months, has entered into two hundred or more 18  
discrete sales or transactions of new or unused consumer 19  
products with consumers in this state resulting in the 20  
accumulation of an aggregate total of five thousand dollars or 21  
more in gross revenue. 22

(C) "Online marketplace" means any Internet-based or 23  
accessed platform that meets both of the following: 24

(1) It includes features that allow for, facilitate, or 25  
enable third-party sellers to engage in the sale, purchase, 26  
payment, storage, shipping, or delivery of a consumer product in 27  
this state. 28

(2) It hosts one or more third-party sellers. 29

(D) "Seller" means a person that sells, offers to sell, or 30  
contracts to sell a consumer product through an online 31  
marketplace. "Seller" does not include a new motor vehicle 32  
dealer licensed under Chapter 4517. of the Revised Code. 33

(E) (1) "Third-party seller" means a seller, independent of 34  
an operator, facilitator, or owner of an online marketplace, 35  
that sells, offers to sell, or contracts to sell a consumer 36  
product through an online marketplace. 37

(2) "Third-party seller" does not include a seller that 38  
meets all of the following: 39

(a) Is a business entity that has made available to the 40  
general public the entity's name, business address, and working 41  
contact information; 42

(b) Has an ongoing contractual relationship with the owner 43  
of the online marketplace to provide for the manufacture, 44  
distribution, wholesaling, or fulfillment of shipments of 45

consumer products; 46

(c) Has provided to the online marketplace identifying 47  
information, as described in division (A) of section 1349.66 of 48  
the Revised Code, that has been verified pursuant to that 49  
subsection. 50

(F) "Verify" means to confirm information provided to an 51  
online marketplace pursuant to divisions (A) and (C) of section 52  
1349.66 of the Revised Code by the use of either of the 53  
following: 54

(1) A third-party or proprietary identity verification 55  
system that has the capability to confirm a seller's name, 56  
electronic mail address, physical address, and telephone number; 57

(2) A combination of two-factor authentication, public 58  
records search, and the presentation of a government-issued 59  
identification. 60

**Sec. 1349.66.** (A) An online marketplace shall require that 61  
each high-volume third-party seller on the online marketplace 62  
provide the online marketplace with the following information 63  
within twenty-four hours of becoming a high-volume third-party 64  
seller: 65

(1) Bank account information, the accuracy of which has 66  
been confirmed directly by the online marketplace or by a 67  
payment processor or other third party contracted by the online 68  
marketplace, or, if the high-volume third-party seller does not 69  
have a bank account, the name of the payee for payments issued 70  
by the online marketplace to the high-volume third-party seller. 71  
The information may be provided by the high-volume third-party 72  
seller to either of the following parties: 73

(a) The online marketplace; 74

(b) A payment processor or other third party contracted by 75  
the online marketplace to maintain such information, provided 76  
that the online marketplace must be permitted to obtain such 77  
information on demand from the payment processor or other third 78  
party. 79

(2) Contact information, including all of the the 80  
following: 81

(a) A working electronic mail address and working 82  
telephone number for the high-volume third-party seller; 83

(b) If the high-volume third-party seller is an 84  
individual, a copy of a government-issued photo identification 85  
for the individual that includes the individual's name and 86  
physical address; 87

(c) If the high-volume third-party seller is not an 88  
individual, either of the following: 89

(i) A copy of a government-issued photo identification for 90  
an individual acting on behalf of the high-volume third-party 91  
seller that includes the individual's name and physical address; 92

(ii) A copy of a government-issued record or tax document 93  
that includes the business name and physical address of the 94  
high-volume third-party seller. 95

(3) A business tax identification number or, if the high- 96  
volume third-party seller does not have a business tax 97  
identification number, a taxpayer identification number; 98

(4) Whether the high-volume third-party seller is 99  
exclusively advertising or offering the consumer product on the 100  
online marketplace, or if the high-volume third-party seller is 101  
currently advertising or offering for sale the same consumer 102

product on any other internet web sites other than the online marketplace. 103  
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(B)(1) An online marketplace shall verify the information provided in division (A) of this section within three calendar days of its submission, and shall verify any changes to such information that is provided to the online marketplace by a high-volume third-party seller within three calendar days of its submission. If a high-volume third-party seller provides a copy of a valid government-issued tax document, information contained within the tax document shall be presumed to be verified as of the date of issuance of such record or document. 105  
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(2) At least annually, an online marketplace shall notify each high-volume third-party seller on the online marketplace that the high-volume third-party seller must inform the online marketplace of any changes to the information provided by the high-volume third-party seller pursuant to division (A) of this section within three calendar days of receiving the notification. 114  
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(a) As part of the notification, the online marketplace shall instruct each high-volume third-party seller to electronically certify either that the high-volume third-party seller's information is unchanged or that the high-volume third-party seller is providing changes to the information. 121  
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(b) If the online marketplace becomes aware that a high-volume third-party seller has neither certified that the high-volume third-party seller's information is unchanged nor provided the changes within three calendar days of receiving the notification, the online marketplace shall suspend the high-volume third-party seller's participation on the online marketplace until the high-volume third-party seller has either 126  
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certified that the high-volume third-party seller's information 133  
is unchanged or has provided the changes and the information has 134  
been verified. 135

**Sec. 1349.67.** (A) An online marketplace shall require a 136  
high-volume third-party seller to disclose to consumers in this 137  
state in a conspicuous manner either on the product listing or, 138  
for information other than the high-volume third-party seller's 139  
full name, through a conspicuously placed link on the product 140  
listing, the following information: 141

(1) Subject to division (B) of this section, the identity 142  
of the high-volume third-party seller, including all of the 143  
following: 144

(a) The full name of the high-volume third-party seller; 145

(b) The full physical address of the high-volume third- 146  
party seller; 147

(c) Whether the high-volume third-party seller also 148  
engages in the manufacturing, importing, or reselling of 149  
consumer products; 150

(d) Contact information for the high-volume third-party 151  
seller, including a working telephone number and working 152  
electronic mail address. Such working electronic mail address 153  
may be provided to the high-volume third-party seller by the 154  
online marketplace. 155

(2) Any other information the attorney general determines 156  
necessary under division (B) of section 1349.68 of the Revised 157  
Code to address circumvention or evasion of the requirements of 158  
division (A) of this section. 159

(B)(1) Subject to division (B)(2) of this section, upon 160

the request of a high-volume third-party seller, an online marketplace may provide for partial disclosure of the identity information required under division (A) (1) of this section as follows: 161  
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(a) If the high-volume third-party seller demonstrates to the online marketplace that the high-volume third-party seller does not have a business address and only has a residential street address, the online marketplace may direct the high-volume third-party seller to disclose only the country and, if applicable, the state in which the high-volume third-party seller resides on the product listing. The high-volume third-party seller also may inform consumers in this state that there is no business address available for the high-volume third-party seller and that consumer inquiries should be submitted to the high-volume third-party seller by telephone or electronic mail. 165  
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(b) If the high-volume third-party seller demonstrates to the online marketplace that the high-volume third-party seller is a business that has a physical address for product returns, the online marketplace may direct the high-volume third-party seller to disclose the high-volume third-party seller's physical address for product returns. 176  
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(c) If a high-volume third-party seller demonstrates to the online marketplace that the high-volume third-party seller does not have a telephone number other than a personal telephone number, the online marketplace shall inform consumers in this state that there is no telephone number available for the high-volume third-party seller and that consumer inquiries should be submitted to the high-volume third-party seller's electronic mail address. 182  
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(2) An online marketplace shall withdraw its provision for 190

partial disclosure under division (B)(1) of this section 191  
regarding a high-volume third-party seller and require the high- 192  
volume third-party seller to fully disclose the seller's 193  
identity information described in division (A)(1) of this 194  
section upon three business days' prior notice to the high- 195  
volume third-party seller if the online marketplace becomes 196  
aware that either: 197

(a) The high-volume third-party seller made a false 198  
representation to the online marketplace in order to justify the 199  
provision of the partial disclosure. 200

(b) The high-volume third-party seller has not provided 201  
responsive answers within a reasonable timeframe to consumer 202  
inquiries submitted to the high-volume third-party seller by 203  
telephone or electronic mail. 204

(3) If a high-volume third-party seller is a program 205  
participant as defined in section 111.41 of the Revised Code or 206  
a designated public service worker as defined in section 149.43 207  
of the Revised Code, the online marketplace shall not require 208  
disclosure of the high-volume third-party seller's physical 209  
business or residential address. A high-volume third-party 210  
seller that is a program participant or designated public 211  
service worker may disclose a physical business or residential 212  
address if the high-volume third-party seller so chooses. 213

(C) An online marketplace shall establish for consumers in 214  
this state a reporting mechanism that allows for reporting, by 215  
electronic means and by telephone, of suspicious seller activity 216  
to the online marketplace. The online marketplace shall include, 217  
in a conspicuous manner on the product listing of any high- 218  
volume third-party seller, the reporting mechanism and a message 219  
encouraging consumers in this state to report suspicious 220



activity to the online marketplace. 221

(D) An online marketplace that warehouses, distributes, or 222  
otherwise fulfills a consumer product order shall disclose to a 223  
consumer in this state the identification of any high-volume 224  
third-party seller supplying the consumer product if different 225  
than the seller listed on the product listing web page. 226

**Sec. 1349.68.** (A) A violation of section 1349.66 or 227  
1349.67 of the Revised Code is an unfair or deceptive act or 228  
practice in violation of section 1345.02 of the Revised Code. A 229  
person injured by a violation of section 1349.66 or 1349.67 of 230  
the Revised Code has a cause of action and is entitled to the 231  
same relief available to a consumer under section 1345.09 of the 232  
Revised Code. All powers and remedies available to the attorney 233  
general to enforce sections 1345.01 to 1345.13 of the Revised 234  
Code are available to the attorney general to enforce sections 235  
1349.66 and 1349.67 of the Revised Code. 236

(B) The attorney general may adopt rules necessary to 237  
collect and verify information under sections 1349.66 and 238  
1349.67 of the Revised Code. 239

(C) The intent of the general assembly in enacting 240  
sections 1349.65 to 1349.68 of the Revised Code is to establish 241  
a statewide, comprehensive enactment that applies to all parts 242  
of the state, operates uniformly throughout the state, and sets 243  
forth police regulations. No political subdivision as defined in 244  
section 2744.01 of the Revised Code shall establish, mandate, or 245  
otherwise require online marketplaces or sellers to undertake 246  
different or additional measures to verify or disclose the same 247  
information as or information similar to that which is the 248  
subject of sections 1349.65 to 1349.68 of the Revised Code. 249