

**As Introduced**

**CORRECTED VERSION**

**135th General Assembly**

**Regular Session**

**2023-2024**

**S. B. No. 38**

**Senators Blessing, Ingram**

**Cosponsors: Senators O'Brien, Cirino, Craig**

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**A BILL**

To enact section 1333.97 of the Revised Code to 1  
require retail merchants to give customers the 2  
option to pay by cash. 3

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

**Section 1.** That section 1333.97 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 1333.97.** (A) As used in this section, "at retail" 6  
includes any retail transaction conducted in person and excludes 7  
any telephone, mail, or internet-based transaction. 8

(B) A person selling or offering for sale goods or 9  
services at retail shall not require a buyer to pay using credit 10  
or prohibit cash as payment. A person selling or offering for 11  
sale goods or services at retail shall accept cash when offered 12  
by the buyer as payment. 13

(C) A violation of division (B) of this section is an 14  
unfair or deceptive act or practice in violation of section 15  
1345.02 of the Revised Code. A person injured by a violation of 16  
division (B) of this section has a cause of action and is 17

entitled to the same relief available to a consumer under 18  
section 1345.09 of the Revised Code. All powers and remedies 19  
available to the attorney general to enforce sections 1345.01 to 20  
1345.13 of the Revised Code are available to the attorney 21  
general to enforce division (B) of this section. 22

(D) This section does not apply to any of the following: 23

(1) A person selling goods or services at an airport, if 24  
at least two persons selling food in the same terminal accept 25  
cash as payment; 26

(2) A parking facility owned by a municipal corporation, 27  
regardless of whether the facility is operated by the municipal 28  
corporation or another entity; 29

(3) A parking facility that accepts mobile payment, if the 30  
facility does not accept payment by any means other than mobile 31  
payment; 32

(4) A company in the business of renting motor vehicles, 33  
if the company accepts a cashier's check or a certified check 34  
when offered by a buyer as payment; 35

(5) A sports or entertainment venue with a seating 36  
capacity of ten thousand or more irrespective of the event held 37  
at the venue; 38

(6) A retail establishment that possesses and allows 39  
customers to use a device that converts cash into a prepaid card 40  
that a customer can use to complete a transaction at the retail 41  
establishment if all of the following apply: 42

(a) There is no fee for converting cash into the prepaid 43  
card. 44

(b) There is no fee for using the prepaid card. 45

<u>(c) A minimum deposit greater than five dollars is not</u>	46
<u>required to obtain the prepaid card.</u>	47
<u>(d) The customer is given the option of obtaining a</u>	48
<u>receipt indicating the amount of cash the customer deposited</u>	49
<u>onto the prepaid card.</u>	50
<u>(e) The prepaid card is not subject to an expiration date</u>	51
<u>or a limit on the number of transactions for which it may be</u>	52
<u>used.</u>	53