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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 242  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Blessing

Yosef Schiff, Attorney

### SUMMARY

- Requires retail merchants to give customers the option to pay in cash.

### DETAILED ANALYSIS

Under federal law, United States coins and currency are legal tender for all debts, public charges, taxes, and dues.<sup>1</sup> Despite common misconception, however, this does not mean that a person must accept cash in exchange for goods. Rather, it means that if a person pays their creditor or the government in cash, the debt or other obligation is considered legally settled.

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 term “at retail” includes any retail transaction conducted in person and excludes any telephone, mail, or internet-based transaction.<sup>2</sup>

A violation of the above provisions is an unfair and deceptive act or practice under the Consumer Sales Practices Act (CSPA). The Attorney General has broad authority to enforce the CSPA, including suing for injunctive relief and civil penalties. Additionally, under the bill and under the CSPA, a consumer has a private right of action and can sue the supplier to rescind the transaction or to recover the consumer’s actual economic damages plus up to \$5,000 in noneconomic damages. If the supplier’s violation is an act or practice that has already been declared deceptive or unconscionable by the Attorney General or by a court, then the

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<sup>1</sup> 31 United States Code 5103.

<sup>2</sup> R.C. 1333.97(A) and (B).

consumer may sue to rescind the transaction or recover three times the amount of the consumer's actual economic damages.<sup>3</sup>

The bill does not apply to any of the following:

- A person selling goods or services at an airport, if at least two persons selling food in the same terminal accept cash as payment;
- A parking facility owned by a municipal corporation, regardless of whether the facility is operated by the municipal corporation or another entity;
- A parking facility that accepts mobile payment, if the facility does not accept payment by any means other than mobile payment;
- A company in the business of renting motor vehicles, if the company accepts a cashier's check or a certified check when offered by a buyer as payment;
- A sports or entertainment venue with a seating capacity of 10,000 or more irrespective of the event held at the venue.<sup>4</sup>

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## HISTORY

Action	Date
Introduced	09-30-21

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S0242-I-134/ts

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<sup>3</sup> R.C. 1333.97(C) and R.C. 1345.02 and 1345.09, not in the bill.

<sup>4</sup> R.C. 1333.97(D).