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# OHIO LEGISLATIVE SERVICE COMMISSION

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Office

**H.B. 184**  
**135<sup>th</sup> General Assembly**

## Final Analysis

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**Primary Sponsors:** Reps. Brennan and Bird

**Effective date:** March 20, 2025

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UPDATED VERSION\*

### SUMMARY

- Applies the Ohio Charitable Solicitation Law to operators of receptacles used for the collection of donations of clothing, books, and certain personal items, household items, or other goods.
- Requires the operator of a collection receptacle to display a conspicuous and permanent sign or label on every side of the receptacle providing identifying and contact information for the charitable organization and, if applicable, the professional solicitor.
- Requires a professional solicitor to pay a \$200 fee to the Attorney General at the commencement of a solicitation campaign.
- Allows the Attorney General to publish certain information collected from a professional solicitor at the outset of a solicitation campaign.
- Requires the solicitation notice filed by a professional solicitor at the commencement of a solicitation campaign to include the location of any collection receptacle to be used as part of the campaign.
- Limits the duration of solicitation campaigns conducted by professional solicitors to four years.
- Requires professional solicitors to periodically report the total weight of items collected in collection receptacles and the value received for the sale of the items.
- Permits the contract between a professional solicitor and a charitable organization to express the benefit the charitable organization will receive based on an amount of dollars per pound of goods collected rather than as a percentage of gross revenue.

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\* This version updates the effective date.

- Requires a professional solicitor to make and maintain audio recordings of each telephone solicitation the solicitor makes.
- Prohibits a charitable solicitation or charitable sales promotion from initiating an outbound telephone call that delivers a prerecorded message in violation of the federal Telemarketing Sales Rule.
- Permits the Attorney General to examine a professional solicitor’s pitch sheets, solicitation scripts, and recordings when investigating any alleged violation of the Ohio Charitable Solicitation Law.

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## **DETAILED ANALYSIS**

### **General overview**

The Ohio Charitable Solicitation Law requires any charitable organization that intends to solicit contributions or have contributions solicited on its behalf to file a registration statement with the Attorney General. Similarly, the law requires registration of persons who, for compensation, solicit contributions on behalf or for the benefit of a charitable organization (“professional solicitors”). Registered charitable organizations and professional solicitors are subject to numerous reporting, record-keeping, and process requirements.<sup>1</sup>

The act extends the Ohio Charitable Solicitation Law to solicitation campaigns involving collection receptacles and establishes several new requirements specific to their use. Furthermore, it imposes a new fee on professional solicitors, limits the duration of solicitation campaigns, modifies the information required to be expressed in a contract between a charitable organization and a professional solicitor, requires professional solicitors to make audio recordings of telephone solicitations, prohibits prerecorded solicitation calls, and permits the Attorney General to examine a professional solicitor’s pitch sheets, solicitation scripts, and recordings.

### **Collection receptacles**

The act extends the Ohio Charitable Solicitation Law to charitable organizations and professional solicitors that utilize collection receptacles. “Collection receptacles” are attended or unattended containers used to collect donations of clothing, books, or certain personal items, household items, or other goods. The act expressly excludes containers used to collect monetary donations or donations of food, consumable household supplies, or personal health products to be distributed for a charitable purpose.<sup>2</sup>

### **Registration**

As explained above, charitable organizations and professional solicitors are required to register with the Attorney General only if they intend to solicit contributions in Ohio. The act

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<sup>1</sup> R.C. 1716.01 and 1716.07; R.C. 1716.02, not in the act.

<sup>2</sup> R.C. 1716.01(D).

specifies that operating a collection receptacle and claiming, either through language appearing on the collection receptacle or otherwise, to be collecting items to benefit a charitable purpose or charitable organization is considered a form of “solicitation” and, therefore, triggers the registration requirement and other aspects of the Ohio Charitable Solicitation Law. However, the act clarifies that a person removing or delivering donations placed in a collection receptacle for a fixed fee is not required to register if the person does not otherwise receive proceeds of, or derive any other benefit from, the sale of donations.<sup>3</sup>

### **Signage or labeling**

The act requires the operator of a collection receptacle to display a conspicuous and permanent sign or label on every side of the receptacle with the following information:

- The name, address, and telephone number of the charitable organization that will receive the goods collected;
- If the collection receptacle is operated by a professional solicitor, the solicitor’s name, address, and telephone number;
- If the collection receptacle is operated by a professional solicitor, a statement that the contract disclosing the financial arrangement between the solicitor and the charitable organization is on file with and available from the Attorney General.

The letters on the sign or label must be at least three inches in height and one-half inch in width. The color of the text must contrast with the color of the collection receptacle.<sup>4</sup>

### **Filings with the Attorney General**

At the beginning of a solicitation campaign, continuing law requires a professional solicitor to file with the Attorney General a solicitation notice, a copy of the contract between the solicitor and charitable organization, and a sworn statement by the charitable organization on whose behalf the professional solicitor is acting certifying the materials filed are true and correct. The act permits the Attorney General to publish all of that information and requires the professional solicitor to pay a \$200 fee at the time of filing.

The solicitation notice must include details about the manner in which the solicitor intends to fundraise, the projected dates of the solicitation campaign, the location and telephone number of the place where the campaign will be conducted, contact information for each person responsible for directing and supervising the campaign, and other information about the campaign. The act requires the solicitation notice to also include the location of each collection receptacle used in connection with the solicitation. In addition, it limits the duration of solicitation campaigns to four years.

Continuing law also requires that, no later than 90 days after a solicitation campaign has been completed, and on each anniversary of the commencement of a solicitation campaign

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<sup>3</sup> R.C. 1716.01(L).

<sup>4</sup> R.C. 1716.06.

lasting more than one year, the professional solicitor must provide to the charitable organization and file with the Attorney General a financial report of the campaign, including the gross revenue received and an itemization of all expenses incurred. The act adds that the report must also include the total weight of items collected in each collection receptacle, if applicable, and the value received for the sale of such items.<sup>5</sup>

The act defines “**solicitation campaign**” for the purposes of the Ohio Charitable Solicitation Law as a series of solicitations that are made by the same person for the same charitable organization and that are similar in content or are based on a similar pitch or sales approach, which series leads up to or is represented to lead up to an event or lasts or is intended to last for a definite period of time.<sup>6</sup>

## **Contract between professional solicitor and charitable organization**

Continuing law, changed in part by the act, lays out specific requirements for the contracts between a charitable organization and a professional solicitor. For example, the contract must be in writing, state the obligations of both parties, and contain the percentage of gross revenue from the solicitation campaign that the charitable organization is to receive. The percentage can be either a fixed percentage of the gross revenue or a reasonable estimate.

The act provides another option. Instead of requiring a percentage of gross revenue, the act requires the contract to contain a clear statement of the benefit the charitable organization will receive, which may be stated as a fixed percentage of the gross revenue, a reasonable estimate of the percentage of the gross revenue, *or as any other amount such as dollars per pound of goods collected*. The act also permits the number and value of goods collected to be used for determining compensation of the professional solicitor or for calculating the percentage of gross revenue the charitable organization will receive.<sup>7</sup>

## **Audio records**

Continuing law requires professional solicitors to make certain records during a solicitation campaign and retain them for at least three years after its completion. Those records include the name and address of each contributor, the name and address of each person involved in the campaign, and a record of all expenses incurred by the professional solicitor. The act adds a requirement that the professional solicitor maintain an audio record of each telephone solicitation the professional solicitor makes.<sup>8</sup>

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<sup>5</sup> R.C. 1716.07(D) and (E).

<sup>6</sup> R.C. 1716.01(M).

<sup>7</sup> R.C. 1716.08.

<sup>8</sup> R.C. 1716.07(G)(1)(i).

## Telemarketing Sales Rule

The act explicitly prohibits a charitable solicitation or charitable sales promotion from delivering a prerecorded message in violation of the federal Telemarketing Sales Rule.<sup>9</sup>

## Investigation by the Attorney General

Under continuing law, the Attorney General may investigate any alleged violation of the Charitable Solicitation Law. For this purpose, the Attorney General may examine any person or any documentary material that is relevant to the alleged violation or false or misleading information. The act adds that such documentary material includes a professional solicitor's pitch sheets, solicitation scripts, and recordings.<sup>10</sup>

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## HISTORY

Action	Date
Introduced	05-23-23
Reported, H. State & Local Gov't	11-15-23
Passed House (85-5)	1-10-24
Reported, S. Government Oversight	12-4-24
Passed Senate (28-0)	12-4-24
House concurred in Senate amendments (89-1)	12-10-24

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<sup>9</sup> R.C. 1716.14(A)(12); 16 Code of Federal Regulations 310.4(b)(1)(v).

<sup>10</sup> R.C. 1716.15(A)(1).