

**As Reported by the Senate Insurance, Commerce and Labor  
Committee**

**126th General Assembly  
Regular Session  
2005-2006**

**Sub. S. B. No. 33**

**Senators Spada, Jacobson, Amstutz, Schuler, Mumper**

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**A BILL**

To enact section 1349.19 of the Revised Code to 1  
prohibit the sale of a gift card that has an 2  
expiration date that is less than two years after 3  
the date the gift card is issued and to prohibit, 4  
for two years after issuance, any service charges 5  
or fees having the effect of reducing the value of 6  
the gift card. 7

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

**Section 1.** That section 1349.19 of the Revised Code be 8  
enacted to read as follows: 9

Sec. 1349.19. (A)(1) Subject to division (C) of this section, 10  
no person or entity shall sell a gift card to a purchaser 11  
containing an expiration date that is less than two years after 12  
the date the gift card is issued. 13

(2) No person or entity, within two years after a gift card 14  
is issued, shall charge service charges or fees relative to that 15  
gift card, including dormancy fees, latency fees, or 16  
administrative fees, that have the effect of reducing the total 17  
amount for which the holder of the gift card may redeem the gift 18  
card. 19

(B) A gift card sold without an expiration date is valid 20  
until redeemed or replaced with a new gift card. 21

(C) Division (A) of this section does not apply to any of the 22  
following gift cards: 23

(1) A gift card that is distributed by the issuer to a 24  
consumer pursuant to an awards, loyalty, or promotional program 25  
without any money or anything of value being given in exchange for 26  
the gift card by the consumer; 27

(2) A gift card that is sold below face value at a volume 28  
discount to employers or to nonprofit and charitable organizations 29  
for fundraising purposes, if the expiration date on that gift card 30  
is not more than thirty days after the date of sale; 31

(3) A gift card that is sold by a nonprofit or charitable 32  
organization for fundraising purposes; 33

(4) A gift card that an employer gives to an employee if use 34  
of the gift card is limited to the employer's business 35  
establishment, which may include a group of merchants that are 36  
affiliated with that business establishment; 37

(5) A gift certificate issued in accordance with section 38  
1533.131 of the Revised Code that may be used to obtain hunting 39  
and fishing licenses, fur taker, special deer, and special wild 40  
turkey permits, and wetlands habitat stamps. 41

(D) Whoever violates division (A)(2) of this section is 42  
liable to the holder for any amount that the redemption value of 43  
the gift card was reduced, any court costs incurred, and 44  
reasonable attorney's fees. 45

(E) As used in this section: 46

(1) "Gift card" means a certificate, electronic card, or 47  
other medium issued by a merchant that evidences the giving of 48  
consideration in exchange for the right to redeem the certificate, 49

electronic card, or other medium for goods, food, services, 50  
credit, or money of at least an equal value, including any 51  
electronic card issued by a merchant with a monetary value where 52  
the issuer has received payment for the full monetary value for 53  
the future purchase or delivery of goods or services and any 54  
certificate issued by a merchant where the issuer has received 55  
payment for the full monetary face value of the certificate for 56  
the future purchase or delivery of goods and services. "Gift card" 57  
does not include a prepaid calling card used to make telephone 58  
calls. 59

(2) "Employer" and "employee" have the same meanings as in 60  
section 4121.01 of the Revised Code. 61