

As Reported by the House State Government Committee

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Sub. H. B. No. 325

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A B I L L

To amend sections 1711.09, 2915.01, 2915.02, 2915.03, 1
2915.07, 2915.08, 2915.081, 2915.09, 2915.091, 2
2915.092, 2915.095, 2915.10, 2915.101, and 2915.13 3
and to enact section 2915.083 of the Revised Code 4
relative to the conduct of bingo, instant bingo at 5
a bingo session, and instant bingo other than at a 6
bingo session by a charitable organization and to 7
other charitable gambling-related matters. 8

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

Section 1. That sections 1711.09, 2915.01, 2915.02, 2915.03, 9
2915.07, 2915.08, 2915.081, 2915.09, 2915.091, 2915.092, 2915.095, 10
2915.10, 2915.101, and 2915.13 be amended and section 2915.083 of 11
the Revised Code be enacted to read as follows: 12

Sec. 1711.09. Except as otherwise provided in this section, 13

county agricultural societies, independent agricultural societies, 14
and the Ohio expositions commission shall not permit during any 15
fair, or for one week before or three days after any fair, any 16
dealing in spirituous liquors, or at any time allow or tolerate 17
immoral shows, lottery devices, games of chance, or gambling of 18
any kind, including pool selling and paddle wheels, anywhere on 19
the fairground; and shall permit no person at any time to operate 20
any side show, amusement, game, or device, or offer for sale any 21
novelty by auction or solicitation, on the fairground who has not 22
first obtained from the director of agriculture a license under 23
section 1711.11 of the Revised Code. This section does not 24
prohibit the sale of lottery tickets by the state lottery 25
commission pursuant to Chapter 3770. of the Revised Code at the 26
state fairground during the state fair. In addition, a county or 27
independent agricultural society may permit, at any time except 28
during a fair or for one week before or three days after a fair, a 29
charitable organization to conduct in accordance with Chapter 30
2915. of the Revised Code games of chance or bingo on the 31
fairground of a any county ~~with a population of five hundred~~ 32
~~thousand or less~~. A charitable organization may lease all or part 33
of the fairground from the agricultural society for that purpose. 34

Any sales of intoxicating liquor transacted on the fairground 35
shall be subject to Chapters 4301., 4303., and 4399. of the 36
Revised Code. 37

Any agricultural society that permits the sale of 38
intoxicating liquor on its fairground shall apply any proceeds 39
gained by the society from the permit holder and from activities 40
coincident to the sale of intoxicating liquor first to pay the 41
cost of insurance on all buildings on the fairground, and then for 42
any other purpose authorized by law. 43

Sec. 2915.01. As used in this chapter: 44

(A) "Bookmaking" means the business of receiving or paying
off bets. 45 46

(B) "Bet" means the hazarding of anything of value upon the
result of an event, undertaking, or contingency, but does not
include a bona fide business risk. 47 48 49

(C) "Scheme of chance" means a slot machine, lottery, numbers
game, pool conducted for profit, or other scheme in which a
participant gives a valuable consideration for a chance to win a
prize, but does not include bingo, a skill-based amusement
machine, or a pool not conducted for profit. 50 51 52 53 54

(D) "Game of chance" means poker, craps, roulette, or other
game in which a player gives anything of value in the hope of
gain, the outcome of which is determined largely by chance, but
does not include bingo. 55 56 57 58

(E) "Game of chance conducted for profit" means any game of
chance designed to produce income for the person who conducts or
operates the game of chance, but does not include bingo. 59 60 61

(F) "Gambling device" means any of the following: 62

(1) A book, totalizer, or other equipment for recording bets; 63

(2) A ticket, token, or other device representing a chance,
share, or interest in a scheme of chance or evidencing a bet; 64 65

(3) A deck of cards, dice, gaming table, roulette wheel, slot
machine, or other apparatus designed for use in connection with a
game of chance; 66 67 68

(4) Any equipment, device, apparatus, or paraphernalia
specially designed for gambling purposes; 69 70

(5) Bingo supplies sold or otherwise provided, or used, in
violation of this chapter. 71 72

(G) "Gambling offense" means any of the following: 73

(1) A violation of section 2915.02, 2915.03, 2915.04,	74
2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091,	75
2915.092, 2915.10, or 2915.11 of the Revised Code;	76
(2) A violation of an existing or former municipal ordinance	77
or law of this or any other state or the United States	78
substantially equivalent to any section listed in division (G)(1)	79
of this section or a violation of section 2915.06 of the Revised	80
Code as it existed prior to July 1, 1996;	81
(3) An offense under an existing or former municipal	82
ordinance or law of this or any other state or the United States,	83
of which gambling is an element;	84
(4) A conspiracy or attempt to commit, or complicity in	85
committing, any offense under division (G)(1), (2), or (3) of this	86
section.	87
(H) Except as otherwise provided in this chapter, "charitable	88
<u>"Charitable organization" means any tax exempt social club, any</u>	89
<u>tax exempt community action agency, or any tax exempt religious,</u>	90
educational, veteran's, fraternal, sporting, service, nonprofit	91
medical, volunteer rescue service, volunteer firefighter's, senior	92
citizen's, historic railroad educational, youth athletic, amateur	93
athletic, or youth athletic park organization. An organization is	94
tax exempt if the organization is, and has received from the	95
internal revenue service a determination letter that currently is	96
in effect stating that the organization is, exempt from federal	97
income taxation under subsection 501(a) and described in	98
subsection 501(c)(3), 501(e)(4) , 501(c)(8), 501(c)(10), or	99
501(c)(19) of the Internal Revenue Code, <u>if the organization is a</u>	100
<u>veteran's organization or a fraternal organization and is, and has</u>	101
<u>received from the internal revenue service a determination letter</u>	102
<u>that currently is in effect stating that the organization is,</u>	103
<u>exempt from federal income taxation under subsection 501(a) and</u>	104

described in subsection 501(c)(4) of the Internal Revenue Code, or 105
if the organization is a social club or sporting organization that 106
is, and has received from the internal revenue service a 107
determination letter that currently is in effect stating that the 108
club or organization is, exempt from federal income taxation under 109
subsection 501(a) and is described in subsection 501(c)(7) of the 110
Internal Revenue Code. To qualify as a charitable organization, an 111
organization, except a volunteer rescue service organization, 112
nonprofit medical organization, social club, or volunteer ~~fire~~ 113
~~fighter's~~ firefighter's organization, shall have been in 114
continuous existence as such in this state for a period of two 115
years immediately preceding either the making of an application 116
for a ~~binge~~ license under section 2915.08 or 2915.083 of the 117
Revised Code or the conducting of any game of chance as provided 118
in division (D) of section 2915.02 of the Revised Code. A 119
charitable organization that is exempt from federal income 120
taxation under subsection 501(a) and described in subsection 121
501(c)(3) of the Internal Revenue Code and that is created by a 122
veteran's organization, a fraternal organization, or a sporting 123
organization does not have to have been in continuous existence as 124
such in this state for a period of two years immediately preceding 125
either the making of an application for a ~~binge~~ license under 126
section 2915.08 or 2915.083 of the Revised Code or the conducting 127
of any game of chance as provided in division (D) of section 128
2915.02 of the Revised Code. 129

(I) "Religious organization" means any church, body of 130
communicants, or group that is not organized or operated for 131
profit and that gathers in common membership for regular worship 132
and religious observances. 133

(J) "Educational organization" means any organization within 134
this state that is not organized for profit, the primary purpose 135
of which is to educate and develop the capabilities of individuals 136

through instruction by means of operating or contributing to the 137
support of a school, academy, college, or university. 138

(K) "Veteran's organization" means any individual post or 139
state headquarters of a national veteran's association, ~~or an~~ any 140
auxiliary unit of any individual post of a national veteran's 141
association, ~~which post, state headquarters, or auxiliary unit~~ 142
that has been in continuous existence in this state for at least 143
two years ~~and incorporated as a nonprofit corporation~~ immediately 144
preceding making an application for a license under section 145
2915.08 or 2915.083 of the Revised Code and either has received a 146
letter from the state headquarters of the national veteran's 147
association indicating that the individual post or auxiliary unit 148
is in good standing with the national veteran's association or has 149
received a letter from the national veteran's association 150
indicating that the state headquarters is in good standing with 151
the national veteran's association. As used in this division, 152
"national veteran's association" means any veteran's association 153
that has been in continuous existence as such for a period of at 154
least five years and either is incorporated by an act of the 155
United States congress or has a national dues-paying membership of 156
at least five thousand persons. 157

(L) "Volunteer firefighter's organization" means any 158
organization of volunteer firefighters, as defined in section 159
146.01 of the Revised Code, that is organized and operated 160
exclusively to provide financial support for a volunteer fire 161
department or a volunteer fire company and that is recognized or 162
ratified by a county, municipal corporation, or township. 163

(M) "Fraternal organization" means any society, order, state 164
headquarters, or association within this state, except a college 165
or high school fraternity, that is not organized for profit, that 166
is a branch, lodge, or chapter of a national or state 167
organization, that exists exclusively for the common business or 168

sodality of its members, and that has been in continuous existence 169
in this state for a period of ~~five~~ two years. 170

(N) "Volunteer rescue service organization" means any 171
organization of volunteers organized to function as an emergency 172
medical service organization, as defined in section 4765.01 of the 173
Revised Code. 174

(O) "Service organization" means any organization, not 175
organized for profit, that is organized and operated ~~exclusively~~ 176
primarily to provide, or to contribute to the support of 177
organizations or institutions organized and operated ~~exclusively~~ 178
primarily to provide, medical and therapeutic services for persons 179
who are crippled, born with birth defects, or have any other 180
mental or physical defect or those organized and operated 181
~~exclusively~~ to protect, or to contribute to the support of 182
organizations or institutions organized and operated ~~exclusively~~ 183
to protect, animals from inhumane treatment. 184

(P) "Nonprofit medical organization" means any organization 185
that has been incorporated as a nonprofit corporation for at least 186
five years and that has continuously operated and will be operated 187
~~exclusively~~ primarily to provide, or to contribute to the support 188
of organizations or institutions organized and operated 189
~~exclusively~~ primarily to provide, hospital, medical, research, or 190
therapeutic services for the public. 191

(Q) "Senior citizen's organization" means any private 192
organization, not organized for profit, that is organized and 193
operated ~~exclusively~~ to provide recreational or social services 194
for persons who are fifty-five years of age or older and that is 195
described and qualified under subsection 501(c)(3) of the Internal 196
Revenue Code. 197

(R) "Charitable bingo game" means any bingo game described in 198
division (S)(1) or (2) of this section that is conducted by a 199

charitable organization that has obtained a license pursuant to 200
section 2915.08 or 2915.083 of the Revised Code and the proceeds 201
of which are used for a charitable purpose. 202

(S) "Bingo" means either of the following: 203

(1) A game with all of the following characteristics: 204

(a) The participants use bingo cards or sheets, including 205
paper formats and electronic representation or image formats, that 206
are divided into twenty-five spaces arranged in five horizontal 207
and five vertical rows of spaces, with each space, except the 208
central space, being designated by a combination of a letter and a 209
number and with the central space being designated as a free 210
space. 211

(b) The participants cover the spaces on the bingo cards or 212
sheets that correspond to combinations of letters and numbers that 213
are announced by a bingo game operator. 214

(c) A bingo game operator announces combinations of letters 215
and numbers that appear on objects that a bingo game operator 216
selects by chance, either manually or mechanically, from a 217
receptacle that contains seventy-five objects at the beginning of 218
each game, each object marked by a different combination of a 219
letter and a number that corresponds to one of the seventy-five 220
possible combinations of a letter and a number that can appear on 221
the bingo cards or sheets. 222

(d) The winner of the bingo game includes any participant who 223
properly announces during the interval between the announcements 224
of letters and numbers as described in division (S)(1)(c) of this 225
section, that a predetermined and preannounced pattern of spaces 226
has been covered on a bingo card or sheet being used by the 227
participant. 228

(2) Instant bingo, punch boards, and raffles. 229

(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance. 230
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(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. 233
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(V) "Participant" means any person who plays bingo. 245

(W) "Bingo session" means a period that includes both of the following: 246
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(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards; 248
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(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section. 251
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(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting 254
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bingo, provided all of the following apply: 261

(1) The auxiliary unit or society has been in existence as a 262
bona fide auxiliary unit or society of the charitable organization 263
for at least two years prior to conducting bingo. 264

(2) The person who purchases the food or beverage receives 265
nothing of value except the food or beverage and items customarily 266
received with the purchase of that food or beverage. 267

(3) The food and beverages are sold at customary and 268
reasonable prices. 269

(Y) "Security personnel" includes any person who either is a 270
sheriff, deputy sheriff, marshal, deputy marshal, township 271
constable, or member of an organized police department of a 272
municipal corporation or has successfully completed a peace 273
officer's training course pursuant to sections 109.71 to 109.79 of 274
the Revised Code and who is hired to provide security for the 275
premises on which bingo is conducted. 276

(Z) "Charitable purpose" means that the net profit of bingo, 277
other than instant bingo, is used by, or is given, donated, or 278
otherwise transferred to, any of the following: 279

(1) Any organization that is described in subsection 280
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 281
and is either a governmental unit or an organization that is tax 282
exempt under subsection 501(a) and described in subsection 283
501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 284
501(c)(19) of the Internal Revenue Code; 285

(2) A veteran's organization that is a post, chapter, or 286
organization of veterans, or an auxiliary unit or society of, or a 287
trust or foundation for, any such post, chapter, or organization 288
organized in the United States or any of its possessions, at least 289
seventy-five per cent of the members of which are veterans and 290
substantially all of the other members of which are individuals 291

who are spouses, widows, or widowers of veterans, or such 292
individuals, provided that no part of the net earnings of such 293
post, chapter, or organization inures to the benefit of any 294
private shareholder or individual, and further provided that the 295
net profit is used by the post, chapter, or organization for the 296
charitable purposes set forth in division (B)(12) of section 297
5739.02 of the Revised Code, is used for awarding scholarships to 298
or for attendance at an institution mentioned in division (B)(12) 299
of section 5739.02 of the Revised Code, is donated to a 300
governmental agency, or is used for nonprofit youth activities, 301
the purchase of United States or Ohio flags that are donated to 302
schools, youth groups, or other bona fide nonprofit organizations, 303
promotion of patriotism, or disaster relief; 304

(3) A fraternal organization that has been in continuous 305
existence in this state for fifteen years and that uses the net 306
profit exclusively for religious, charitable, scientific, 307
literary, or educational purposes, or for the prevention of 308
cruelty to children or animals, if contributions for such use 309
would qualify as a deductible charitable contribution under 310
subsection 170 of the Internal Revenue Code; 311

(4) A volunteer firefighter's organization that uses the net 312
profit for the purposes set forth in division (L) of this section. 313

(AA) "Internal Revenue Code" means the "Internal Revenue Code 314
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 315
amended. 316

(BB) "Youth athletic organization" means any organization, 317
not organized for profit, that is organized and operated 318
exclusively to provide financial support to, or to operate, 319
athletic activities for persons who are twenty-one years of age or 320
younger by means of sponsoring, organizing, operating, or 321
contributing to the support of an athletic team, club, league, or 322
association. 323

(CC) "Youth athletic park organization" means any 324
organization, not organized for profit, that satisfies both of the 325
following: 326

(1) It owns, operates, and maintains playing fields that 327
satisfy both of the following: 328

(a) The playing fields are used at least one hundred days per 329
year for athletic activities by one or more organizations, not 330
organized for profit, each of which is organized and operated 331
exclusively to provide financial support to, or to operate, 332
athletic activities for persons who are eighteen years of age or 333
younger by means of sponsoring, organizing, operating, or 334
contributing to the support of an athletic team, club, league, or 335
association. 336

(b) The playing fields are not used for any profit-making 337
activity at any time during the year. 338

(2) It uses the proceeds of bingo it conducts exclusively for 339
the operation, maintenance, and improvement of its playing fields 340
of the type described in division (CC)(1) of this section. 341

(DD) "Amateur athletic organization" means any organization, 342
not organized for profit, that is organized and operated 343
exclusively to provide financial support to, or to operate, 344
athletic activities for persons who are training for amateur 345
athletic competition that is sanctioned by a national governing 346
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 347
3045, 36 U.S.C.A. 373. 348

(EE) "Bingo supplies" means bingo cards or sheets; instant 349
bingo tickets or cards; electronic bingo aids; raffle tickets; 350
punch boards; seal cards; instant bingo ticket dispensers; and 351
devices for selecting or displaying the combination of bingo 352
letters and numbers or raffle tickets. Items that are "bingo 353
supplies" are not gambling devices if sold or otherwise provided, 354

and used, in accordance with this chapter. For purposes of this 355
chapter, "bingo supplies" are not to be considered equipment used 356
to conduct a bingo game. 357

(FF) "Instant bingo" means a form of bingo that uses folded 358
or banded tickets or paper cards with perforated break-open tabs, 359
a face of which is covered or otherwise hidden from view to 360
conceal a number, letter, or symbol, or set of numbers, letters, 361
or symbols, some of which have been designated in advance as prize 362
winners. "Instant bingo" includes seal cards. "Instant bingo" does 363
not include any device that is activated by the insertion of a 364
coin, currency, token, or an equivalent, and that contains as one 365
of its components a video display monitor that is capable of 366
displaying numbers, letters, symbols, or characters in winning or 367
losing combinations. 368

(GG) "Seal card" means a form of instant bingo that uses 369
instant bingo tickets in conjunction with a board or placard that 370
contains one or more seals that, when removed or opened, reveal 371
predesignated winning numbers, letters, or symbols. 372

(HH) "Raffle" means a form of bingo in which the one or more 373
prizes are won by one or more persons who have purchased a raffle 374
ticket. The one or more winners of the raffle are determined by 375
drawing a ticket stub or other detachable section from a 376
receptacle containing ticket stubs or detachable sections 377
corresponding to all tickets sold for the raffle. 378

(II) "Punch board" means a board containing a number of holes 379
or receptacles of uniform size in which are placed, mechanically 380
and randomly, serially numbered slips of paper that may be punched 381
or drawn from the hole or receptacle when used in conjunction with 382
instant bingo. A player may punch or draw the numbered slips of 383
paper from the holes or receptacles and obtain the prize 384
established for the game if the number drawn corresponds to a 385
winning number or, if the punch board includes the use of a seal 386

card, a potential winning number.	387
(JJ) "Gross profit" means gross receipts minus the amount	388
actually expended for the payment of prize awards.	389
(KK) "Net profit" means gross profit minus expenses.	390
(LL) "Expenses" means the reasonable amount of gross profit	391
actually expended for all of the following:	392
(1) The purchase or lease of bingo supplies;	393
(2) The annual license fee required under section 2915.08 of	394
the Revised Code;	395
(3) Bank fees and service charges for a bingo session or game	396
account described in section 2915.10 of the Revised Code;	397
(4) Audits and accounting services;	398
(5) Safes;	399
(6) Cash registers;	400
(7) Hiring security personnel;	401
(8) Advertising bingo;	402
(9) Renting premises in which to conduct a bingo session;	403
(10) Tables and chairs;	404
(11) Expenses for maintaining and operating a charitable	405
organization's facilities, including, but not limited to, a post	406
home, club house, lounge, tavern, or canteen and any grounds	407
attached to the post home, club house, lounge, tavern, or canteen,	408
<u>and any other expenses for these facilities;</u>	409
(12) Any other product or service directly related to the	410
conduct of bingo that is authorized in rules adopted by the	411
attorney general under division (B)(1) of section 2915.08 of the	412
Revised Code.	413
(MM) "Person" has the same meaning as in section 1.59 of the	414

Revised Code and includes any firm or any other legal entity, 415
however organized. 416

(NN) "Revoke" means to void permanently all rights and 417
privileges of the holder of a license issued under section 418
2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the Revised Code or 419
a charitable gaming license issued by another jurisdiction. 420

(OO) "Suspend" means to interrupt temporarily all rights and 421
privileges of the holder of a license issued under section 422
2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the Revised Code or 423
a charitable gaming license issued by another jurisdiction. 424

(PP) "Distributor" means any person who purchases or obtains 425
bingo supplies and who ~~sells~~ does either of the following: 426

(1) Sells, offers for sale, or otherwise provides or offers 427
to provide the bingo supplies to another person for use in this 428
state; 429

(2) Modifies, converts, adds to, or removes parts from the 430
bingo supplies to further their promotion or sale for use in this 431
state. 432

(QQ) "Manufacturer" means any person who assembles completed 433
bingo supplies from raw materials, other items, or subparts or who 434
modifies, converts, adds to, or removes parts from bingo supplies 435
to further their promotion or sale. 436

(RR) "Gross annual revenues" means the annual gross receipts 437
derived from the conduct of bingo described in division (S)(1) of 438
this section plus the annual net profit derived from the conduct 439
of bingo described in division (S)(2) of this section. 440

(SS) "Instant bingo ticket dispenser" means a mechanical 441
device that dispenses an instant bingo ticket or card as the sole 442
item of value dispensed and that has the following 443
characteristics: 444

- (1) It is activated upon the insertion of United States
currency. 445
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- (2) It performs no gaming functions. 447
- (3) It does not contain a video display monitor or generate
noise. 448
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- (4) It is not capable of displaying any numbers, letters,
symbols, or characters in winning or losing combinations. 450
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- (5) It does not simulate or display rolling or spinning
reels. 452
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- (6) It is incapable of determining whether a dispensed bingo
ticket or card is a winning or nonwinning ticket or card and
requires a winning ticket or card to be paid by a bingo game
operator. 454
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- (7) It may provide accounting and security features to aid in
accounting for the instant bingo tickets or cards it dispenses. 458
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- (8) It is not part of an electronic network and is not
interactive. 460
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- (TT)(1) "Electronic bingo aid" means an electronic device 462
used by a participant to monitor bingo cards or sheets purchased 463
at the time and place of a bingo session and that does all of the 464
following: 465
- (a) It provides a means for a participant to input numbers 466
and letters announced by a bingo caller. 467
- (b) It compares the numbers and letters entered by the 468
participant to the bingo faces previously stored in the memory of 469
the device. 470
- (c) It identifies a winning bingo pattern. 471
- (2) "Electronic bingo aid" does not include any device into 472
which a coin, currency, token, or an equivalent is inserted to 473

activate play. 474

(UU) "Deal of instant bingo tickets" means a single game of 475
instant bingo tickets all with the same serial number. 476

(VV)(1) "Slot machine" means either of the following: 477

(a) Any mechanical, electronic, video, or digital device that 478
is capable of accepting anything of value, directly or indirectly, 479
from or on behalf of a player who gives the thing of value in the 480
hope of gain, the outcome of which is determined largely or wholly 481
by chance; 482

(b) Any mechanical, electronic, video, or digital device that 483
is capable of accepting anything of value, directly or indirectly, 484
from or on behalf of a player to conduct or dispense bingo or a 485
scheme or game of chance. 486

(2) "Slot machine" does not include a skill-based amusement 487
machine. 488

(WW) "Net profit from the proceeds of the sale of instant 489
bingo" means gross profit minus the ordinary, necessary, and 490
reasonable expense expended for the purchase of instant bingo 491
supplies and minus expenses as defined in division (LL) of this 492
section. 493

(XX) "Charitable instant bingo organization" means an 494
organization that is exempt from federal income taxation under 495
subsection 501(a) and described in subsection 501(c)(3), 496
501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the 497
Internal Revenue Code and is a charitable organization as defined 498
in division (H) of this section. ~~A "charitable instant bingo~~ 499
~~organization" does not include a charitable organization that is~~ 500
~~exempt from federal income taxation under subsection 501(a) and~~ 501
~~described in subsection 501(c)(3) of the Internal Revenue Code and~~ 502
~~that is created by a veteran's organization, a fraternal~~ 503
~~organization, or a sporting organization in regards to bingo~~ 504

~~conducted or assisted by a veteran's organization, a fraternal 505
organization, or a sporting organization pursuant to section 506
2915.13 of the Revised Code. 507~~

(YY) "Game flare" means the board or placard that accompanies 508
each deal of instant bingo tickets and that has printed on or 509
affixed to it the following information for the game: 510

(1) The name of the game; 511

(2) The manufacturer's name or distinctive logo; 512

(3) The form number; 513

(4) The ticket count; 514

(5) The prize structure, including the number of winning 515
instant bingo tickets by denomination and the respective winning 516
symbol or number combinations for the winning instant bingo 517
tickets; 518

(6) The cost per play; 519

(7) The serial number of the game. 520

(ZZ) "Historic railroad educational organization" means an 521
organization that is exempt from federal income taxation under 522
subsection 501(a) and described in subsection 501(c)(3) of the 523
Internal Revenue Code, that owns in fee simple the tracks and the 524
right of way of a historic railroad that the organization restores 525
or maintains and on which the organization provides excursions as 526
part of a program to promote tourism and educate visitors 527
regarding the role of railroad transportation in Ohio history, and 528
that received as donations from a charitable organization that 529
holds a license to conduct bingo under this chapter an amount 530
equal to at least fifty per cent of that licensed charitable 531
organization's net proceeds from the conduct of bingo during each 532
of the five years preceding June 30, 2003. "Historic railroad" 533
means all or a portion of the tracks and right_of_way of a 534

railroad that was owned and operated by a for profit common 535
carrier in this state at any time prior to January 1, 1950. 536

(AAA)(1) "Skill-based amusement machine" means a skill-based 537
amusement device, such as a mechanical, electronic, video, or 538
digital device, or machine, whether or not the skill-based 539
amusement machine requires payment for use through a coin or bill 540
validator or other payment of consideration or value to 541
participate in the machine's offering or to activate the machine, 542
provided that all of the following apply: 543

(a) The machine involves a task, game, play, contest, 544
competition, or tournament in which the player actively 545
participates in the task, game, play, contest, competition, or 546
tournament. 547

(b) The outcome of an individual's play and participation is 548
not determined largely or wholly by chance. 549

(c) The outcome of play during a game is not controlled by a 550
person not actively participating in the game. 551

(2) All of the following apply to any machine that is 552
operated as described in division (AAA)(1) of this section: 553

(a) As used in this section, "task," "game," and "play" mean 554
one event from the initial activation of the machine until the 555
results of play are determined without payment of additional 556
consideration. An individual utilizing a machine that involves a 557
single task, game, play, contest, competition, or tournament may 558
be awarded prizes based on the results of play. 559

(b) Advance play for a single task, game, play, contest, 560
competition, or tournament participation may be purchased. The 561
cost of the contest, competition, or tournament participation may 562
be greater than a single non-contest, competition, or tournament 563
play. 564

(c) To the extent that the machine is used in a contest, 565
competition, or tournament, that contest, competition, or 566
tournament has a defined starting and ending date and is open to 567
participants in competition for scoring and ranking results toward 568
the awarding of prizes that are stated prior to the start of the 569
contest, competition, or tournament. 570

(BBB) "Pool not conducted for profit" means a scheme in which 571
a participant gives a valuable consideration for a chance to win a 572
prize and the total amount of consideration wagered is distributed 573
to a participant or participants. 574

(CCC) "Sporting organization" means a hunting, fishing, or 575
trapping organization, other than a college or high school 576
fraternity or sorority, that is not organized for profit, that is 577
affiliated with a state or national sporting organization, 578
including but not limited to, the Ohio League of sportsmen, and 579
that has been in continuous existence in this state for a period 580
of ~~three~~ two years. 581

(DDD) "Social club" means an organization that is not 582
organized for profit, that is organized and operated exclusively 583
to provide recreational, patriotic, historical, cultural, or 584
ancestral activities for its members, and that has been in 585
continuous existence in this state for a period of ten years. 586

(EEE) "Community action agency" has the same meaning as in 587
section 122.66 of the Revised Code. 588

Sec. 2915.02. (A) No person shall do any of the following: 589

(1) Engage in bookmaking, or knowingly engage in conduct that 590
facilitates bookmaking; 591

(2) Establish, promote, or operate or knowingly engage in 592
conduct that facilitates any game of chance conducted for profit 593
or any scheme of chance; 594

(3) Knowingly procure, transmit, exchange, or engage in 595
conduct that facilitates the procurement, transmission, or 596
exchange of information for use in establishing odds or 597
determining winners in connection with bookmaking or with any game 598
of chance conducted for profit or any scheme of chance; 599

(4) Engage in betting or in playing any scheme or game of 600
chance as a substantial source of income or livelihood; 601

(5) With purpose to violate division (A)(1), (2), (3), or (4) 602
of this section, acquire, possess, control, or operate any 603
gambling device. 604

(B) For purposes of division (A)(1) of this section, a person 605
facilitates bookmaking if the person in any way knowingly aids an 606
illegal bookmaking operation, including, without limitation, 607
placing a bet with a person engaged in or facilitating illegal 608
bookmaking. For purposes of division (A)(2) of this section, a 609
person facilitates a game of chance conducted for profit or a 610
scheme of chance if the person in any way knowingly aids in the 611
conduct or operation of any such game or scheme, including, 612
without limitation, playing any such game or scheme. 613

(C) This section does not prohibit conduct in connection with 614
gambling expressly permitted by law. 615

(D) This section does not apply to any of the following: 616

(1) Games of chance, if all of the following apply: 617

(a) The games of chance are not craps for money or roulette 618
for money. 619

(b) The games of chance are conducted by a charitable 620
organization ~~that is, and has received from the internal revenue~~ 621
~~service a determination letter that is currently in effect,~~ 622
~~stating that the organization is, exempt from federal income~~ 623
~~taxation under subsection 501(a) and described in subsection~~ 624

~~501(c)(3) of the Internal Revenue Code.~~ 625

(c) The games of chance are conducted at festivals of the 626
charitable organization that are conducted either for a period of 627
four consecutive days or less and not more than twice a year or 628
for a period of five consecutive days not more than once a year, 629
and are conducted on premises owned by the charitable organization 630
for a period of no less than one year immediately preceding the 631
conducting of the games of chance, on premises leased from a 632
governmental unit, or on premises that are leased from a veteran's 633
or fraternal organization and that have been owned by the lessor 634
veteran's or fraternal organization for a period of no less than 635
one year immediately preceding the conducting of the games of 636
chance. 637

A charitable organization shall not lease premises from a 638
veteran's or fraternal organization to conduct a festival 639
described in division (D)(1)(c) of this section if the veteran's 640
or fraternal organization already has leased the premises ~~four~~ 641
twelve times during the immediately preceding ~~year~~ twelve months 642
to charitable organizations for that purpose. If a charitable 643
organization leases premises from a veteran's or fraternal 644
organization to conduct a festival described in division (D)(1)(c) 645
of this section, the charitable organization shall not pay a 646
rental rate for the premises per day of the festival that exceeds 647
the rental rate per bingo session that a charitable organization 648
may pay under division (B)(1) of section 2915.09 of the Revised 649
Code when it leases premises from another charitable organization 650
to conduct bingo games. 651

(d) All of the money or assets received from the games of 652
chance after deduction only of prizes paid out during the conduct 653
of the games of chance are used by, or given, donated, or 654
otherwise transferred to, any organization that is described in 655
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 656

Revenue Code and is either a governmental unit or an organization 657
that is tax exempt under subsection 501(a) and described in 658
subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), 659
or 501(c)(19) of the Internal Revenue Code; 660

(e) The games of chance are not conducted during, or within 661
ten hours of, a bingo game conducted for amusement purposes only 662
pursuant to section 2915.12 of the Revised Code. 663

No person shall receive any commission, wage, salary, reward, 664
tip, donation, gratuity, or other form of compensation, directly 665
or indirectly, for operating or assisting in the operation of any 666
game of chance. 667

(2) Any tag fishing tournament operated under a permit issued 668
under section 1533.92 of the Revised Code, as "tag fishing 669
tournament" is defined in section 1531.01 of the Revised Code; 670

(3) Bingo conducted by a charitable organization that holds a 671
license issued under section 2915.08 or 2915.083 of the Revised 672
Code. 673

(E) Division (D) of this section shall not be construed to 674
authorize the sale, lease, or other temporary or permanent 675
transfer of the right to conduct games of chance, as granted by 676
that division, by any charitable organization that is granted that 677
right. 678

(F) Whoever violates this section is guilty of gambling^{7.} 679
Except as otherwise provided in this division, gambling is a 680
misdemeanor of the first degree. If the offender previously has 681
been convicted of any gambling offense, except as otherwise 682
provided in this division, gambling is a felony of the fifth 683
degree. If the offender previously has been convicted of any 684
gambling offense but the offender is a bartender who violated this 685
section while working at a premises for which the division of 686
liquor control has issued a permit under Chapter 4303. of the 687

Revised Code to a charitable organization, gambling is a 688
misdemeanor of the first degree. 689

Sec. 2915.03. (A) No person, being the owner or lessee, or 690
having custody, control, or supervision of premises, shall: 691

(1) Use or occupy such premises for gambling in violation of 692
section 2915.02 of the Revised Code; 693

(2) Recklessly permit such premises to be used or occupied 694
for gambling in violation of section 2915.02 of the Revised Code. 695

(B) Whoever violates this section is guilty of operating a 696
gambling house~~7~~. Except as otherwise provided in this division, 697
operating a gambling house is a misdemeanor of the first degree. 698
If the offender previously has been convicted of a gambling 699
offense, except as otherwise provided in this division, operating 700
a gambling house is a felony of the fifth degree. If the offender 701
previously has been convicted of any gambling offense but the 702
offender is a bartender who violated this section while working at 703
a premises for which the division of liquor control has issued a 704
permit under Chapter 4303. of the Revised Code to a charitable 705
organization, operating a gambling house is a misdemeanor of the 706
first degree. 707

(C) Premises used or occupied in violation of this section 708
constitute a nuisance subject to abatement pursuant to sections 709
3767.01 to 3767.99 of the Revised Code. 710

Sec. 2915.07. (A) No person, except a charitable organization 711
that has obtained a license ~~pursuant to~~ under section 2915.08 or 712
2915.083 of the Revised Code, shall conduct or advertise bingo. 713
This division does not apply to a raffle that a charitable 714
organization conducts or advertises. 715

(B) Whoever violates this section is guilty of conducting 716
illegal bingo~~7~~. Except as otherwise provided in this division, 717

conducting illegal bingo is a misdemeanor of the first degree. 718
Except as otherwise provided in this division, if the offender 719
previously has been convicted of a violation of this section, 720
conducting illegal bingo is a felony of the fourth degree. If the 721
offender is a social club, a veteran's organization, a fraternal 722
organization, or a sporting organization, or if the offender is a 723
bartender who violated this section while working at a premises 724
for which the division of liquor control has issued a permit under 725
Chapter 4303. of the Revised Code to a charitable organization, 726
conducting illegal bingo is a misdemeanor of the first degree. 727

Sec. 2915.08. (A)(1) Annually before the first day of 728
January, a charitable organization that desires to conduct bingo, 729
instant bingo at a bingo session, or instant bingo other than at a 730
bingo session shall make out, upon a form to be furnished by the 731
attorney general for that purpose, an application for a license to 732
conduct bingo, instant bingo at a bingo session, or instant bingo 733
other than at a bingo session and deliver that application to the 734
attorney general together with a license fee as follows: 735

(a) Except as otherwise provided in this division, for a 736
license for the conduct of bingo, two hundred dollars; 737

(b) For a license for the conduct of instant bingo at a bingo 738
session or instant bingo other than at a bingo session for a 739
charitable organization that previously has not been licensed 740
under this chapter to conduct instant bingo at a bingo session or 741
instant bingo other than at a bingo session, a license fee of five 742
hundred dollars, and for any other charitable organization, a 743
license fee that is based upon the gross profits received by the 744
charitable organization from the operation of instant bingo at a 745
bingo session or instant bingo other than at a bingo session, 746
during the one-year period ending on the thirty-first day of 747
October of the year immediately preceding the year for which the 748

license is sought, and that is one of the following:	749
(i) Five hundred dollars, if the total is fifty thousand dollars or less;	750 751
(ii) One thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than fifty thousand dollars but less than two hundred fifty thousand one dollars;	752 753 754 755
(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than two hundred fifty thousand dollars but less than five hundred thousand one dollars;	756 757 758 759
(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;	760 761 762
(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;	763 764
(c) A reduced license fee established by the attorney general pursuant to division (G) of this section.	765 766
(d) For a license to conduct bingo for a charitable organization that prior to the effective date of this amendment <u>July 1, 2003</u> , has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, a license fee established by rule by the attorney general in accordance with division (H) of this section.	767 768 769 770 771 772
(2) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:	773 774 775
(a) The name and post-office address of the applicant;	776
(b) A statement that the applicant is a charitable organization and that, <u>except for an applicant that is a volunteer</u>	777 778

rescue service organization or a volunteer firefighter's 779
organization, it has been in continuous existence as a charitable 780
organization in this state for two years immediately preceding the 781
making of the application, or for five years in the case of a 782
~~fraternal organization~~ or a nonprofit medical organization, or for 783
ten years in the case of a social club; 784

(c) The location at which the organization will conduct 785
bingo, which location shall be within the county in which the 786
principal place of business of the applicant is located, the days 787
of the week and the times on each of those days when bingo will be 788
conducted, whether the organization owns, leases, or subleases the 789
premises, and a copy of the rental agreement if it leases or 790
subleases the premises; 791

(d) A statement of the applicant's previous history, record, 792
and association that is sufficient to establish that the applicant 793
is a charitable organization, and a copy of a determination letter 794
that is issued by the Internal Revenue Service and states that the 795
organization is tax exempt under subsection 501(a) and described 796
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 797
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 798

(e) A statement as to whether the applicant has ever had any 799
previous application refused, whether it previously has had a 800
license revoked or suspended, and the reason stated by the 801
attorney general for the refusal, revocation, or suspension; 802

(f) A statement of the charitable purposes for which the net 803
profit derived from bingo, other than instant bingo, will be used, 804
and a statement of how the net profit derived from instant bingo 805
will be distributed in accordance with section 2915.101 of the 806
Revised Code; 807

(g) A statement of the designated purpose for which the 808
charitable organization will use the net profit from the proceeds 809

of the sale of instant bingo that is to be maintained in a 810
separate account pursuant to section 2915.101 of the Revised Code; 811

(h) Other necessary and reasonable information that the 812
attorney general may require by rule adopted pursuant to section 813
111.15 of the Revised Code; 814

~~(h)~~(i) If the applicant is a charitable trust as defined in 815
section 109.23 of the Revised Code, a statement as to whether it 816
has registered with the attorney general pursuant to section 817
109.26 of the Revised Code or filed annual reports pursuant to 818
section 109.31 of the Revised Code, and, if it is not required to 819
do either, the exemption in section 109.26 or 109.31 of the 820
Revised Code that applies to it; 821

~~(i)~~(j) If the applicant is a charitable organization as 822
defined in section 1716.01 of the Revised Code, a statement as to 823
whether it has filed with the attorney general a registration 824
statement pursuant to section 1716.02 of the Revised Code and a 825
financial report pursuant to section 1716.04 of the Revised Code, 826
and, if it is not required to do both, the exemption in section 827
1716.03 of the Revised Code that applies to it; 828

~~(j)~~(k) In the case of an applicant seeking to qualify as a 829
youth athletic park organization, a statement issued by a board or 830
body vested with authority under Chapter 755. of the Revised Code 831
for the supervision and maintenance of recreation facilities in 832
the territory in which the organization is located, certifying 833
that the playing fields owned by the organization were used for at 834
least one hundred days during the year in which the statement is 835
issued, and were open for use to all residents of that territory, 836
regardless of race, color, creed, religion, sex, or national 837
origin, for athletic activities by youth athletic organizations 838
that do not discriminate on the basis of race, color, creed, 839
religion, sex, or national origin, and that the fields were not 840
used for any profit-making activity at any time during the year. 841

That type of board or body is authorized to issue the statement 842
upon request and shall issue the statement if it finds that the 843
applicant's playing fields were so used. 844

(3) The attorney general, within thirty days after receiving 845
a timely filed application from a charitable organization that has 846
been issued a license under this section that has not expired and 847
has not been revoked or suspended, shall send a temporary permit 848
to the applicant specifying the date on which the application was 849
filed with the attorney general and stating that, pursuant to 850
section 119.06 of the Revised Code, the applicant may continue to 851
conduct bingo until a new license is granted or, if the 852
application is rejected, until fifteen days after notice of the 853
rejection is mailed to the applicant. The temporary permit does 854
not affect the validity of the applicant's application and does 855
not grant any rights to the applicant except those rights 856
specifically granted in section 119.06 of the Revised Code. The 857
issuance of a temporary permit by the attorney general pursuant to 858
this division does not prohibit the attorney general from 859
rejecting the applicant's application because of acts that the 860
applicant committed, or actions that the applicant failed to take, 861
before or after the issuance of the temporary permit. If the 862
applicant was or is issued a license under this section on or 863
after July 1, 2003, the applicant shall be rebuttably presumed to 864
qualify for the issuance of a new license under this section. 865

(4) Within thirty days after receiving an initial license 866
application from a charitable organization to conduct bingo, 867
instant bingo at a bingo session, or instant bingo other than at a 868
bingo session, the attorney general shall conduct a preliminary 869
review of the application and notify the applicant regarding any 870
deficiencies. Once an application is deemed complete, or beginning 871
on the thirtieth day after the application is filed, if the 872
attorney general failed to notify the applicant of any 873

deficiencies, the attorney general shall have an additional sixty 874
days to conduct an investigation and either grant or deny the 875
application based on findings established and communicated in 876
accordance with divisions (B) and (E) of this section. ~~As an~~ 877
~~option to granting or denying an initial license application, the~~ 878
The attorney general may grant a temporary license to an applicant 879
and request additional time to conduct the investigation if the 880
attorney general has cause to believe that additional time is 881
necessary to complete the investigation and has notified the 882
applicant in writing about the specific concerns raised during the 883
investigation. 884

(B)(1) The attorney general shall adopt rules to enforce 885
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 886
Code to ensure that bingo or instant bingo is conducted in 887
accordance with those sections and to maintain proper control over 888
the conduct of bingo or instant bingo. The rules, except rules 889
adopted pursuant to divisions (A)(2)~~(g)~~(h) and (G) of this 890
section, shall be adopted pursuant to Chapter 119. of the Revised 891
Code. The attorney general shall license charitable organizations 892
to conduct bingo, instant bingo at a bingo session, or instant 893
bingo other than at a bingo session in conformance with this 894
chapter and with the licensing provisions of Chapter 119. of the 895
Revised Code. 896

(2) The attorney general may refuse to grant a license to any 897
organization, or revoke or suspend the license of any 898
organization, that does any of the following or to which any of 899
the following applies: 900

(a) Fails or has failed at any time to meet any requirement 901
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 902
2915.11 of the Revised Code, or violates or has violated any 903
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 904
Code or any rule adopted by the attorney general pursuant to this 905

section; 906

(b) Makes or has made an incorrect or false statement that is 907
material to the granting of the license in an application filed 908
pursuant to division (A) of this section; 909

(c) Submits or has submitted any incorrect or false 910
information relating to an application if the information is 911
material to the granting of the license; 912

(d) Maintains or has maintained any incorrect or false 913
information that is material to the granting of the license in the 914
records required to be kept pursuant to divisions (A) and (C) of 915
section 2915.10 of the Revised Code, if applicable; 916

(e) The attorney general has good cause to believe that the 917
organization will not conduct bingo, instant bingo at a bingo 918
session, or instant bingo other than at a bingo session in 919
accordance with sections 2915.07 to 2915.13 of the Revised Code or 920
with any rule adopted by the attorney general pursuant to this 921
section. 922

(3) For the purposes of division (B) of this section, any 923
action of an officer, trustee, agent, representative, or bingo 924
game operator of an organization is an action of the organization. 925

(C) The attorney general may grant licenses to charitable 926
organizations that are branches, lodges, or chapters of national 927
charitable organizations. 928

(D) The attorney general shall send notice in writing to the 929
prosecuting attorney and sheriff of the county in which the 930
organization will conduct bingo, instant bingo at a bingo session, 931
or instant bingo other than at a bingo session, as stated in its 932
application for a license or amended license, and to any other law 933
enforcement agency in that county that so requests, of all of the 934
following: 935

(1) The issuance of the license;	936
(2) The issuance of the amended license;	937
(3) The rejection of an application for and refusal to grant a license;	938 939
(4) The revocation of any license previously issued;	940
(5) The suspension of any license previously issued.	941
(E) A license issued by the attorney general shall set forth	942
the information contained on the application of the charitable	943
organization that the attorney general determines is relevant,	944
including, but not limited to, the location at which the	945
organization will conduct bingo, instant bingo at a bingo session,	946
or instant bingo other than at a bingo session and the days of the	947
week and the times on each of those days when bingo will be	948
conducted. If the attorney general refuses to grant or revokes or	949
suspends a license, the attorney general shall notify the	950
applicant in writing and specifically identify the reason for the	951
refusal, revocation, or suspension in narrative form and, if	952
applicable, by identifying the section of the Revised Code	953
violated. The failure of the attorney general to give the written	954
notice of the reasons for the refusal, revocation, or suspension	955
or a mistake in the written notice does not affect the validity of	956
the attorney general's refusal to grant, or the revocation or	957
suspension of, a license. If the attorney general fails to give	958
the written notice or if there is a mistake in the written notice,	959
the applicant may bring an action to compel the attorney general	960
to comply with this division or to correct the mistake, but the	961
attorney general's order refusing to grant, or revoking or	962
suspending, a license shall not be enjoined during the pendency of	963
the action.	964
(F) A charitable organization that has been issued a license	965
pursuant to division (B) of this section but that cannot conduct	966

bingo or instant bingo at the location, or on the day of the week 967
or at the time, specified on the license due to circumstances that 968
make it impractical to do so may apply in writing, together with 969
an application fee of two hundred fifty dollars, to the attorney 970
general, at least thirty days prior to a change in location, day 971
of the week, or time, and request an amended license. The 972
application shall describe the causes making it impractical for 973
the organization to conduct bingo or instant bingo in conformity 974
with its license and shall indicate the location, days of the 975
week, and times on each of those days when it desires to conduct 976
bingo or instant bingo. Except as otherwise provided in this 977
division, the attorney general shall issue the amended license in 978
accordance with division (E) of this section, and the organization 979
shall surrender its original license to the attorney general. The 980
attorney general may refuse to grant an amended license according 981
to the terms of division (B) of this section. 982

(G) The attorney general, by rule adopted pursuant to section 983
111.15 of the Revised Code, shall establish a schedule of reduced 984
license fees for charitable organizations that desire to conduct 985
bingo or instant bingo during fewer than twenty-six weeks in any 986
calendar year. 987

(H) The attorney general, by rule adopted pursuant to section 988
111.15 of the Revised Code, shall establish license fees for the 989
conduct of bingo, instant bingo at a bingo session, or instant 990
bingo other than at a bingo session for charitable organizations 991
that prior to ~~the effective date of this amendment~~ July 1, 2003, 992
have not been licensed to conduct bingo, instant bingo at a bingo 993
session, or instant bingo other than at a bingo session under this 994
chapter. 995

(I) The attorney general may enter into a written contract 996
with any other state agency to delegate to that state agency ~~the~~ 997
any administrative or ministerial powers prescribed or duties 998

granted to or imposed upon the attorney general under Chapter 999
2915. of the Revised Code this chapter. This division does not 1000
authorize the attorney general to delegate any rule-making power 1001
granted to the attorney general under this chapter. 1002

(J) The attorney general, by rule adopted pursuant to section 1003
111.15 of the Revised Code, may adopt rules to determine the 1004
requirements for a charitable organization that is exempt from 1005
federal income taxation under subsection 501(a) and described in 1006
subsection 501(c)(3) of the Internal Revenue Code to be in good 1007
standing in the state. 1008

Sec. 2915.081. (A) No distributor shall sell, offer to sell, 1009
or otherwise provide or offer to provide bingo supplies to another 1010
person, or modify, convert, add to, or remove parts from bingo 1011
supplies to further their promotion or sale, for use in this state 1012
without having obtained a license from the attorney general under 1013
this section. 1014

(B) The attorney general may issue a distributor license to 1015
any person that meets the requirements of this section. The 1016
application for the license shall be on a form prescribed by the 1017
attorney general and be accompanied by the annual fee prescribed 1018
by this section. The license is valid for a period of one year, 1019
and the annual fee for the license is five thousand dollars. 1020

(C) The attorney general may refuse to issue a distributor 1021
license to any person to which any of the following applies, or to 1022
any person that has an officer, partner, or other person who has 1023
an ownership interest of ten per cent or more and to whom any of 1024
the following applies: 1025

(1) The person, officer, or partner has been convicted of a 1026
felony under the laws of this state, another state, or the United 1027
States. 1028

(2) The person, officer, or partner has been convicted of any 1029
gambling offense. 1030

(3) The person, officer, or partner has made an incorrect or 1031
false statement that is material to the granting of a license in 1032
an application submitted to the attorney general under this 1033
section or in a similar application submitted to a gambling 1034
licensing authority in another jurisdiction if the statement 1035
resulted in license revocation through administrative action in 1036
the other jurisdiction. 1037

(4) The person, officer, or partner has submitted any 1038
incorrect or false information relating to the application to the 1039
attorney general under this section, if the information is 1040
material to the granting of the license. 1041

(5) The person, officer, or partner has failed to correct any 1042
incorrect or false information that is material to the granting of 1043
the license in the records required to be maintained under 1044
division (E) of section 2915.10 of the Revised Code. 1045

(6) The person, officer, or partner has had a license related 1046
to gambling revoked or suspended under the laws of this state, 1047
another state, or the United States. 1048

(D) The attorney general shall not issue a distributor 1049
license to any person that is involved in the conduct of bingo on 1050
behalf of a charitable organization or that is a lessor of 1051
premises used for the conduct of bingo. This division does not 1052
prohibit a distributor from advising charitable organizations on 1053
the use and benefit of specific bingo supplies or prohibit a 1054
distributor from advising a customer on operational methods to 1055
improve bingo profitability. 1056

(E)(1) No distributor shall sell, offer to sell, or otherwise 1057
provide or offer to provide bingo supplies to any person, or 1058
modify, convert, add to, or remove parts from bingo supplies to 1059

further their promotion or sale, for use in this state except to 1060
or for the use of a charitable organization that has been issued a 1061
license under section 2915.08 or 2915.083 of the Revised Code or 1062
to another distributor that has been issued a license under this 1063
section. No distributor shall accept payment for the sale or other 1064
provision of bingo supplies other than by check. 1065

(2) No distributor may donate, give, loan, lease, or 1066
otherwise provide any bingo supplies or equipment, or modify, 1067
convert, add to, or remove parts from bingo supplies to further 1068
their promotion or sale, to or for the use of a charitable 1069
organization for use in a bingo session conditioned on or in 1070
consideration for an exclusive right to provide bingo supplies to 1071
the charitable organization. A distributor may provide a licensed 1072
charitable organization with free samples of the distributor's 1073
products to be used as prizes or to be used for the purpose of 1074
sampling. 1075

(3) No distributor shall purchase bingo supplies for use in 1076
this state from any person except from a manufacturer issued a 1077
license under section 2915.082 of the Revised Code or from another 1078
distributor issued a license under this section. Subject to 1079
division (D) of section 2915.082 of the Revised Code, no 1080
distributor shall pay for purchased bingo supplies other than by 1081
check. 1082

(4) No distributor shall participate in the conduct of bingo 1083
on behalf of a charitable organization or have any direct or 1084
indirect ownership interest in a premises used for the conduct of 1085
bingo. 1086

(5) No distributor shall knowingly solicit, offer, pay, or 1087
receive any kickback, bribe, or undocumented rebate, directly or 1088
indirectly, overtly or covertly, in cash or in kind, in return for 1089
providing bingo supplies to any person in this state. 1090

(F) The attorney general may suspend or revoke a distributor license for any of the reasons for which the attorney general may refuse to issue a distributor license specified in division (C) of this section or if the distributor holding the license violates any provision of this chapter or any rule adopted by the attorney general under this chapter.

(G) Whoever violates division (A) or (E) of this section is guilty of illegally operating as a distributor. Except as otherwise provided in this division, illegally operating as a distributor is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) or (E) of this section, illegally operating as a distributor is a felony of the fifth degree.

Sec. 2915.083. (A) At least thirty business days before the event, a charitable organization that does not have a license under section 2915.08 of the Revised Code and that desires to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session at an event shall make out, upon a form to be furnished by the attorney general for that purpose, an application for a short-term license to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session and deliver that application to the attorney general together with the license fee that the attorney general establishes under this section. The short-term license shall be in effect for seventy-two hours from the time when the event begins. A charitable organization may apply for no more than two short-term licenses to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session during a calendar year.

The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish a reduced license fee

for charitable organizations that are issued a short-term license. 1122

(B)(1) The application shall be in the form prescribed by the 1123
attorney general, shall be signed and sworn to by the applicant, 1124
and shall contain the information described in divisions (A)(2)(a) 1125
to (g) of section 2915.08 of the Revised Code. 1126

(2) The charitable organization is not required to submit 1127
information on the application other than the information that is 1128
described in divisions (A)(2)(a) to (g) of section 2915.08 of the 1129
Revised Code. 1130

(C) Except as otherwise provided in division (D) of this 1131
section, the attorney general shall issue the short-term license 1132
to conduct bingo, instant bingo at a bingo session, or instant 1133
bingo other than at a bingo session to a charitable organization 1134
that timely submits an application under division (A) of this 1135
section within ten business days after receiving the application 1136
from the charitable organization. 1137

(D) The attorney general may refuse to grant a short-term 1138
license to conduct bingo, instant bingo at a bingo session, or 1139
instant bingo other than at a bingo session to any charitable 1140
organization, or revoke or suspend the short-term license of any 1141
charitable organization, that does any of the following or to 1142
which any of the following applies: 1143

(1) Fails or has failed at any time to meet any requirement 1144
of section 109.26, 109.31, or 1716.02 or sections 2915.07 to 1145
2915.11 of the Revised Code, or violates or has violated any 1146
provision of section 2915.02 or sections 2915.07 to 2915.13 of the 1147
Revised Code or any rule adopted by the attorney general pursuant 1148
to this section; 1149

(2) Makes or has made an incorrect or false statement that is 1150
material to the granting of the short-term license to conduct 1151
bingo, instant bingo at a bingo session, or instant bingo other 1152

than at a bingo session in an application filed pursuant to 1153
division (A) of this section; 1154

(3) Submits or has submitted any incorrect or false 1155
information relating to an application if the information is 1156
material to the granting of the short-term license to conduct 1157
bingo, instant bingo at a bingo session, or instant bingo other 1158
than at a bingo session; 1159

(4) The attorney general has good cause to believe that the 1160
organization will not conduct bingo, instant bingo at a bingo 1161
session, or instant bingo other than at a bingo session in 1162
accordance with sections 2915.07 to 2915.13 of the Revised Code. 1163

(E) A short-term license to conduct bingo, instant bingo at a 1164
bingo session, or instant bingo other than at a bingo session 1165
issued by the attorney general shall set forth the information 1166
contained on the application of the charitable organization that 1167
the attorney general determines is relevant, including, but not 1168
limited to, the location at which the organization will conduct 1169
bingo, instant bingo at a bingo session, or instant bingo other 1170
than at a bingo session, and the dates and times on each of those 1171
dates when bingo will be conducted. If the attorney general 1172
refuses to grant or revokes or suspends a short-term license to 1173
conduct bingo, instant bingo at a bingo session, or instant bingo 1174
other than at a bingo session, the attorney general shall notify 1175
the applicant in writing and specifically identify the reason for 1176
the refusal, revocation, or suspension in narrative form and, if 1177
applicable, by identifying the section of the Revised Code 1178
violated. The failure of the attorney general to give the written 1179
notice of the reasons for the refusal, revocation, or suspension 1180
or a mistake in the written notice does not affect the validity of 1181
the attorney general's refusal to grant, or the revocation or 1182
suspension of, a short-term license to conduct bingo, instant 1183
bingo at a bingo session, or instant bingo other than at a bingo 1184

session. If the attorney general fails to give the written notice 1185
or if there is a mistake in the written notice, the applicant may 1186
bring an action to compel the attorney general to comply with this 1187
division or to correct the mistake, but the attorney general's 1188
order refusing to grant, or revoking or suspending, a short-term 1189
license to conduct bingo, instant bingo at a bingo session, or 1190
instant bingo other than at a bingo session shall not be enjoined 1191
during the pendency of the action. 1192

Sec. 2915.09. (A) No charitable organization that conducts 1193
bingo shall fail to do any of the following: 1194

(1) Own all of the equipment used to conduct bingo or lease 1195
that equipment from a charitable organization that is licensed to 1196
conduct bingo for a rental rate that is not more than is customary 1197
and reasonable for that equipment; 1198

(2) Except as otherwise provided in division (A)(3) of this 1199
section, use all of the gross receipts from bingo for paying 1200
prizes, for renting premises in which to conduct a bingo session, 1201
for purchasing or leasing bingo supplies used in conducting bingo, 1202
for hiring security personnel, for advertising bingo, or for other 1203
expenses listed in division (LL) of section 2915.01 of the Revised 1204
Code, provided that the amount of the receipts so spent is not 1205
more than is customary and reasonable for a similar purchase, 1206
lease, hiring, advertising, or expense. If the building in which 1207
bingo is conducted is owned by the charitable organization 1208
conducting bingo and the bingo conducted includes a form of bingo 1209
described in division (S)(1) of section 2915.01 of the Revised 1210
Code, the charitable organization may deduct from the total amount 1211
of the gross receipts from each session a sum equal to the lesser 1212
of six hundred dollars or forty-five per cent of the gross 1213
receipts from the bingo described in that division as 1214
consideration for the use of the premises. 1215

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in division (Z) of section 2915.01 of the Revised Code, or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with section 2915.101 of the Revised Code.

(B) No charitable organization that conducts a bingo game described in division (S)(1) of section 2915.01 of the Revised Code shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service or equipment. A charitable organization shall not

lease or sublease premises that it owns or leases to more than one 1248
other charitable organization per calendar week for the purpose of 1249
conducting bingo sessions on the premises. A person that is not a 1250
charitable organization shall not lease premises that it owns, 1251
leases, or otherwise is empowered to lease to more than one 1252
charitable organization per calendar week for conducting bingo 1253
sessions on the premises. In no case shall more than two bingo 1254
sessions be conducted on any premises in any calendar week. 1255

(2) Display its license conspicuously at the premises where 1256
the bingo session is conducted; 1257

(3) Conduct the bingo session in accordance with the 1258
definition of bingo set forth in division (S)(1) of section 1259
2915.01 of the Revised Code. 1260

(C) No charitable organization that conducts a bingo game 1261
described in division (S)(1) of section 2915.01 of the Revised 1262
Code shall do any of the following: 1263

(1) Pay any compensation to a bingo game operator for 1264
operating a bingo session that is conducted by the charitable 1265
organization or for preparing, selling, or serving food or 1266
beverages at the site of the bingo session, permit any auxiliary 1267
unit or society of the charitable organization to pay compensation 1268
to any bingo game operator who prepares, sells, or serves food or 1269
beverages at a bingo session conducted by the charitable 1270
organization, or permit any auxiliary unit or society of the 1271
charitable organization to prepare, sell, or serve food or 1272
beverages at a bingo session conducted by the charitable 1273
organization, if the auxiliary unit or society pays any 1274
compensation to the bingo game operators who prepare, sell, or 1275
serve the food or beverages; 1276

(2) Pay consulting fees to any person for any services 1277
performed in relation to the bingo session; 1278

(3) Pay concession fees to any person who provides	1279
refreshments to the participants in the bingo session;	1280
(4) Except as otherwise provided in division (C)(4) of this	1281
section, conduct more than two bingo sessions in any seven-day	1282
period. A volunteer firefighter's organization or a volunteer	1283
rescue service organization that conducts not more than five bingo	1284
sessions in a calendar year may conduct more than two bingo	1285
sessions in a seven-day period after notifying the attorney	1286
general when it will conduct the sessions.	1287
(5) Pay out more than three thousand five hundred dollars in	1288
prizes for bingo games described in division (S)(1) of section	1289
2915.01 of the Revised Code during any bingo session that is	1290
conducted by the charitable organization. "Prizes" does not	1291
include awards from the conduct of instant bingo.	1292
(6) Conduct a bingo session at any time during the ten-hour	1293
period between midnight and ten a.m., at any time during, or	1294
within ten hours of, a bingo game conducted for amusement only	1295
pursuant to section 2915.12 of the Revised Code, at any premises	1296
not specified on its license, or on any day of the week or during	1297
any time period not specified on its license. If circumstances	1298
make it impractical for the charitable organization <u>that is issued</u>	1299
<u>a license under section 2915.08 of the Revised Code</u> to conduct a	1300
bingo session at the premises, or on the day of the week or at the	1301
time, specified on its license or if a charitable organization	1302
wants to conduct bingo sessions on a day of the week or at a time	1303
other than the day or time specified on its license, the	1304
charitable organization may apply in writing to the attorney	1305
general for an amended license pursuant to division (F) of section	1306
2915.08 of the Revised Code. A charitable organization may apply	1307
twice in each calendar year for an amended license to conduct	1308
bingo sessions on a day of the week or at a time other than the	1309
day or time specified on its license. If the amended license is	1310

granted, the organization may conduct bingo sessions at the 1311
premises, on the day of the week, and at the time specified on its 1312
amended license. 1313

(7) Permit any person whom the charitable organization knows, 1314
or should have known, is under the age of eighteen to work as a 1315
bingo game operator; 1316

(8) Permit any person whom the charitable organization knows, 1317
or should have known, has been convicted of a felony or gambling 1318
offense in any jurisdiction to be a bingo game operator; 1319

(9) Permit the lessor of the premises on which the bingo 1320
session is conducted, if the lessor is not a charitable 1321
organization, to provide the charitable organization with bingo 1322
game operators, security personnel, concessions, bingo supplies, 1323
or any other type of service or equipment; 1324

(10) Purchase or lease bingo supplies from any person except 1325
a distributor issued a license under section 2915.081 of the 1326
Revised Code; 1327

(11)(a) Use or permit the use of electronic bingo aids except 1328
under the following circumstances: 1329

(i) For any single participant, not more than ninety bingo 1330
faces can be played using an electronic bingo aid or aids. 1331

(ii) The charitable organization shall provide a participant 1332
using an electronic bingo aid with corresponding paper bingo cards 1333
or sheets. 1334

(iii) The total price of bingo faces played with an 1335
electronic bingo aid shall be equal to the total price of the same 1336
number of bingo faces played with a paper bingo card or sheet sold 1337
at the same bingo session but without an electronic bingo aid. 1338

(iv) An electronic bingo aid cannot be part of an electronic 1339
network other than a network that includes only bingo aids and 1340

devices that are located on the premises at which the bingo is 1341
being conducted or be interactive with any device not located on 1342
the premises at which the bingo is being conducted. 1343

(v) An electronic bingo aid cannot be used to participate in 1344
bingo that is conducted at a location other than the location at 1345
which the bingo session is conducted and at which the electronic 1346
bingo aid is used. 1347

(vi) An electronic bingo aid cannot be used to provide for 1348
the input of numbers and letters announced by a bingo caller other 1349
than the bingo caller who physically calls the numbers and letters 1350
at the location at which the bingo session is conducted and at 1351
which the electronic bingo aid is used. 1352

(b) The attorney general may adopt rules in accordance with 1353
Chapter 119. of the Revised Code that govern the use of electronic 1354
bingo aids. The rules may include a requirement that an electronic 1355
bingo aid be capable of being audited by the attorney general to 1356
verify the number of bingo cards or sheets played during each 1357
bingo session. 1358

(12) Permit any person the charitable organization knows, or 1359
should have known, to be under eighteen years of age to play bingo 1360
described in division (S)(1) of section 2915.01 of the Revised 1361
Code. 1362

(D)(1) Except as otherwise provided in division (D)(3) of 1363
this section, no charitable organization shall provide to a bingo 1364
game operator, and no bingo game operator shall receive or accept, 1365
any commission, wage, salary, reward, tip, donation, gratuity, or 1366
other form of compensation, directly or indirectly, regardless of 1367
the source, for conducting bingo or providing other work or labor 1368
at the site of bingo during a bingo session. 1369

(2) Except as otherwise provided in division (D)(3) of this 1370
section, no charitable organization shall provide to a bingo game 1371

operator any commission, wage, salary, reward, tip, donation, 1372
gratuity, or other form of compensation, directly or indirectly, 1373
regardless of the source, for conducting instant bingo other than 1374
at a bingo session at the site of instant bingo other than at a 1375
bingo session. 1376

(3) Nothing in division (D) of this section prohibits an 1377
employee of a social club, fraternal organization, veteran's 1378
organization, or sporting organization from selling instant bingo 1379
tickets or cards to the organization's members or invited guests, 1380
as long as no portion of the employee's compensation is paid from 1381
any receipts of bingo. 1382

(E) Notwithstanding division (B)(1) of this section, a 1383
charitable organization that, prior to December 6, 1977, has 1384
entered into written agreements for the lease of premises it owns 1385
to another charitable organization or other charitable 1386
organizations for the conducting of bingo sessions so that more 1387
than two bingo sessions are conducted per calendar week on the 1388
premises, and a person that is not a charitable organization and 1389
that, prior to December 6, 1977, has entered into written 1390
agreements for the lease of premises it owns to charitable 1391
organizations for the conducting of more than two bingo sessions 1392
per calendar week on the premises, may continue to lease the 1393
premises to those charitable organizations, provided that no more 1394
than four sessions are conducted per calendar week, that the 1395
lessor organization or person has notified the attorney general in 1396
writing of the organizations that will conduct the sessions and 1397
the days of the week and the times of the day on which the 1398
sessions will be conducted, that the initial lease entered into 1399
with each organization that will conduct the sessions was filed 1400
with the attorney general prior to December 6, 1977, and that each 1401
organization that will conduct the sessions was issued a license 1402
to conduct bingo games by the attorney general prior to December 1403

6, 1977. 1404

(F) This section does not prohibit a bingo licensed 1405
charitable organization or a game operator from giving any person 1406
an instant bingo ticket as a prize. 1407

(G) Whoever violates division (A)(2) of this section is 1408
guilty of illegally conducting a bingo game, a felony of the 1409
fourth degree. Except as otherwise provided in this division, 1410
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 1411
(C)(1) to (12), or (D) of this section is guilty of a minor 1412
misdemeanor. If the offender previously has been convicted of a 1413
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 1414
to (11), or, (D) of this section, a violation of division (A)(1) 1415
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 1416
misdemeanor of the first degree. Whoever violates division (C)(12) 1417
of this section is guilty of a misdemeanor of the first degree, if 1418
the offender previously has been convicted of a violation of 1419
division (C)(12) of this section, a felony of the fourth degree. 1420

Sec. 2915.091. (A) No charitable organization that conducts 1421
instant bingo shall do any of the following: 1422

(1) Fail to comply with the requirements of divisions (A)(1), 1423
(2), and (3) of section 2915.09 of the Revised Code; 1424

(2) Conduct instant bingo unless either of the following 1425
apply: 1426

(a) That organization is, and has received from the internal 1427
revenue service a determination letter that is currently in effect 1428
stating that the organization is, exempt from federal income 1429
taxation under subsection 501(a), ~~is~~ and described in subsection 1430
501(c)(3) of the Internal Revenue Code, is a charitable 1431
organization as defined in section 2915.01 of the Revised Code, is 1432
in good standing in the state pursuant to section 2915.08 or 1433

2915.083 of the Revised Code, and is in compliance with Chapter 1434
1716. of the Revised Code; 1435

(b) That organization is, and has received from the internal 1436
revenue service a determination letter that is currently in effect 1437
stating that the organization is, exempt from federal income 1438
taxation under subsection 501(a), ~~is~~ and described in subsection 1439
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 1440
organization described in subsection 501(c)(4) of the Internal 1441
Revenue Code, and conducts instant bingo under section 2915.13 of 1442
the Revised Code. 1443

(3) Conduct instant bingo on any day, at any time, or at any 1444
premises not specified on the organization's license issued 1445
pursuant to section 2915.08 or 2915.083 of the Revised Code; 1446

(4) Permit any person whom the organization knows or should 1447
have known has been convicted of a felony or gambling offense in 1448
any jurisdiction to be a bingo game operator in the conduct of 1449
instant bingo; 1450

(5) Purchase or lease supplies used to conduct instant bingo 1451
or punch board games from any person except a distributor licensed 1452
under section 2915.081 of the Revised Code; 1453

(6) Sell or provide any instant bingo ticket or card for a 1454
price different from the price printed on it by the manufacturer 1455
on either the instant bingo ticket or card or on the game flare; 1456

(7) Sell an instant bingo ticket or card to a person under 1457
eighteen years of age; Division (A)(7) of this section does not 1458
apply to the sale of instant bingo tickets or cards by the holder 1459
of a short-term license to conduct instant bingo at a bingo 1460
session or to conduct instant bingo other than at a bingo session 1461
that is issued pursuant to section 2915.083 of the Revised Code. 1462

(8) Fail to keep unsold instant bingo tickets or cards for 1463
less than three years; 1464

(9) Pay any compensation to a bingo game operator for	1465
conducting instant bingo that is conducted by the organization or	1466
for preparing, selling, or serving food or beverages at the site	1467
of the instant bingo game, permit any auxiliary unit or society of	1468
the organization to pay compensation to any bingo game operator	1469
who prepares, sells, or serves food or beverages at an instant	1470
bingo game conducted by the organization, or permit any auxiliary	1471
unit or society of the organization to prepare, sell, or serve	1472
food or beverages at an instant bingo game conducted by the	1473
organization, if the auxiliary unit or society pays any	1474
compensation to the bingo game operators who prepare, sell, or	1475
serve the food or beverages;	1476
(10) Pay fees to any person for any services performed in	1477
relation to an instant bingo game;	1478
(11) Pay fees to any person who provides refreshments to the	1479
participants in an instant bingo game;	1480
(12)(a) Allow instant bingo tickets or cards to be sold to	1481
bingo game operators at a premises at which the organization sells	1482
instant bingo tickets or cards or to be sold to employees of a D	1483
permit holder who are working at a premises at which instant bingo	1484
tickets or cards are sold;	1485
(b) Division (A)(12)(a) of this section does not prohibit a	1486
licensed charitable organization or a bingo game operator from	1487
giving any person an instant bingo tickets as a prize.	1488
(13) Fail to display its bingo license, and the serial	1489
numbers of the deal of instant bingo tickets or cards to be sold,	1490
conspicuously at each premises at which it sells instant bingo	1491
tickets or cards;	1492
(14) Possess a deal of instant bingo tickets or cards that	1493
was not purchased from a distributor licensed under section	1494
2915.081 of the Revised Code as reflected on an invoice issued by	1495

the distributor that contains all of the information required by 1496
division (E) of section 2915.10 of the Revised Code; 1497

(15) Fail, once it opens a deal of instant bingo tickets or 1498
cards, to continue to sell the tickets or cards in that deal until 1499
the tickets or cards with the top two highest tiers of prizes in 1500
that deal are sold; 1501

(16) ~~Purchase, lease, or use instant bingo ticket dispensers~~ 1502
~~to sell instant bingo tickets or cards;~~ 1503

~~(17)~~ Possess bingo supplies that were not obtained in 1504
accordance with sections 2915.01 to 2915.13 of the Revised Code. 1505

(B)(1) A charitable organization may conduct instant bingo 1506
other than at a bingo session at not more than five separate 1507
locations. A charitable organization that is exempt from federal 1508
taxation under subsection 501(a) and described in subsection 1509
501(c)(3) of the Internal Revenue Code and that is created by a 1510
veteran's organization or a fraternal organization is not limited 1511
in the number of separate locations the charitable organization 1512
may conduct instant bingo other than at a bingo session. 1513

(2) A charitable organization may conduct instant bingo at 1514
festivals of the charitable organization that are conducted either 1515
for a period of four consecutive days or less and not more than 1516
twice a year or for a period of five consecutive days and not more 1517
than once a year, and are conducted on premises that are owned by 1518
the charitable organization for a period of no less than one year 1519
immediately preceding the conducting of the instant bingo, on 1520
premises that are leased from a governmental unit, or on premises 1521
that are leased from a veteran's or fraternal organization and 1522
that have been owned by the lessor veteran's or fraternal 1523
organization for a period of no less than one year immediately 1524
preceding the conducting of the instant bingo. 1525

(C) The attorney general may adopt rules in accordance with 1526

Chapter 119. of the Revised Code that govern the conduct of 1527
instant bingo by charitable organizations. Before those rules are 1528
adopted, the attorney general shall reference the recommended 1529
standards for opacity, randomization, minimum information, winner 1530
protection, color, and cutting for instant bingo tickets or cards, 1531
seal cards, and punch boards established by the North American 1532
gaming regulators association. 1533

(D) Whoever violates division (A) of this section or a rule 1534
adopted under division (C) of this section is guilty of illegal 1535
instant bingo conduct. Except as otherwise provided in this 1536
division, illegal instant bingo conduct is a misdemeanor of the 1537
first degree. If the offender previously has been convicted of a 1538
violation of division (A) of this section or of such a rule, 1539
illegal instant bingo conduct is a felony of the fifth degree. 1540

Sec. 2915.092. (A) A charitable organization, a public 1541
school, a chartered nonpublic school, or a community school, ~~or a~~ 1542
~~sporting organization~~ that is exempt from federal income taxation 1543
under subsection 501(a) and ~~is~~ described in subsection 501(c)(3), 1544
501(c)(4), ~~or~~ 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of 1545
the Internal Revenue Code may conduct a raffle to raise money for 1546
the organization or school and does not need a license to conduct 1547
bingo in order to conduct a raffle drawing that is not for profit. 1548

(B) Except as provided in division (A) of this section, no 1549
person shall conduct a raffle drawing that is for profit or a 1550
raffle drawing that is not for profit. 1551

(C) Whoever violates division (B) of this section is guilty 1552
of illegal conduct of a raffle. Except as otherwise provided in 1553
this division, illegal conduct of a raffle is a misdemeanor of the 1554
first degree. If the offender previously has been convicted of a 1555
violation of division (B) of this section, illegal conduct of a 1556
raffle is a felony of the fifth degree. 1557

Sec. 2915.095. The attorney general, by rule adopted pursuant 1558
to section 111.15 of the Revised Code, shall establish a standard 1559
contract to be used by a social club, a charitable instant bingo 1560
organization, a veteran's organization, ~~7~~ a fraternal 1561
organization, or a sporting organization for the conduct of 1562
instant bingo other than at a bingo session. The terms of the 1563
contract shall be limited to the provisions in ~~Chapter 2915. of~~ 1564
~~the Revised Code~~ this chapter. 1565

Sec. 2915.10. (A) No charitable organization that conducts 1566
bingo or a game of chance pursuant to division (D) of section 1567
2915.02 of the Revised Code shall fail to maintain the following 1568
records for at least three years from the date on which the bingo 1569
or game of chance is conducted: 1570

(1) An itemized list of the gross receipts of each bingo 1571
session, each game of instant bingo by serial number, each raffle, 1572
each punch board game, and each game of chance, and an itemized 1573
list of the gross profits of each game of instant bingo by serial 1574
number; 1575

(2) An itemized list of all expenses, other than prizes, that 1576
are incurred in conducting bingo or instant bingo, the name of 1577
each person to whom the expenses are paid, and a receipt for all 1578
of the expenses; 1579

(3) A list of all prizes awarded during each bingo session, 1580
each raffle, each punch board game, and each game of chance 1581
conducted by the charitable organization, the total prizes awarded 1582
from each game of instant bingo by serial number, and the name, 1583
address, and social security number of all persons who are winners 1584
of prizes of six hundred dollars or more in value; 1585

(4) An itemized list of the recipients of the net profit of 1586
the bingo or game of chance, including the name and address of 1587

each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in division (Z) of section 2915.01, division (D) of section 2915.02, or section 2915.101 of the Revised Code, a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from gross receipts under division (X) of section 2915.01 of the Revised Code;

(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(8) An itemized list of each deposit and withdrawal from any separate account in a financial institution that is maintained pursuant to section 2915.101 of the Revised Code for the net profit from the proceeds of the sale of instant bingo and an itemized list of the purpose for each withdrawal from that separate account.

(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the attorney general

of the location at which those records are kept. 1619

(C) The gross profit from each bingo session or game 1620
described in division (S)(1) or (2) of section 2915.01 of the 1621
Revised Code shall be deposited into a checking account devoted 1622
exclusively to the bingo session or game. Payments for allowable 1623
expenses incurred in conducting the bingo session or game and 1624
payments to recipients of some or all of the net profit of the 1625
bingo session or game shall be made only by checks drawn on the 1626
bingo session or game account. 1627

(D) Each charitable organization shall conduct and record an 1628
inventory of all of its bingo supplies as of the first day of 1629
November of each year. 1630

(E) The attorney general may adopt rules in accordance with 1631
Chapter 119. of the Revised Code that establish standards of 1632
accounting, record keeping, and reporting to ensure that gross 1633
receipts from bingo or games of chance are properly accounted for. 1634

(F) A distributor shall maintain, for a period of three years 1635
after the date of its sale or other provision, a record of each 1636
instance of its selling or otherwise providing to another person 1637
bingo supplies for use in this state. The record shall include all 1638
of the following for each instance: 1639

(1) The name of the manufacturer from which the distributor 1640
purchased the bingo supplies and the date of the purchase; 1641

(2) The name and address of the charitable organization or 1642
other distributor to which the bingo supplies were sold or 1643
otherwise provided; 1644

(3) A description that clearly identifies the bingo supplies; 1645

(4) Invoices that include the nonrepeating serial numbers of 1646
all paper bingo cards and sheets and all instant bingo deals sold 1647
or otherwise provided to each charitable organization. 1648

(G) A manufacturer shall maintain, for a period of three 1649
years after the date of its sale or other provision, a record of 1650
each instance of its selling or otherwise providing bingo supplies 1651
for use in this state. The record shall include all of the 1652
following for each instance: 1653

(1) The name and address of the distributor to whom the bingo 1654
supplies were sold or otherwise provided; 1655

(2) A description that clearly identifies the bingo supplies, 1656
including serial numbers; 1657

(3) Invoices that include the nonrepeating serial numbers of 1658
all paper bingo cards and sheets and all instant bingo deals sold 1659
or otherwise provided to each distributor. 1660

(H) The attorney general or any law enforcement agency may do 1661
all of the following: 1662

(1) Investigate any charitable organization or any officer, 1663
agent, trustee, member, or employee of the organization; 1664

(2) Examine the accounts and records of the organization; 1665

(3) Conduct inspections, audits, and observations of bingo or 1666
games of chance; 1667

(4) Conduct inspections of the premises where bingo or games 1668
of chance are conducted; 1669

(5) Conduct an audit of any separate account in a financial 1670
institution that is maintained pursuant to section 2915.101 of the 1671
Revised Code for the net profit from the proceeds of the sale of 1672
instant bingo; 1673

(6) Take any other necessary and reasonable action to 1674
determine if a violation of any provision of sections 2915.01 to 1675
2915.13 of the Revised Code has occurred and to determine whether 1676
section 2915.11 of the Revised Code has been complied with. 1677

If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member, or employee of the organization has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the attorney general when commencing an action as described in this division.

(I) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance or premises where bingo or a game of chance is conducted, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the attorney general or a law enforcement agency pursuant to division (H) of this section.

(J) Whoever violates division (A) or (I) of this section is guilty of a misdemeanor of the first degree.

Sec. 2915.101. (A) Except as otherwise provided by law, a charitable organization that conducts instant bingo shall distribute the net profit from the proceeds of the sale of instant bingo as follows:

(A)(1) If a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo, the organization shall distribute the net profit from the proceeds of the sale of instant bingo, as follows:

(a) A minimum of fifty per cent shall be distributed to an organization ~~described in division (Z)(1) of section 2915.01 of the Revised Code~~ that is described in subsection 509(a)(1),

509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either 1708
a governmental unit or an organization that is tax exempt under 1709
subsection 501(a) and described in subsection 501(c)(3) of the 1710
Internal Revenue Code or to a department or agency of the federal 1711
government, the state, or any political subdivision; 1712

(b) Five per cent may be distributed for the organization's 1713
own charitable purposes. 1714

(c) Forty-five per cent may be deducted and retained by the 1715
organization for the organization's expenses in conducting the 1716
instant bingo game. 1717

(2) If a veteran's organization, a fraternal organization, or 1718
a sporting organization does not distribute the full percentages 1719
specified in divisions (A)(1)(b) and (c) of this section for the 1720
purposes specified in those divisions, the organization shall 1721
distribute the balance of the net profit from the proceeds of the 1722
sale of instant bingo not distributed or retained for those 1723
purposes to an organization, department, or agency described in 1724
division ~~(Z)(1)~~ (A)(1)(a) of this section 2915.01 of the Revised 1725
Code. 1726

(3) A veteran's organization, a fraternal organization, or a 1727
sporting organization shall pay the expenses that are directly for 1728
the conduct of instant bingo by check from the checking account 1729
devoted exclusively to the bingo session or game and, may deduct 1730
and retain the remainder of the ~~thirty-five~~ forty-five per cent of 1731
the net profit from the proceeds of the sale of instant bingo ~~that~~ 1732
~~is for the organization's expenses in conducting the instant bingo~~ 1733
~~game,~~ and may transfer that remainder into the organization's 1734
general account. 1735

~~(B)~~(4) If a charitable organization other than a veteran's 1736
organization, a fraternal organization, or a sporting organization 1737
conducted the instant bingo, the organization shall distribute one 1738

hundred per cent of the net profit from the proceeds of the sale 1739
of instant bingo to an organization, department, or agency 1740
described in division ~~(7)(1)~~ (A)(1)(a) of this section 2915.01 ~~of~~ 1741
~~the Revised Code or to a department or agency of the federal~~ 1742
~~government, the state, or any political subdivision.~~ 1743

(B)(1) A charitable organization that conducts instant bingo 1744
shall deposit the net profit from the proceeds of the sale of 1745
instant bingo into a separate account established at a financial 1746
institution, as defined in section 1115.07 of the Revised Code, 1747
prior to distributing that net profit as provided in division (A) 1748
of this section. 1749

(2) A charitable organization shall use the net profit from 1750
the proceeds of the sale of instant bingo as specified in the 1751
organization's instant bingo application. 1752

Sec. 2915.13. (A) A social club, a veteran's organization, a 1753
fraternal organization, or a sporting organization authorized to 1754
conduct a bingo session pursuant to sections 2915.01 to 2915.12 of 1755
the Revised Code may conduct instant bingo other than at a bingo 1756
session if all of the following apply: 1757

(1) The social club, veteran's organization, fraternal 1758
organization, or sporting organization limits the sale of instant 1759
bingo to ~~ten consecutive~~ twelve hours ~~per~~ during any day ~~for up to~~ 1760
~~six days per week.~~ 1761

(2) The social club, veteran's organization, fraternal 1762
organization, or sporting organization limits the sale of instant 1763
bingo to its own premises and to its own members and invited 1764
guests. 1765

(3) The social club, veteran's organization, fraternal 1766
organization, or sporting organization is raising money for an 1767
organization that is described in subsection 509(a)(1), 509(a)(2), 1768

or 509(a)(3) of the Internal Revenue Code and is either a 1769
governmental unit or an organization that maintains its principal 1770
place of business in this state, that is exempt from federal 1771
income taxation under subsection 501(a) and described in 1772
subsection 501(c)(3) of the Internal Revenue Code, and that is in 1773
good standing in this state and executes a written contract with 1774
that organization as required in division (B) of this section. 1775

(B) If a social club, a veteran's organization, a fraternal 1776
organization, or a sporting organization authorized to conduct 1777
instant bingo pursuant to division (A) of this section is raising 1778
money for another organization that is described in subsection 1779
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 1780
and is either a governmental unit or an organization that 1781
maintains its principal place of business in this state, that is 1782
exempt from federal income taxation under subsection 501(a) and 1783
described in subsection 501(c)(3) of the Internal Revenue Code, 1784
and that is in good standing in this state, the social club, 1785
veteran's organization, fraternal organization, or sporting 1786
organization shall execute a written contract with the 1787
organization that is described in subsection 509(a)(1), 509(a)(2), 1788
or 509(a)(3) of the Internal Revenue Code and is either a 1789
governmental unit or an organization that maintains its principal 1790
place of business in this state, that is exempt from federal 1791
income taxation under subsection 501(a) and described in 1792
subsection 501(c)(3) of the Internal Revenue Code, and that is in 1793
good standing in this state in order to conduct instant bingo. 1794
That contract shall include a statement of the percentage of the 1795
net proceeds that the social club, veteran's organization, 1796
fraternal organization, or sporting organization will be 1797
distributing to the organization that is described in subsection 1798
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 1799
and is either a governmental unit or an organization that 1800
maintains its principal place of business in this state, that is 1801

exempt from federal income taxation under subsection 501(a) and 1802
described in subsection 501(c)(3) of the Internal Revenue Code, 1803
and that is in good standing in this state. 1804

(C)(1) If a social club, a veteran's organization, a 1805
fraternal organization, or a sporting organization authorized to 1806
conduct instant bingo pursuant to division (A) of this section has 1807
been issued a liquor permit under Chapter 4303. of the Revised 1808
Code, the social club, veteran's organization, fraternal 1809
organization, or sporting organization may sell instant bingo in 1810
the area to which the permit applies and that permit may be 1811
subject to suspension, revocation, or cancellation if the social 1812
club, veteran's organization, fraternal organization, or sporting 1813
organization violates a provision of sections 2915.01 to 2915.13 1814
of the Revised Code. 1815

(2) No social club, veteran's organization, fraternal 1816
organization, or sporting organization that enters into a written 1817
contract pursuant to division (B) of this section shall violate 1818
any provision of ~~Chapter 2915. of the Revised Code~~ this chapter, 1819
or permit, aid, or abet any other person in violating any 1820
provision of ~~Chapter 2915. of the Revised Code~~ this chapter. 1821

(D) A social club, a veteran's organization, a fraternal 1822
organization, or a sporting organization shall give all required 1823
proceeds earned from the conduct of instant bingo to ~~the an~~ 1824
organization ~~with which the veteran's organization, fraternal~~ 1825
~~organization, or sporting organization has entered into a written~~ 1826
~~contract~~ as specified in division (B) of this section. 1827

(E) Whoever violates this section is guilty of illegal 1828
instant bingo conduct. Except as otherwise provided in this 1829
division, illegal instant bingo conduct is a misdemeanor of the 1830
first degree. If the offender previously has been convicted of a 1831
violation of this section, illegal instant bingo conduct is a 1832
felony of the fifth degree. 1833

Section 2. That existing sections 1711.09, 2915.01, 2915.02, 1834
2915.03, 2915.07, 2915.08, 2915.081, 2915.09, 2915.091, 2915.092, 1835
2915.095, 2915.10, 2915.101, and 2915.13 of the Revised Code are 1836
hereby repealed. 1837

Section 3. Section 2915.01 of the Revised Code is presented 1838
in this act as a composite of the section as amended by both Am. 1839
Sub. H.B. 95 and Am. Sub. S.B. 37 of the 125th General Assembly. 1840
The General Assembly, applying the principle stated in division 1841
(B) of section 1.52 of the Revised Code that amendments are to be 1842
harmonized if reasonably capable of simultaneous operation, finds 1843
that the composite is the resulting version of the section in 1844
effect prior to the effective date of the section as presented in 1845
this act. 1846