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Sub. H. B. No. 325

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Senator Mumper**

A B I L L

To amend sections 1711.09, 2915.01, 2915.081, 1
2915.09, 2915.092, 2915.093, 2915.101, and 2915.13 2
of the Revised Code to revise the Charitable Bingo 3
Law. 4

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

Section 1. That sections 1711.09, 2915.01, 2915.081, 2915.09, 5
2915.092, 2915.093, 2915.101, and 2915.13 of the Revised Code be 6
amended to read as follows: 7

Sec. 1711.09. Except as otherwise provided in this section, 8
county agricultural societies, independent agricultural societies, 9

and the Ohio expositions commission shall not permit during any 10
fair, or for one week before or three days after any fair, any 11
dealing in spirituous liquors, or at any time allow or tolerate 12
immoral shows, lottery devices, games of chance, or gambling of 13
any kind, including pool selling and paddle wheels, anywhere on 14
the fairground; and shall permit no person at any time to operate 15
any side show, amusement, game, or device, or offer for sale any 16
novelty by auction or solicitation, on the fairground who has not 17
first obtained from the director of agriculture a license under 18
section 1711.11 of the Revised Code. This section does not 19
prohibit the sale of lottery tickets by the state lottery 20
commission pursuant to Chapter 3770. of the Revised Code at the 21
state fairground during the state fair. In addition, a county or 22
independent agricultural society may permit, at any time except 23
during a fair or for one week before or three days after a fair, a 24
charitable organization to conduct in accordance with Chapter 25
2915. of the Revised Code games of chance or bingo on the 26
fairground of a any county ~~with a population of five hundred~~ 27
~~thousand or less~~. A charitable organization may lease all or part 28
of the fairground from the agricultural society for that purpose. 29

Any sales of intoxicating liquor transacted on the fairground 30
shall be subject to Chapters 4301., 4303., and 4399. of the 31
Revised Code. 32

Any agricultural society that permits the sale of 33
intoxicating liquor on its fairground shall apply any proceeds 34
gained by the society from the permit holder and from activities 35
coincident to the sale of intoxicating liquor first to pay the 36
cost of insurance on all buildings on the fairground, and then for 37
any other purpose authorized by law. 38

Sec. 2915.01. As used in this chapter: 39

(A) "Bookmaking" means the business of receiving or paying
off bets. 40
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(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. 42
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(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. 45
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(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. 50
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(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. 54
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(F) "Gambling device" means any of the following: 57

(1) A book, totalizer, or other equipment for recording bets; 58

(2) A ticket, token, or other device representing a chance,
share, or interest in a scheme of chance or evidencing a bet; 59
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(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; 61
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(4) Any equipment, device, apparatus, or paraphernalia
specially designed for gambling purposes; 64
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(5) Bingo supplies sold or otherwise provided, or used, in
violation of this chapter. 66
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(G) "Gambling offense" means any of the following: 68

(1) A violation of section 2915.02, 2915.03, 2915.04,	69
2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091,	70
2915.092, 2915.10, or 2915.11 of the Revised Code;	71
(2) A violation of an existing or former municipal ordinance	72
or law of this or any other state or the United States	73
substantially equivalent to any section listed in division (G)(1)	74
of this section or a violation of section 2915.06 of the Revised	75
Code as it existed prior to July 1, 1996;	76
(3) An offense under an existing or former municipal	77
ordinance or law of this or any other state or the United States,	78
of which gambling is an element;	79
(4) A conspiracy or attempt to commit, or complicity in	80
committing, any offense under division (G)(1), (2), or (3) of this	81
section.	82
(H) Except as otherwise provided in this chapter, "charitable	83
organization" means any tax exempt religious, educational,	84
veteran's, fraternal, sporting, service, nonprofit medical,	85
volunteer rescue service, volunteer firefighter's, senior	86
citizen's, historic railroad educational, youth athletic, amateur	87
athletic, or youth athletic park organization. An organization is	88
tax exempt if the organization is, and has received from the	89
internal revenue service a determination letter that currently is	90
in effect stating that the organization is, exempt from federal	91
income taxation under subsection 501(a) and described in	92
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or	93
501(c)(19) of the Internal Revenue Code, or if the organization is	94
a sporting organization that is exempt from federal income	95
taxation under subsection 501(a) and is described in subsection	96
501(c)(7) of the Internal Revenue Code. To qualify as a charitable	97
organization, an organization, except a volunteer rescue service	98
or volunteer fire fighter's organization, shall have been in	99

continuous existence as such in this state for a period of two 100
years immediately preceding either the making of an application 101
for a bingo license under section 2915.08 of the Revised Code or 102
the conducting of any game of chance as provided in division (D) 103
of section 2915.02 of the Revised Code. A charitable organization 104
that is exempt from federal income taxation under subsection 105
501(a) and described in subsection 501(c)(3) of the Internal 106
Revenue Code and that is created by a veteran's organization, a 107
fraternal organization, or a sporting organization does not have 108
to have been in continuous existence as such in this state for a 109
period of two years immediately preceding either the making of an 110
application for a bingo license under section 2915.08 of the 111
Revised Code or the conducting of any game of chance as provided 112
in division (D) of section 2915.02 of the Revised Code. 113

(I) "Religious organization" means any church, body of 114
communicants, or group that is not organized or operated for 115
profit and that gathers in common membership for regular worship 116
and religious observances. 117

(J) "Educational organization" means any organization within 118
this state that is not organized for profit, the primary purpose 119
of which is to educate and develop the capabilities of individuals 120
through instruction by means of operating or contributing to the 121
support of a school, academy, college, or university. 122

(K) "Veteran's organization" means any individual post or 123
state headquarters of a national veteran's association or an 124
auxiliary unit of any individual post of a national veteran's 125
association, which post, state headquarters, or auxiliary unit has 126
been in continuous existence in this state for at least two years 127
and incorporated as a nonprofit corporation and either has 128
received a letter from the state headquarters of the national 129
veteran's association indicating that the individual post or 130
auxiliary unit is in good standing with the national veteran's 131

association or has received a letter from the national veteran's 132
association indicating that the state headquarters is in good 133
standing with the national veteran's association. As used in this 134
division, "national veteran's association" means any veteran's 135
association that has been in continuous existence as such for a 136
period of at least five years and either is incorporated by an act 137
of the United States congress or has a national dues-paying 138
membership of at least five thousand persons. 139

(L) "Volunteer firefighter's organization" means any 140
organization of volunteer firefighters, as defined in section 141
146.01 of the Revised Code, that is organized and operated 142
exclusively to provide financial support for a volunteer fire 143
department or a volunteer fire company and that is recognized or 144
ratified by a county, municipal corporation, or township. 145

(M) "Fraternal organization" means any society, order, state 146
headquarters, or association within this state, except a college 147
or high school fraternity, that is not organized for profit, that 148
is a branch, lodge, or chapter of a national or state 149
organization, that exists exclusively for the common business or 150
sodality of its members, and that has been in continuous existence 151
in this state for a period of five years. 152

(N) "Volunteer rescue service organization" means any 153
organization of volunteers organized to function as an emergency 154
medical service organization, as defined in section 4765.01 of the 155
Revised Code. 156

(O) "Service organization" means ~~any~~ either of the following: 157

(1) Any organization, not organized for profit, that is 158
organized and operated exclusively to provide, or to contribute to 159
the support of organizations or institutions organized and 160
operated exclusively to provide, medical and therapeutic services 161
for persons who are crippled, born with birth defects, or have any 162

other mental or physical defect or those organized and operated 163
exclusively to protect, or to contribute to the support of 164
organizations or institutions organized and operated exclusively 165
to protect, animals from inhumane treatment or provide immediate 166
shelter to victims of domestic violence; 167

(2) Any organization that is described in subsection 168
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 169
and is either a governmental unit or an organization that is tax 170
exempt under subsection 501(a) and described in subsection 171
501(c)(3) of the Internal Revenue Code and that is an 172
organization, not organized for profit, that is organized and 173
operated primarily to provide, or to contribute to the support of 174
organizations or institutions organized and operated primarily to 175
provide, medical and therapeutic services for persons who are 176
crippled, born with birth defects, or have any other mental or 177
physical defect. 178

(P) "Nonprofit medical organization" means ~~any~~ either of the 179
following: 180

(1) Any organization that has been incorporated as a 181
nonprofit corporation for at least five years and that has 182
continuously operated and will be operated exclusively to provide, 183
or to contribute to the support of organizations or institutions 184
organized and operated exclusively to provide, hospital, medical, 185
research, or therapeutic services for the public; 186

(2) Any organization that is described and qualified under 187
subsection 501(c)(3) of the Internal Revenue Code, that has been 188
incorporated as a nonprofit corporation for at least five years, 189
and that has continuously operated and will be operated primarily 190
to provide, or to contribute to the support of organizations or 191
institutions organized and operated primarily to provide, 192
hospital, medical, research, or therapeutic services for the 193
public. 194

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

(R) "Charitable bingo game" means any bingo game described in division (S)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

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

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

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

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

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

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

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

(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

(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.

(V) "Participant" means any person who plays bingo.

(W) "Bingo session" means a period that includes both of the following:

(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;

(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. 256

(X) "Gross receipts" means all money or assets, including 257
admission fees, that a person receives from bingo without the 258
deduction of any amounts for prizes paid out or for the expenses 259
of conducting bingo. "Gross receipts" does not include any money 260
directly taken in from the sale of food or beverages by a 261
charitable organization conducting bingo, or by a bona fide 262
auxiliary unit or society of a charitable organization conducting 263
bingo, provided all of the following apply: 264

(1) The auxiliary unit or society has been in existence as a 265
bona fide auxiliary unit or society of the charitable organization 266
for at least two years prior to conducting bingo. 267

(2) The person who purchases the food or beverage receives 268
nothing of value except the food or beverage and items customarily 269
received with the purchase of that food or beverage. 270

(3) The food and beverages are sold at customary and 271
reasonable prices. 272

(Y) "Security personnel" includes any person who either is a 273
sheriff, deputy sheriff, marshal, deputy marshal, township 274
constable, or member of an organized police department of a 275
municipal corporation or has successfully completed a peace 276
officer's training course pursuant to sections 109.71 to 109.79 of 277
the Revised Code and who is hired to provide security for the 278
premises on which bingo is conducted. 279

(Z) "Charitable purpose" means that the net profit of bingo, 280
other than instant bingo, is used by, or is given, donated, or 281
otherwise transferred to, any of the following: 282

(1) Any organization that is described in subsection 283
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 284
and is either a governmental unit or an organization that is tax 285
exempt under subsection 501(a) and described in subsection 286

501(c)(3) of the Internal Revenue Code;	287
(2) A veteran's organization that is a post, chapter, or	288
organization of veterans, or an auxiliary unit or society of, or a	289
trust or foundation for, any such post, chapter, or organization	290
organized in the United States or any of its possessions, at least	291
seventy-five per cent of the members of which are veterans and	292
substantially all of the other members of which are individuals	293
who are spouses, widows, or widowers of veterans, or such	294
individuals, provided that no part of the net earnings of such	295
post, chapter, or organization inures to the benefit of any	296
private shareholder or individual, and further provided that the	297
net profit is used by the post, chapter, or organization for the	298
charitable purposes set forth in division (B)(12) of section	299
5739.02 of the Revised Code, is used for awarding scholarships to	300
or for attendance at an institution mentioned in division (B)(12)	301
of section 5739.02 of the Revised Code, is donated to a	302
governmental agency, or is used for nonprofit youth activities,	303
the purchase of United States or Ohio flags that are donated to	304
schools, youth groups, or other bona fide nonprofit organizations,	305
promotion of patriotism, or disaster relief;	306
(3) A fraternal organization that has been in continuous	307
existence in this state for fifteen years and that uses the net	308
profit exclusively for religious, charitable, scientific,	309
literary, or educational purposes, or for the prevention of	310
cruelty to children or animals, if contributions for such use	311
would qualify as a deductible charitable contribution under	312
subsection 170 of the Internal Revenue Code;	313
(4) A volunteer firefighter's organization that uses the net	314
profit for the purposes set forth in division (L) of this section.	315
(AA) "Internal Revenue Code" means the "Internal Revenue Code	316
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter	317
amended.	318

(BB) "Youth athletic organization" means any organization, 319
not organized for profit, that is organized and operated 320
exclusively to provide financial support to, or to operate, 321
athletic activities for persons who are twenty-one years of age or 322
younger by means of sponsoring, organizing, operating, or 323
contributing to the support of an athletic team, club, league, or 324
association. 325

(CC) "Youth athletic park organization" means any 326
organization, not organized for profit, that satisfies both of the 327
following: 328

(1) It owns, operates, and maintains playing fields that 329
satisfy both of the following: 330

(a) The playing fields are used at least one hundred days per 331
year for athletic activities by one or more organizations, not 332
organized for profit, each of which is organized and operated 333
exclusively to provide financial support to, or to operate, 334
athletic activities for persons who are eighteen years of age or 335
younger by means of sponsoring, organizing, operating, or 336
contributing to the support of an athletic team, club, league, or 337
association. 338

(b) The playing fields are not used for any profit-making 339
activity at any time during the year. 340

(2) It uses the proceeds of bingo it conducts exclusively for 341
the operation, maintenance, and improvement of its playing fields 342
of the type described in division (CC)(1) of this section. 343

(DD) "Amateur athletic organization" means any organization, 344
not organized for profit, that is organized and operated 345
exclusively to provide financial support to, or to operate, 346
athletic activities for persons who are training for amateur 347
athletic competition that is sanctioned by a national governing 348
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 349

3045, 36 U.S.C.A. 373. 350

(EE) "Bingo supplies" means bingo cards or sheets; instant 351
bingo tickets or cards; electronic bingo aids; raffle tickets; 352
punch boards; seal cards; instant bingo ticket dispensers; and 353
devices for selecting or displaying the combination of bingo 354
letters and numbers or raffle tickets. Items that are "bingo 355
supplies" are not gambling devices if sold or otherwise provided, 356
and used, in accordance with this chapter. For purposes of this 357
chapter, "bingo supplies" are not to be considered equipment used 358
to conduct a bingo game. 359

(FF) "Instant bingo" means a form of bingo that uses folded 360
or banded tickets or paper cards with perforated break-open tabs, 361
a face of which is covered or otherwise hidden from view to 362
conceal a number, letter, or symbol, or set of numbers, letters, 363
or symbols, some of which have been designated in advance as prize 364
winners. "Instant bingo" includes seal cards. "Instant bingo" does 365
not include any device that is activated by the insertion of a 366
coin, currency, token, or an equivalent, and that contains as one 367
of its components a video display monitor that is capable of 368
displaying numbers, letters, symbols, or characters in winning or 369
losing combinations. 370

(GG) "Seal card" means a form of instant bingo that uses 371
instant bingo tickets in conjunction with a board or placard that 372
contains one or more seals that, when removed or opened, reveal 373
predesignated winning numbers, letters, or symbols. 374

(HH) "Raffle" means a form of bingo in which the one or more 375
prizes are won by one or more persons who have purchased a raffle 376
ticket. The one or more winners of the raffle are determined by 377
drawing a ticket stub or other detachable section from a 378
receptacle containing ticket stubs or detachable sections 379
corresponding to all tickets sold for the raffle. 380

(II) "Punch board" means a board containing a number of holes	381
or receptacles of uniform size in which are placed, mechanically	382
and randomly, serially numbered slips of paper that may be punched	383
or drawn from the hole or receptacle when used in conjunction with	384
instant bingo. A player may punch or draw the numbered slips of	385
paper from the holes or receptacles and obtain the prize	386
established for the game if the number drawn corresponds to a	387
winning number or, if the punch board includes the use of a seal	388
card, a potential winning number.	389
(JJ) "Gross profit" means gross receipts minus the amount	390
actually expended for the payment of prize awards.	391
(KK) "Net profit" means gross profit minus expenses.	392
(LL) "Expenses" means the reasonable amount of gross profit	393
actually expended for all of the following:	394
(1) The purchase or lease of bingo supplies;	395
(2) The annual license fee required under section 2915.08 of	396
the Revised Code;	397
(3) Bank fees and service charges for a bingo session or game	398
account described in section 2915.10 of the Revised Code;	399
(4) Audits and accounting services;	400
(5) Safes;	401
(6) Cash registers;	402
(7) Hiring security personnel;	403
(8) Advertising bingo;	404
(9) Renting premises in which to conduct a bingo session;	405
(10) Tables and chairs;	406
(11) Expenses for maintaining and operating a charitable	407
organization's facilities, including, but not limited to, a post	408

home, club house, lounge, tavern, or canteen and any grounds 409
attached to the post home, club house, lounge, tavern, or canteen; 410

(12) Any other product or service directly related to the 411
conduct of bingo that is authorized in rules adopted by the 412
attorney general under division (B)(1) of section 2915.08 of the 413
Revised Code. 414

(MM) "Person" has the same meaning as in section 1.59 of the 415
Revised Code and includes any firm or any other legal entity, 416
however organized. 417

(NN) "Revoke" means to void permanently all rights and 418
privileges of the holder of a license issued under section 419
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 420
gaming license issued by another jurisdiction. 421

(OO) "Suspend" means to interrupt temporarily all rights and 422
privileges of the holder of a license issued under section 423
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 424
gaming license issued by another jurisdiction. 425

(PP) "Distributor" means any person who purchases or obtains 426
bingo supplies and who ~~sells~~ does either of the following: 427

(1) Sells, offers for sale, or otherwise provides or offers 428
to provide the bingo supplies to another person for use in this 429
state; 430

(2) Modifies, converts, adds to, or removes parts from the 431
bingo supplies to further their promotion or sale for use in this 432
state. 433

(QQ) "Manufacturer" means any person who assembles completed 434
bingo supplies from raw materials, other items, or subparts or who 435
modifies, converts, adds to, or removes parts from bingo supplies 436
to further their promotion or sale. 437

(RR) "Gross annual revenues" means the annual gross receipts 438

derived from the conduct of bingo described in division (S)(1) of 439
this section plus the annual net profit derived from the conduct 440
of bingo described in division (S)(2) of this section. 441

(SS) "Instant bingo ticket dispenser" means a mechanical 442
device that dispenses an instant bingo ticket or card as the sole 443
item of value dispensed and that has the following 444
characteristics: 445

(1) It is activated upon the insertion of United States 446
currency. 447

(2) It performs no gaming functions. 448

(3) It does not contain a video display monitor or generate 449
noise. 450

(4) It is not capable of displaying any numbers, letters, 451
symbols, or characters in winning or losing combinations. 452

(5) It does not simulate or display rolling or spinning 453
reels. 454

(6) It is incapable of determining whether a dispensed bingo 455
ticket or card is a winning or nonwinning ticket or card and 456
requires a winning ticket or card to be paid by a bingo game 457
operator. 458

(7) It may provide accounting and security features to aid in 459
accounting for the instant bingo tickets or cards it dispenses. 460

(8) It is not part of an electronic network and is not 461
interactive. 462

(TT)(1) "Electronic bingo aid" means an electronic device 463
used by a participant to monitor bingo cards or sheets purchased 464
at the time and place of a bingo session and that does all of the 465
following: 466

(a) It provides a means for a participant to input numbers 467
and letters announced by a bingo caller. 468

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

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

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

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

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

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

(WW) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does

not include a charitable organization that is exempt from federal 499
income taxation under subsection 501(a) and described in 500
subsection 501(c)(3) of the Internal Revenue Code and that is 501
created by a veteran's organization, a fraternal organization, or 502
a sporting organization in regards to bingo conducted or assisted 503
by a veteran's organization, a fraternal organization, or a 504
sporting organization pursuant to section 2915.13 of the Revised 505
Code. 506

(YY) "Game flare" means the board or placard that accompanies 507
each deal of instant bingo tickets and that has printed on or 508
affixed to it the following information for the game: 509

(1) The name of the game; 510

(2) The manufacturer's name or distinctive logo; 511

(3) The form number; 512

(4) The ticket count; 513

(5) The prize structure, including the number of winning 514
instant bingo tickets by denomination and the respective winning 515
symbol or number combinations for the winning instant bingo 516
tickets; 517

(6) The cost per play; 518

(7) The serial number of the game. 519

(ZZ) "Historic railroad educational organization" means an 520
organization that is exempt from federal income taxation under 521
subsection 501(a) and described in subsection 501(c)(3) of the 522
Internal Revenue Code, that owns in fee simple the tracks and the 523
right of way of a historic railroad that the organization restores 524
or maintains and on which the organization provides excursions as 525
part of a program to promote tourism and educate visitors 526
regarding the role of railroad transportation in Ohio history, and 527
that received as donations from a charitable organization that 528

holds a license to conduct bingo under this chapter an amount 529
equal to at least fifty per cent of that licensed charitable 530
organization's net proceeds from the conduct of bingo during each 531
of the five years preceding June 30, 2003. "Historic railroad" 532
means all or a portion of the tracks and right_of_way of a 533
railroad that was owned and operated by a for profit common 534
carrier in this state at any time prior to January 1, 1950. 535

(AAA)(1) "Skill-based amusement machine" means a skill-based 536
amusement device, such as a mechanical, electronic, video, or 537
digital device, or machine, whether or not the skill-based 538
amusement machine requires payment for use through a coin or bill 539
validator or other payment of consideration or value to 540
participate in the machine's offering or to activate the machine, 541
provided that all of the following apply: 542

(a) The machine involves a task, game, play, contest, 543
competition, or tournament in which the player actively 544
participates in the task, game, play, contest, competition, or 545
tournament. 546

(b) The outcome of an individual's play and participation is 547
not determined largely or wholly by chance. 548

(c) The outcome of play during a game is not controlled by a 549
person not actively participating in the game. 550

(2) All of the following apply to any machine that is 551
operated as described in division (AAA)(1) of this section: 552

(a) As used in this section, "task," "game," and "play" mean 553
one event from the initial activation of the machine until the 554
results of play are determined without payment of additional 555
consideration. An individual utilizing a machine that involves a 556
single task, game, play, contest, competition, or tournament may 557
be awarded prizes based on the results of play. 558

(b) Advance play for a single task, game, play, contest, 559

competition, or tournament participation may be purchased. The 560
cost of the contest, competition, or tournament participation may 561
be greater than a single non-contest, competition, or tournament 562
play. 563

(c) To the extent that the machine is used in a contest, 564
competition, or tournament, that contest, competition, or 565
tournament has a defined starting and ending date and is open to 566
participants in competition for scoring and ranking results toward 567
the awarding of prizes that are stated prior to the start of the 568
contest, competition, or tournament. 569

(BBB) "Pool not conducted for profit" means a scheme in which 570
a participant gives a valuable consideration for a chance to win a 571
prize and the total amount of consideration wagered is distributed 572
to a participant or participants. 573

(CCC) "Sporting organization" means a hunting, fishing, or 574
trapping organization, other than a college or high school 575
fraternity or sorority, that is not organized for profit, that is 576
affiliated with a state or national sporting organization, 577
including but not limited to, the Ohio League of sportsmen, and 578
that has been in continuous existence in this state for a period 579
of three years. 580

(DDD) "Chamber of commerce" means an organization of 581
individuals, professionals, and businesses that has the purpose to 582
advance the commercial, financial, industrial, and civic interests 583
of the community and that is, and has received from the internal 584
revenue service a determination letter that currently is in effect 585
stating that the organization is, exempt from federal income 586
taxation under subsection 501(a) and described in subsection 587
501(c)(6) of the Internal Revenue Code. 588

(EEE) "Community action agency" has the same meaning as in 589
section 122.66 of the Revised Code. 590

Sec. 2915.081. (A) No distributor shall sell, offer to sell, 591
or otherwise provide or offer to provide bingo supplies to another 592
person, or modify, convert, add to, or remove parts from bingo 593
supplies to further their promotion or sale, for use in this state 594
without having obtained a license from the attorney general under 595
this section. 596

(B) The attorney general may issue a distributor license to 597
any person that meets the requirements of this section. The 598
application for the license shall be on a form prescribed by the 599
attorney general and be accompanied by the annual fee prescribed 600
by this section. The license is valid for a period of one year, 601
and the annual fee for the license is five thousand dollars. 602

(C) The attorney general may refuse to issue a distributor 603
license to any person to which any of the following applies, or to 604
any person that has an officer, partner, or other person who has 605
an ownership interest of ten per cent or more and to whom any of 606
the following applies: 607

(1) The person, officer, or partner has been convicted of a 608
felony under the laws of this state, another state, or the United 609
States. 610

(2) The person, officer, or partner has been convicted of any 611
gambling offense. 612

(3) The person, officer, or partner has made an incorrect or 613
false statement that is material to the granting of a license in 614
an application submitted to the attorney general under this 615
section or in a similar application submitted to a gambling 616
licensing authority in another jurisdiction if the statement 617
resulted in license revocation through administrative action in 618
the other jurisdiction. 619

(4) The person, officer, or partner has submitted any 620

incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

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

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

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

(E)(1) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state except to or for the use of a charitable organization that has been issued a license under section 2915.08 of the Revised Code or to another distributor that has been issued a license under this section. No distributor shall accept payment for the sale or other provision of bingo supplies other than by check.

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, to or for the use of a charitable

organization for use in a bingo session conditioned on or in 652
consideration for an exclusive right to provide bingo supplies to 653
the charitable organization. A distributor may provide a licensed 654
charitable organization with free samples of the distributor's 655
products to be used as prizes or to be used for the purpose of 656
sampling. 657

(3) No distributor shall purchase bingo supplies for use in 658
this state from any person except from a manufacturer issued a 659
license under section 2915.082 of the Revised Code or from another 660
distributor issued a license under this section. Subject to 661
division (D) of section 2915.082 of the Revised Code, no 662
distributor shall pay for purchased bingo supplies other than by 663
check. 664

(4) No distributor shall participate in the conduct of bingo 665
on behalf of a charitable organization or have any direct or 666
indirect ownership interest in a premises used for the conduct of 667
bingo. 668

(5) No distributor shall knowingly solicit, offer, pay, or 669
receive any kickback, bribe, or undocumented rebate, directly or 670
indirectly, overtly or covertly, in cash or in kind, in return for 671
providing bingo supplies to any person in this state. 672

(F) The attorney general may suspend or revoke a distributor 673
license for any of the reasons for which the attorney general may 674
refuse to issue a distributor license specified in division (C) of 675
this section or if the distributor holding the license violates 676
any provision of this chapter or any rule adopted by the attorney 677
general under this chapter. 678

(G) Whoever violates division (A) or (E) of this section is 679
guilty of illegally operating as a distributor. Except as 680
otherwise provided in this division, illegally operating as a 681
distributor is a misdemeanor of the first degree. If the offender 682

previously has been convicted of a violation of division (A) or 683
(E) of this section, illegally operating as a distributor is a 684
felony of the fifth degree. 685

Sec. 2915.09. (A) No charitable organization that conducts 686
bingo shall fail to do any of the following: 687

(1) Own all of the equipment used to conduct bingo or lease 688
that equipment from a charitable organization that is licensed to 689
conduct bingo for a rental rate that is not more than is customary 690
and reasonable for that equipment; 691

(2) Except as otherwise provided in division (A)(3) of this 692
section, use all of the gross receipts from bingo for paying 693
prizes, for reimbursement of expenses for or for renting premises 694
in which to conduct a bingo session, for reimbursement of expenses 695
for or for purchasing or leasing bingo supplies used in conducting 696
bingo, for reimbursement of expenses for or for hiring security 697
personnel, for reimbursement of expenses for or for advertising 698
bingo, or for reimbursement of other expenses or for other 699
expenses listed in division (LL) of section 2915.01 of the Revised 700
Code, provided that the amount of the receipts so spent is not 701
more than is customary and reasonable for a similar purchase, 702
lease, hiring, advertising, or expense. If the building in which 703
bingo is conducted is owned by the charitable organization 704
conducting bingo and the bingo conducted includes a form of bingo 705
described in division (S)(1) of section 2915.01 of the Revised 706
Code, the charitable organization may deduct from the total amount 707
of the gross receipts from each session a sum equal to the lesser 708
of six hundred dollars or forty-five per cent of the gross 709
receipts from the bingo described in that division as 710
consideration for the use of the premises. 711

(3) Use, or give, donate, or otherwise transfer, all of the 712
net profit derived from bingo, other than instant bingo, for a 713

charitable purpose listed in its license application and described 714
in division (Z) of section 2915.01 of the Revised Code, or 715
distribute all of the net profit from the proceeds of the sale of 716
instant bingo as stated in its license application and in 717
accordance with section 2915.101 of the Revised Code. 718

(B) No charitable organization that conducts a bingo game 719
described in division (S)(1) of section 2915.01 of the Revised 720
Code shall fail to do any of the following: 721

(1) Conduct the bingo game on premises that are owned by the 722
charitable organization, on premises that are owned by another 723
charitable organization and leased from that charitable 724
organization for a rental rate not in excess of the lesser of six 725
hundred dollars per bingo session or forty-five per cent of the 726
gross receipts of the bingo session, on premises that are leased 727
from a person other than a charitable organization for a rental 728
rate that is not more than is customary and reasonable for 729
premises that are similar in location, size, and quality but not 730
in excess of four hundred fifty dollars per bingo session, or on 731
premises that are owned by a person other than a charitable 732
organization, that are leased from that person by another 733
charitable organization, and that are subleased from that other 734
charitable organization by the charitable organization for a 735
rental rate not in excess of four hundred fifty dollars per bingo 736
session. If the charitable organization leases from a person other 737
than a charitable organization the premises on which it conducts 738
bingo sessions, the lessor of the premises shall provide only the 739
premises to the organization and shall not provide the 740
organization with bingo game operators, security personnel, 741
concessions or concession operators, bingo supplies, or any other 742
type of service or equipment. A charitable organization shall not 743
lease or sublease premises that it owns or leases to more than one 744
other charitable organization per calendar week for the purpose of 745

conducting bingo sessions on the premises. A person that is not a 746
charitable organization shall not lease premises that it owns, 747
leases, or otherwise is empowered to lease to more than one 748
charitable organization per calendar week for conducting bingo 749
sessions on the premises. In no case shall more than two bingo 750
sessions be conducted on any premises in any calendar week. 751

(2) Display its license conspicuously at the premises where 752
the bingo session is conducted; 753

(3) Conduct the bingo session in accordance with the 754
definition of bingo set forth in division (S)(1) of section 755
2915.01 of the Revised Code. 756

(C) No charitable organization that conducts a bingo game 757
described in division (S)(1) of section 2915.01 of the Revised 758
Code shall do any of the following: 759

(1) Pay any compensation to a bingo game operator for 760
operating a bingo session that is conducted by the charitable 761
organization or for preparing, selling, or serving food or 762
beverages at the site of the bingo session, permit any auxiliary 763
unit or society of the charitable organization to pay compensation 764
to any bingo game operator who prepares, sells, or serves food or 765
beverages at a bingo session conducted by the charitable 766
organization, or permit any auxiliary unit or society of the 767
charitable organization to prepare, sell, or serve food or 768
beverages at a bingo session conducted by the charitable 769
organization, if the auxiliary unit or society pays any 770
compensation to the bingo game operators who prepare, sell, or 771
serve the food or beverages; 772

(2) Pay consulting fees to any person for any services 773
performed in relation to the bingo session; 774

(3) Pay concession fees to any person who provides 775
refreshments to the participants in the bingo session; 776

(4) Except as otherwise provided in division (C)(4) of this 777
section, conduct more than two bingo sessions in any seven-day 778
period. A volunteer firefighter's organization or a volunteer 779
rescue service organization that conducts not more than five bingo 780
sessions in a calendar year may conduct more than two bingo 781
sessions in a seven-day period after notifying the attorney 782
general when it will conduct the sessions. 783

(5) Pay out more than three thousand five hundred dollars in 784
prizes for bingo games described in division (S)(1) of section 785
2915.01 of the Revised Code during any bingo session that is 786
conducted by the charitable organization. "Prizes" does not 787
include awards from the conduct of instant bingo. 788

(6) Conduct a bingo session at any time during the ten-hour 789
period between midnight and ten a.m., at any time during, or 790
within ten hours of, a bingo game conducted for amusement only 791
pursuant to section 2915.12 of the Revised Code, at any premises 792
not specified on its license, or on any day of the week or during 793
any time period not specified on its license. Division (A)(6) of 794
this section does not prohibit the sale of instant bingo tickets 795
beginning at nine a.m. for a bingo session that begins at ten a.m. 796
If circumstances make it impractical for the charitable 797
organization to conduct a bingo session at the premises, or on the 798
day of the week or at the time, specified on its license or if a 799
charitable organization wants to conduct bingo sessions on a day 800
of the week or at a time other than the day or time specified on 801
its license, the charitable organization may apply in writing to 802
the attorney general for an amended license pursuant to division 803
(F) of section 2915.08 of the Revised Code. A charitable 804
organization may apply twice in each calendar year for an amended 805
license to conduct bingo sessions on a day of the week or at a 806
time other than the day or time specified on its license. If the 807
amended license is granted, the organization may conduct bingo 808

sessions at the premises, on the day of the week, and at the time 809
specified on its amended license. 810

(7) Permit any person whom the charitable organization knows, 811
or should have known, is under the age of eighteen to work as a 812
bingo game operator; 813

(8) Permit any person whom the charitable organization knows, 814
or should have known, has been convicted of a felony or gambling 815
offense in any jurisdiction to be a bingo game operator; 816

(9) Permit the lessor of the premises on which the bingo 817
session is conducted, if the lessor is not a charitable 818
organization, to provide the charitable organization with bingo 819
game operators, security personnel, concessions, bingo supplies, 820
or any other type of service or equipment; 821

(10) Purchase or lease bingo supplies from any person except 822
a distributor issued a license under section 2915.081 of the 823
Revised Code; 824

(11)(a) Use or permit the use of electronic bingo aids except 825
under the following circumstances: 826

(i) For any single participant, not more than ninety bingo 827
faces can be played using an electronic bingo aid or aids. 828

(ii) The charitable organization shall provide a participant 829
using an electronic bingo aid with corresponding paper bingo cards 830
or sheets. 831

(iii) The total price of bingo faces played with an 832
electronic bingo aid shall be equal to the total price of the same 833
number of bingo faces played with a paper bingo card or sheet sold 834
at the same bingo session but without an electronic bingo aid. 835

(iv) An electronic bingo aid cannot be part of an electronic 836
network other than a network that includes only bingo aids and 837
devices that are located on the premises at which the bingo is 838

being conducted or be interactive with any device not located on 839
the premises at which the bingo is being conducted. 840

(v) An electronic bingo aid cannot be used to participate in 841
bingo that is conducted at a location other than the location at 842
which the bingo session is conducted and at which the electronic 843
bingo aid is used. 844

(vi) An electronic bingo aid cannot be used to provide for 845
the input of numbers and letters announced by a bingo caller other 846
than the bingo caller who physically calls the numbers and letters 847
at the location at which the bingo session is conducted and at 848
which the electronic bingo aid is used. 849

(b) The attorney general may adopt rules in accordance with 850
Chapter 119. of the Revised Code that govern the use of electronic 851
bingo aids. The rules may include a requirement that an electronic 852
bingo aid be capable of being audited by the attorney general to 853
verify the number of bingo cards or sheets played during each 854
bingo session. 855

(12) Permit any person the charitable organization knows, or 856
should have known, to be under eighteen years of age to play bingo 857
described in division (S)(1) of section 2915.01 of the Revised 858
Code. 859

(D)(1) Except as otherwise provided in division (D)(3) of 860
this section, no charitable organization shall provide to a bingo 861
game operator, and no bingo game operator shall receive or accept, 862
any commission, wage, salary, reward, tip, donation, gratuity, or 863
other form of compensation, directly or indirectly, regardless of 864
the source, for conducting bingo or providing other work or labor 865
at the site of bingo during a bingo session. 866

(2) Except as otherwise provided in division (D)(3) of this 867
section, no charitable organization shall provide to a bingo game 868
operator any commission, wage, salary, reward, tip, donation, 869

gratuity, or other form of compensation, directly or indirectly, 870
regardless of the source, for conducting instant bingo other than 871
at a bingo session at the site of instant bingo other than at a 872
bingo session. 873

(3) Nothing in division (D) of this section prohibits an 874
employee of a fraternal organization, veteran's organization, or 875
sporting organization from selling instant bingo tickets or cards 876
to the organization's members or invited guests, as long as no 877
portion of the employee's compensation is paid from any receipts 878
of bingo. 879

(E) Notwithstanding division (B)(1) of this section, a 880
charitable organization that, prior to December 6, 1977, has 881
entered into written agreements for the lease of premises it owns 882
to another charitable organization or other charitable 883
organizations for the conducting of bingo sessions so that more 884
than two bingo sessions are conducted per calendar week on the 885
premises, and a person that is not a charitable organization and 886
that, prior to December 6, 1977, has entered into written 887
agreements for the lease of premises it owns to charitable 888
organizations for the conducting of more than two bingo sessions 889
per calendar week on the premises, may continue to lease the 890
premises to those charitable organizations, provided that no more 891
than four sessions are conducted per calendar week, that the 892
lessor organization or person has notified the attorney general in 893
writing of the organizations that will conduct the sessions and 894
the days of the week and the times of the day on which the 895
sessions will be conducted, that the initial lease entered into 896
with each organization that will conduct the sessions was filed 897
with the attorney general prior to December 6, 1977, and that each 898
organization that will conduct the sessions was issued a license 899
to conduct bingo games by the attorney general prior to December 900
6, 1977. 901

(F) This section does not prohibit a bingo licensed 902
charitable organization or a game operator from giving any person 903
an instant bingo ticket as a prize. 904

(G) Whoever violates division (A)(2) of this section is 905
guilty of illegally conducting a bingo game, a felony of the 906
fourth degree. Except as otherwise provided in this division, 907
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 908
(C)(1) to (12), or (D) of this section is guilty of a minor 909
misdemeanor. If the offender previously has been convicted of a 910
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 911
to (11), or, (D) of this section, a violation of division (A)(1) 912
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 913
misdemeanor of the first degree. Whoever violates division (C)(12) 914
of this section is guilty of a misdemeanor of the first degree, if 915
the offender previously has been convicted of a violation of 916
division (C)(12) of this section, a felony of the fourth degree. 917

Sec. 2915.092. (A) A (1) Subject to division (A)(2) of this 918
section, a charitable organization, a public school, a chartered 919
nonpublic school, a community school, or a veteran's organization, 920
fraternal organization, or sporting organization that is exempt 921
from federal income taxation under subsection 501(a) and is 922
described in subsection 501(c)(3), 501(c)(4), ~~or~~ 501(c)(7), 923
501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code 924
may conduct a raffle to raise money for the organization or school 925
and does not need a license to conduct bingo in order to conduct a 926
raffle drawing that is not for profit. 927

(2) If a charitable organization that is described in 928
division (A)(1) of this section, but that is not also described in 929
subsection 501(c)(3) of the Internal Revenue Code, conducts a 930
raffle, the charitable organization shall distribute at least 931
fifty per cent of the net profit from the raffle to a charitable 932

purpose described in division (Z) of section 2915.01 of the 933
Revised Code or to a department or agency of the federal 934
government, the state, or any political subdivision. 935

(B) A chamber of commerce may conduct not more than one 936
raffle per year to raise money for the chamber of commerce. 937

(C) Except as provided in division (A) or (B) of this 938
section, no person shall conduct a raffle drawing that is for 939
profit or a raffle drawing that is not for profit. 940

~~(C)~~(D) Whoever violates division ~~(B)~~(C) of this section is 941
guilty of illegal conduct of a raffle. Except as otherwise 942
provided in this division, illegal conduct of a raffle is a 943
misdemeanor of the first degree. If the offender previously has 944
been convicted of a violation of division ~~(B)~~(C) of this section, 945
illegal conduct of a raffle is a felony of the fifth degree. 946

Sec. 2915.093. (A) As used in this section, "retail income 947
from all commercial activity" ~~includes~~ means the income that a 948
person receives from the provision of goods, services, or 949
activities that are provided at the location where instant bingo 950
other than at a bingo session is conducted, including the sale of 951
instant bingo tickets. A religious organization that is exempt 952
from federal income taxation under subsection 501(a) and described 953
in subsection 501(c)(3) of the Internal Revenue Code, at not more 954
than one location at which it conducts its charitable programs, 955
may include donations from its members and guests as retail 956
income. 957

(B) A charitable instant bingo organization may conduct 958
instant bingo other than at a bingo session at not more than five 959
separate locations. 960

(C)(1) If a charitable instant bingo organization conducts 961
instant bingo other than at a bingo session, the charitable 962

instant bingo organization shall enter into a written contract 963
with the owner or lessor of the location at which the instant 964
bingo is conducted to allow the owner or lessor to assist in the 965
conduct of instant bingo other than at a bingo session, identify 966
each location where the instant bingo other than at a bingo 967
session is being conducted, and identify the owner or lessor of 968
each location. 969

(2) A charitable instant bingo organization that conducts 970
instant bingo other than at a bingo session is not required to 971
enter into a written contract with the owner or lessor of the 972
location at which the instant bingo is conducted, provided that 973
the owner or lessor is not assisting in the conduct of the instant 974
bingo other than at a bingo session and provided that the conduct 975
of the instant bingo other than at a bingo session at that 976
location is not more than five days per calendar year and not more 977
than ten hours per day. 978

(D) Except as provided in division (G) of this section, no 979
charitable instant bingo organization shall conduct instant bingo 980
other than at a bingo session at a location where the primary 981
source of retail income from all commercial activity at that 982
location is the sale of instant bingo tickets. 983

(E) The owner or lessor of a location that enters into a 984
contract pursuant to division (C) of this section shall pay ~~up~~ 985
~~front for the cost of the deal of instant bingo tickets and the~~ 986
~~full gross profits that would be earned by the owner or lessor if~~ 987
~~all of the profit to the charitable instant bingo organization, in~~ 988
~~return for the deal of instant bingo tickets are sold.~~ The owner 989
or lessor may retain the money that the owner or lessor receives 990
for selling the instant bingo tickets ~~up to the amount that it~~ 991
~~paid to the charitable instant bingo organization. If the owner or~~ 992
~~lessor of the location earns any more money than the owner or~~ 993
~~lessor paid out in prizes or paid up front, the owner or lessor of~~ 994

~~the location shall pay that money to the charitable instant bingo organization., provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.~~

As used in this division, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(F) A charitable instant bingo organization shall provide the attorney general with all of the following information:

(1) That the charitable instant bingo organization has terminated a contract entered into pursuant to division (C) of this section with an owner or lessor of a location;

(2) That the charitable instant bingo organization has entered into a written contract pursuant to division (C) of this section with a new owner or lessor of a location;

(3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of ~~Chapter 2915. of the Revised Code~~ this chapter.

(G) Division (D) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to ~~the effective date of this amendment~~ July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars.

Sec. 2915.101. Except as otherwise provided by law, a 1026
charitable organization that conducts instant bingo shall 1027
distribute the net profit from the proceeds of the sale of instant 1028
bingo as follows: 1029

(A)(1) If a veteran's organization, a fraternal organization, 1030
or a sporting organization conducted the instant bingo, the 1031
organization shall distribute the net profit from the proceeds of 1032
the sale of instant bingo, as follows: 1033

(a) For the first seventy-five thousand dollars, or a greater 1034
amount prescribed by the attorney general to adjust for changes in 1035
prices as measured by the consumer price index as defined in 1036
section 325.18 of the Revised Code, or less of net profit from the 1037
proceeds of the sale of instant bingo generated in a calendar 1038
year: 1039

(i) At least twenty-five per cent shall be distributed to an 1040
organization described in division (Z)(1) of section 2915.01 of 1041
the Revised Code or to a department or agency of the federal 1042
government, the state, or any political subdivision. 1043

(ii) Not more than seventy-five per cent may be deducted and 1044
retained by the organization for reimbursement of or for the 1045
organization's expenses, as defined in division (LL) of section 1046
2915.01 of the Revised Code, in conducting the instant bingo game. 1047

(b) For any net profit from the proceeds of the sale of 1048
instant bingo of more than seventy-five thousand dollars or an 1049
adjusted amount generated in a calendar year: 1050

(i) A minimum of fifty per cent shall be distributed to an 1051
organization described in division (Z)(1) of section 2915.01 of 1052
the Revised Code or to a department or agency of the federal 1053
government, the state, or any political subdivision. 1054

~~(b)(ii)~~ Five per cent may be distributed for the 1055

organization's own charitable purposes or to a community action 1056
agency. 1057

~~(e)(iii)~~ Forty-five per cent may be deducted and retained by 1058
the organization for reimbursement of or for the organization's 1059
expenses, as defined in division (LL) of section 2915.01 of the 1060
Revised Code, in conducting the instant bingo game. 1061

(2) If a veteran's organization, a fraternal organization, or 1062
a sporting organization does not distribute the full percentages 1063
specified in divisions (A)(1)~~(b)(a)~~ and ~~(e)(b)~~ of this section for 1064
the purposes specified in those divisions, the organization shall 1065
distribute the balance of the net profit from the proceeds of the 1066
sale of instant bingo not distributed or retained for those 1067
purposes to an organization described in division (Z)(1) of 1068
section 2915.01 of the Revised Code. 1069

~~(3) A veteran's organization, a fraternal organization, or a~~ 1070
~~sporting organization shall pay the expenses that are directly for~~ 1071
~~the conduct of instant bingo by check from the checking account~~ 1072
~~devoted exclusively to the bingo session or game and may deduct~~ 1073
~~and retain the remainder of the thirty five per cent of the net~~ 1074
~~profit from the proceeds of the sale of instant bingo that is for~~ 1075
~~the organization's expenses in conducting the instant bingo game~~ 1076
~~and may transfer that remainder into the organization's general~~ 1077
~~account.~~ 1078

(B) If a charitable organization other than a veteran's 1079
organization, a fraternal organization, or a sporting organization 1080
conducted the instant bingo, the organization shall distribute one 1081
hundred per cent of the net profit from the proceeds of the sale 1082
of instant bingo to an organization described in division (Z)(1) 1083
of section 2915.01 of the Revised Code or to a department or 1084
agency of the federal government, the state, or any political 1085
subdivision. 1086

(C) Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net profit from the proceeds of the sale of instant bingo to an organization that is described in subsection 501(c)(3) of the Internal Revenue Code when the organization that is described in subsection 501(c)(3) of the Internal Revenue Code is one that makes donations to other organizations and permits donors to advise or direct such donations so long as the donations comply with requirements established in or pursuant to subsection 501(c)(3) of the Internal Revenue Code.

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

(1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo to ~~ten consecutive~~ twelve hours ~~per~~ during any day for up to six days per week, provided that the sale does not begin earlier than ten a.m. and ends not later than two a.m.

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

(3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state

and executes a written contract with that organization as required 1118
in division (B) of this section. 1119

(B) If a veteran's organization, fraternal organization, or 1120
sporting organization authorized to conduct instant bingo pursuant 1121
to division (A) of this section is raising money for another 1122
organization that is described in subsection 509(a)(1), 509(a)(2), 1123
or 509(a)(3) of the Internal Revenue Code and is either a 1124
governmental unit or an organization that maintains its principal 1125
place of business in this state, that is exempt from federal 1126
income taxation under subsection 501(a) and described in 1127
subsection 501(c)(3) of the Internal Revenue Code, and that is in 1128
good standing in this state, the veteran's organization, fraternal 1129
organization, or sporting organization shall execute a written 1130
contract with the organization that is described in subsection 1131
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 1132
and is either a governmental unit or an organization that 1133
maintains its principal place of business in this state, that is 1134
exempt from federal income taxation under subsection 501(a) and 1135
described in subsection 501(c)(3) of the Internal Revenue Code, 1136
and that is in good standing in this state in order to conduct 1137
instant bingo. That contract shall include a statement of the 1138
percentage of the net proceeds that the veteran's, fraternal, or 1139
sporting organization will be distributing to the organization 1140
that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) 1141
of the Internal Revenue Code and is either a governmental unit or 1142
an organization that maintains its principal place of business in 1143
this state, that is exempt from federal income taxation under 1144
subsection 501(a) and described in subsection 501(c)(3) of the 1145
Internal Revenue Code, and that is in good standing in this state. 1146

(C)(1) If a veteran's organization, fraternal organization, 1147
or sporting organization authorized to conduct instant bingo 1148
pursuant to division (A) of this section has been issued a liquor 1149

permit under Chapter 4303. of the Revised Code, that permit may be 1150
subject to suspension, revocation, or cancellation if the 1151
veteran's organization, fraternal organization, or sporting 1152
organization violates a provision of ~~sections 2915.01 to 2915.13~~ 1153
~~of the Revised Code~~ this chapter. 1154

(2) No veteran's organization, fraternal organization, or 1155
sporting organization that enters into a written contract pursuant 1156
to division (B) of this section shall violate any provision of 1157
~~Chapter 2915. of the Revised Code,~~ this chapter or permit, aid, or 1158
abet any other person in violating any provision of ~~Chapter 2915.~~ 1159
~~of the Revised Code~~ this chapter. 1160

(D) A veteran's organization, fraternal organization, or 1161
sporting organization shall give all required proceeds earned from 1162
the conduct of instant bingo to the organization with which the 1163
veteran's organization, fraternal organization, or sporting 1164
organization has entered into a written contract. 1165

(E) Whoever violates this section is guilty of illegal 1166
instant bingo conduct. Except as otherwise provided in this 1167
division, illegal instant bingo conduct is a misdemeanor of the 1168
first degree. If the offender previously has been convicted of a 1169
violation of this section, illegal instant bingo conduct is a 1170
felony of the fifth degree. 1171

Section 2. That existing sections 1711.09, 2915.01, 2915.081, 1172
2915.09, 2915.092, 2915.093, 2915.101, and 2915.13 of the Revised 1173
Code are hereby repealed. 1174

Section 3. (A) As used in this section: 1175

(1) "Charitable organization," "veteran's organization," 1176
"fraternal organization," "bingo," "gross receipts," "charitable 1177
purpose," "instant bingo," "net profit," "net profit from the sale 1178
of instant bingo," and "sporting organization" have the same 1179

meanings as in section 2915.01 of the Revised Code, as amended by 1180
Sections 1 and 2 of this act. 1181

(2) All references to section 2915.101 of the Revised Code, 1182
or to any division of that section, means that section or division 1183
as amended by Sections 1 and 2 of this act. 1184

(B) If a charitable organization, as a prerequisite to or 1185
condition of obtaining a license for the conduct of bingo, instant 1186
bingo at a bingo session, or instant bingo other than at a bingo 1187
session, entered into a charitable settlement with the Attorney 1188
General on or after July 1, 2003, and before September 1, 2003, 1189
that was based on illegal gambling citations involving the 1190
charitable organization within the five years prior to June 30, 1191
2003, if the charitable organization paid funds to the Attorney 1192
General, a charity, or a charitable cause pursuant to that 1193
charitable settlement, if some or all of the funds so paid were 1194
based on illegal gambling citations involving the charitable 1195
organization within the three years prior to June 30, 2001, and if 1196
the charitable organization obtained a license for the conduct of 1197
bingo, instant bingo at a bingo session, or instant bingo other 1198
than at a bingo session, all of the following apply: 1199

(1) The Attorney General shall determine the amount of the 1200
funds paid by the charitable organization pursuant to the 1201
charitable settlement that was based on illegal gambling citations 1202
involving the charitable organization within the three years prior 1203
to June 30, 2001, and shall inform the charitable organization of 1204
the amount so determined. 1205

(2) Upon determination of an amount under division (B)(1) of 1206
this section, one of the following applies: 1207

(a) If the charitable organization conducts bingo other than 1208
instant bingo and does not conduct instant bingo, the Attorney 1209
General shall apply the amount determined under division (B)(1) of 1210

this section as if it were net profit derived from bingo toward a charitable purpose for which the charitable organization must use, or give, donate, or otherwise transfer, the net profit derived from the bingo, other than instant bingo, as described in division (A)(3) of section 2915.09 of the Revised Code; the charitable organization may subtract that amount so applied from the actual net profit the charitable organization derives from bingo in the twelve-month period ending October 31, 2004, and that, but for the operation of this section, it would be required to use, or give, donate, or otherwise transfer, toward a charitable purpose, as described in division (A)(3) of section 2915.09 of the Revised Code; and the charitable organization may use the amount of net profit it derives from bingo in the twelve-month period ending October 31, 2004, and that is subtracted from the actual net profit pursuant to this division for any other purpose for which the use of gross receipts from bingo is permitted under section 2915.09 of the Revised Code.

(b) If the charitable organization conducts instant bingo and does not conduct bingo other than instant bingo, the Attorney General shall apply the amount determined under division (B)(1) of this section as if it were net profit from the proceeds of the sale of instant bingo toward an organization or a department or agency of the federal government, the state, or a political subdivision to which the charitable organization must distribute a specified percentage of the net profit pursuant to division (A)(1)(a) or (b) of section 2915.101 of the Revised Code if the charitable organization is a veteran's organization, fraternal organization, or sporting organization or pursuant to division (B) of that section if the charitable organization is other than a veteran's organization, fraternal organization, or sporting organization; the charitable organization may subtract that amount so applied from the actual net profit the charitable organization

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makes from the proceeds of the sale of instant bingo in the
twelve-month period ending October 31, 2004, and that, but for the
operation of this section, it would be required to distribute to
an organization or a department or agency of the federal
government, the state, or a political subdivision pursuant to
division (A)(1)(a) or (b) or (B) of section 2915.101 of the
Revised Code, whichever is applicable; and the charitable
organization may use the amount of net profit it makes from the
proceeds of the sale of instant bingo in the twelve-month period
ending October 31, 2004, and that is subtracted from the actual
net profit pursuant to this division for any other purpose for
which the use of gross receipts from instant bingo is permitted
under section 2915.09 of the Revised Code.

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(c) If the charitable organization conducts bingo other than
instant bingo and also conducts instant bingo, initially, division
(B)(2)(b) of this section shall be applied to the amount
determined under division (B)(1) of this section; if, after
application of division (B)(2)(b) of this section, some of the
amount determined under division (B)(1) of this section has not
been applied toward a charitable purpose in the manner described
in division (B)(2)(b) of this section, division (B)(2)(a) of this
section shall be applied to the remainder of the amount determined
under division (B)(1) of this section.

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(C) A charitable organization that, pursuant to division
(B)(2) of this section, uses any amount of net profit it derives
from bingo or instant bingo in the twelve-month period ending
October 31, 2004, for any purpose for which the use of gross
receipts from bingo or instant bingo is permitted under section
2915.09 of the Revised Code shall maintain for at least three
years from the date of that use an itemized list of each use so
made. The charitable organization shall keep the record at a place
described in division (B) of section 2915.10 of the Revised Code

and shall notify the Attorney General of the location at which the
record is kept, and divisions (H) and (I) of that section apply
regarding the record.

Section 4. Section 2915.01 of the Revised Code is presented
in this act as a composite of the section as amended by both Am.
Sub. H.B. 95 and Am. Sub. S.B. 37 of the 125th General Assembly.
The General Assembly, applying the principle stated in division
(B) of section 1.52 of the Revised Code that amendments are to be
harmonized if reasonably capable of simultaneous operation, finds
that the composite is the resulting version of the section in
effect prior to the effective date of the section as presented in
this act.