

**As Introduced**

**125th General Assembly  
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**H. B. No. 477**

**Representatives Flowers, Collier, Schlichter, Miller, Cirelli, Harwood, Allen,  
McGregor**

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**A B I L L**

To amend sections 3770.02, 3793.01, and 3793.02 of 1  
the Revised Code to require the Director of the 2  
State Lottery Commission to enter into an 3  
agreement with the Department of Alcohol and Drug 4  
Addiction Services for the operation of a program 5  
for gambling addiction, to require the Commission 6  
to pay for the operation of that program, and to 7  
require the Department to provide gambling 8  
addiction services. 9

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

**Section 1.** That sections 3770.02, 3793.01, and 3793.02 of the 10  
Revised Code be amended to read as follows: 11

**Sec. 3770.02.** (A) Subject to the advice and consent of the 12  
senate, the governor shall appoint a director of the state lottery 13  
commission who shall serve at the pleasure of the governor. The 14  
director shall devote full time to the duties of the office and 15  
shall hold no other office or employment. The director shall meet 16  
all requirements for appointment as a member of the commission and 17  
shall, by experience and training, possess management skills that 18  
~~would~~ equip the director to administer an enterprise of the nature 19

of a state lottery. The director shall receive an annual salary in 20  
accordance with pay range 48 of section 124.152 of the Revised 21  
Code. 22

(B)(1) The director shall attend all meetings of the 23  
commission and shall act as its secretary. The director shall keep 24  
a record of all commission proceedings and shall keep the 25  
commission's records, files, and documents at the commission's 26  
principal office. All records of the commission's meetings shall 27  
be available for inspection by any member of the public, upon a 28  
showing of good cause and prior notification to the director. 29

(2) The director shall be the commission's executive officer 30  
and shall be responsible for keeping all commission records and 31  
supervising and administering the state lottery in accordance with 32  
this chapter, and carrying out all commission rules adopted under 33  
section 3770.03 of the Revised Code. 34

(C)(1) The director shall appoint an assistant director ~~and,~~ 35  
deputy directors of marketing, operations, sales, finance, public 36  
relations, security, and administration, and as many regional 37  
managers as are required. The director may also appoint necessary 38  
professional, technical, and clerical assistants. All such 39  
officers and employees shall be appointed and compensated pursuant 40  
to Chapter 124. of the Revised Code. Regional and assistant 41  
regional managers, sales representatives, and any lottery 42  
executive account representatives shall remain in the unclassified 43  
service. 44

(2) The director, in consultation with the director of 45  
administrative services, may establish standards of proficiency 46  
and productivity for commission field representatives. 47

(D) The director shall request the bureau of criminal 48  
identification and investigation, the department of public safety, 49  
or any other state, local, or federal agency to supply the 50

director with the criminal records of any job applicant and may 51  
periodically request the criminal records of commission employees. 52  
At or prior to the time of making such a request, the director 53  
shall require a job applicant or commission employee to obtain 54  
fingerprint cards prescribed by the superintendent of the bureau 55  
of criminal identification and investigation at a qualified law 56  
enforcement agency, and the director shall cause these fingerprint 57  
cards to be forwarded to the bureau of criminal identification and 58  
investigation and the federal bureau of investigation. The 59  
commission shall assume the cost of obtaining the fingerprint 60  
cards and shall pay to each agency supplying criminal records for 61  
each investigation under this division a reasonable fee, as 62  
determined by the agency. 63

(E) The director shall license lottery sales agents pursuant 64  
to section 3770.05 of the Revised Code and, when it is considered 65  
necessary, may revoke or suspend the license of any lottery sales 66  
agent. 67

(F) The director shall confer at least once each month with 68  
the commission, at which time the director shall advise it 69  
regarding the operation and administration of the lottery. The 70  
director shall make available at the request of the commission all 71  
documents, files, and other records pertaining to the operation 72  
and administration of the lottery. The director shall prepare and 73  
make available to the commission each month a complete and 74  
accurate accounting of lottery revenues, prize money disbursements 75  
and the cost of goods and services awarded as prizes, operating 76  
expenses, and all other relevant financial information, including 77  
an accounting of all transfers made from any lottery funds in the 78  
custody of the treasurer of state to benefit education. 79

(G) The director may enter into contracts for the operation 80  
or promotion of the lottery pursuant to Chapter 125. of the 81  
Revised Code. ~~The director may enter into agreements to assist 82~~

~~organizations that deal with problem gambling.~~ 83

(H)(1) Pursuant to rules adopted by the commission under 84  
section 3770.03 of the Revised Code, the director shall require 85  
any lottery sales agents to either mail directly to the commission 86  
or deposit to the credit of the state lottery fund, in banking 87  
institutions designated by the treasurer of state, net proceeds 88  
due the commission as determined by the director, and to file with 89  
the director or the director's designee reports of their receipts 90  
and transactions in the sale of lottery tickets in the form 91  
required by the director. 92

(2) Pursuant to rules adopted by the commission under Chapter 93  
119. of the Revised Code, the director may impose penalties for 94  
the failure of a sales agent to transfer funds to the commission 95  
in a timely manner. Penalties may include monetary penalties, 96  
immediate suspension or revocation of a license, or any other 97  
penalty the commission adopts by rule. 98

(I) The director may arrange for any person, or any banking 99  
institution, to perform functions and services in connection with 100  
the operation of the lottery as the director may consider 101  
necessary to carry out this chapter. 102

(J)(1) As used in this chapter, "statewide joint lottery 103  
game" means a lottery game that the commission sells solely within 104  
this state under an agreement with other lottery jurisdictions to 105  
sell the same lottery game solely within their statewide or other 106  
jurisdictional boundaries. 107

(2) If the governor directs the director to do so, the 108  
director shall enter into an agreement with other lottery 109  
jurisdictions to conduct statewide joint lottery games. If the 110  
governor signs the agreement personally or by means of an 111  
authenticating officer pursuant to section 107.15 of the Revised 112  
Code, the director then may conduct statewide joint lottery games 113

under the agreement.	114
(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.	115 116 117
(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.	118 119 120
<u>(K)(1) The director shall enter into an agreement with the department of alcohol and drug addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.</u>	121 122 123 124 125
<u>(2) As used in this section, "gambling addiction services" has the same meaning as in section 3793.01 of the Revised Code.</u>	126 127
<b>Sec. 3793.01.</b> (A) As used in this chapter:	128
(1) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that <del>he</del> <u>the individual</u> no longer can control <del>his</del> <u>the individual's</u> use of alcohol or endangers the health, safety, or welfare of <del>himself</del> <u>the individual</u> or others.	129 130 131 132 133
(2) "Alcoholic" means a person suffering from alcoholism.	134
(3) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that <del>he</del> <u>the individual</u> becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of <del>himself</del> <u>the individual</u> or others.	135 136 137 138 139
(4) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.	140 141 142 143

(5) "Alcohol and drug addiction program" means a program that provides alcohol or drug addiction services and includes a facility or entity that operates such a program.

(6) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(7) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board in a service district in which an alcohol and drug addiction services board has been established under section 340.021 of the Revised Code.

**Sec. 3793.02.** (A) The department of alcohol and drug addiction services shall promote, assist in developing, and coordinate or conduct programs of education and research for the prevention of alcohol and drug addiction ~~and for, the prevention of gambling addiction,~~ the treatment, including intervention, of alcoholics and persons who abuse drugs of abuse, including anabolic steroids, and the treatment, including intervention, of persons with gambling addictions. Programs established by the department shall include abstinence-based prevention and treatment programs.

(B) In addition to the other duties prescribed by this chapter, the department shall do all of the following:

(1) Promote and coordinate efforts in the provision of alcohol and drug addiction services and of gambling addiction services by other state agencies, as defined in section 1.60 of

the Revised Code; courts; hospitals; clinics; physicians in 174  
private practice; public health authorities; boards of alcohol, 175  
drug addiction, and mental health services; alcohol and drug 176  
addiction programs; law enforcement agencies; gambling addiction 177  
programs; and related groups; 178

(2) Provide for education and training in prevention, 179  
diagnosis, treatment, and control of alcohol and drug addiction 180  
and of gambling addiction for medical students, physicians, 181  
nurses, social workers, professional counselors, psychologists, 182  
and other persons who provide alcohol and drug addiction services 183  
or gambling addiction services; 184

(3) Provide training and consultation for persons who 185  
supervise alcohol and drug addiction programs and facilities or 186  
gambling addiction programs and facilities; 187

(4) Develop measures for evaluating the effectiveness of 188  
alcohol and drug addiction services, including services that use 189  
methadone treatment, and of gambling addiction services, and for 190  
increasing the accountability of alcohol and drug addiction 191  
programs and of gambling addiction programs; 192

(5) Provide to each court of record, and biennially update, a 193  
list of the treatment and education programs within that court's 194  
jurisdiction that the court may require an offender, sentenced 195  
pursuant to section 4511.19 of the Revised Code, to attend; 196

(6) Print and distribute the warning sign described in 197  
sections 3313.752, 3345.41, and 3707.50 of the Revised Code; 198

(7) Provide a program of gambling addiction services on 199  
behalf of the state lottery commission, pursuant to an agreement 200  
entered into with the director of the commission under division 201  
(K) of section 3770.02 of the Revised Code. 202

(C) The department may accept and administer grants from 203  
public or private sources for carrying out any of the duties 204

enumerated in this section. 205

(D) Pursuant to Chapter 119. of the Revised Code, the 206  
department shall adopt a rule defining the term "intervention" as 207  
it is used in this chapter in connection with alcohol and drug 208  
addiction services and in connection with gambling addiction 209  
services. The department may adopt other rules as necessary to 210  
implement the requirements of this chapter. 211

**Section 2.** That existing sections 3770.02, 3793.01, and 212  
3793.02 of the Revised Code are hereby repealed. 213

**Section 3.** (A) Except as otherwise provided in division (B) 214  
of this section, upon the taking effect of this section, any 215  
business commenced but not completed by the State Lottery 216  
Commission or the Director of the Commission with respect to 217  
agreements to assist organizations that deal with problem gambling 218  
shall be completed by the Department of Alcohol and Drug Addiction 219  
Services or the Director of Alcohol and Drug Addiction Services as 220  
if completed by the Commission or the Director of the Commission. 221  
No validation, cure, right, privilege, remedy, obligation, or 222  
liability is lost or impaired by reason of the transfer required 223  
by this section, and that validation, cure, right, privilege, 224  
remedy, obligation, or liability shall be administered by the 225  
Department. All of the Commission's rules, orders, and 226  
determinations with respect to agreements to assist organizations 227  
that deal with problem gambling continue in effect as rules, 228  
orders, and determinations of the Department, until modified or 229  
rescinded by the Department. 230

Whenever the Commission or the Director of the Commission is 231  
referred to in any law, contract, or other document with respect 232  
to agreements to assist organizations that deal with problem 233  
gambling, the reference shall be deemed to refer to the Department 234  
or the Director of Alcohol and Drug Addiction Services, whichever 235



is appropriate. 236

No action or proceeding with respect to agreements to assist 237  
organizations that deal with problem gambling that is pending on 238  
the effective date of this act is affected by the transfer, and 239  
that action or proceeding shall be prosecuted or defended in the 240  
name of the Department or the Director of Alcohol and Drug 241  
Addiction Services. In all such actions and proceedings, the 242  
Department or the Director of Alcohol and Drug Addiction Services 243  
upon application to the court shall be substituted as a party. 244

(B) The Commission shall pay any costs the Department incurs 245  
pursuant to agreements to assist organizations that deal with 246  
problem gambling that are transferred to the Department under 247  
division (A) of this section. 248