

**As Reported by the House State Government Committee**

**125th General Assembly**

**Regular Session**

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**H. B. No. 477**

**Representatives Flowers, Collier, Schlichter, Miller, Cirelli, Harwood, Allen,  
McGregor, Clancy, S. Patton, Brown**

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**A B I L L**

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

**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  
Revised Code be amended to read as follows:

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

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  
periodically request the criminal records of commission employees.  
At or prior to the time of making such a request, the director  
shall require a job applicant or commission employee to obtain  
fingerprint cards prescribed by the superintendent of the bureau  
of criminal identification and investigation at a qualified law  
enforcement agency, and the director shall cause these fingerprint  
cards to be forwarded to the bureau of criminal identification and  
investigation and the federal bureau of investigation. The  
commission shall assume the cost of obtaining the fingerprint  
cards and shall pay to each agency supplying criminal records for  
each investigation under this division a reasonable fee, as  
determined by the agency.

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

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

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

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~~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 115  
games shall be used to fund elementary, secondary, vocational, and 116  
special education programs in this state. 117

(4) The commission shall conduct any statewide joint lottery 118  
games in accordance with rules it adopts under division (B)(5) of 119  
section 3770.03 of the Revised Code. 120

(K)(1) The director shall enter into an agreement with the 121  
department of alcohol and drug addiction services under which the 122  
department shall provide a program of gambling addiction services 123  
on behalf of the commission. The commission shall pay the costs of 124  
the program provided pursuant to the agreement. 125

(2) As used in this section, "gambling addiction services" 126  
has the same meaning as in section 3793.01 of the Revised Code. 127

**Sec. 3793.01.** (A) As used in this chapter: 128

(1) "Alcoholism" means the chronic and habitual use of 129  
alcoholic beverages by an individual to the extent that ~~he~~ the 130  
individual no longer can control ~~his~~ the individual's use of 131  
alcohol or endangers the health, safety, or welfare of ~~himself~~ the 132  
individual or others. 133

(2) "Alcoholic" means a person suffering from alcoholism. 134

(3) "Drug addiction" means the use of a drug of abuse, as 135  
defined in section 3719.011 of the Revised Code, by an individual 136  
to the extent that ~~he~~ the individual becomes physically or 137  
psychologically dependent on the drug or endangers the health, 138  
safety, or welfare of ~~himself~~ the individual or others. 139

(4) "Alcohol and drug addiction services" means services, 140  
including intervention, for the treatment of alcoholics or persons 141  
who abuse drugs of abuse and for the prevention of alcoholism and 142

drug addiction. 143

(5) "Alcohol and drug addiction program" means a program that 144  
provides alcohol or drug addiction services and includes a 145  
facility or entity that operates such a program. 146

(6) "Gambling addiction" means the use of gambling by an 147  
individual to the extent that it causes psychological, financial, 148  
emotional, marital, legal, or other difficulties endangering the 149  
health, safety, or welfare of the individual or others. 150

(7) "Gambling addiction services" means services for the 151  
treatment of persons who have a gambling addiction and for the 152  
prevention of gambling addiction. 153

(B) Any reference in this chapter to a board of alcohol, drug 154  
addiction, and mental health services also refers to an alcohol 155  
and drug addiction services board in a service district in which 156  
an alcohol and drug addiction services board has been established 157  
under section 340.021 of the Revised Code. 158

**Sec. 3793.02.** (A) The department of alcohol and drug 159  
addiction services shall promote, assist in developing, and 160  
coordinate or conduct programs of education and research for the 161  
prevention of alcohol and drug addiction ~~and for, the prevention~~ 162  
of gambling addiction, the treatment, including intervention, of 163  
alcoholics and persons who abuse drugs of abuse, including 164  
anabolic steroids, and the treatment, including intervention, of 165  
persons with gambling addictions. Programs established by the 166  
department shall include abstinence-based prevention and treatment 167  
programs. 168

(B) In addition to the other duties prescribed by this 169  
chapter, the department shall do all of the following: 170

(1) Promote and coordinate efforts in the provision of 171  
alcohol and drug addiction services and of gambling addiction 172

services by other state agencies, as defined in section 1.60 of 173  
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