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Veterans Affairs Committee**

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H. B. No. 477

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Senators Roberts, Goodman, Schuring**

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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
and productivity for commission field representatives.

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

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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 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