

**As Passed by the House**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Am. Sub. H. B. No. 177**

**Representative Blessing**

**Cosponsors: Representatives Adams, Yuko, Webster**

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**A B I L L**

To amend sections 2915.01 and 3769.07 and to enact 1  
sections 2915.06 and 2915.061 of the Revised Code 2  
to allow the same person, association, trust, or 3  
corporation to own and operate two separate race 4  
tracks in Ohio, to modify the definition of "slot 5  
machine" and "skill-based amusement machine" for 6  
purposes of the Gambling Law, to create a limit on 7  
the redemption value of prizes associated with 8  
skill-based amusement machines, and to clarify 9  
regulatory authority pertaining to skill-based 10  
amusement machines and to declare an emergency. 11  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2915.01 and 3769.07 be amended and 13  
sections 2915.06 and 2915.061 of the Revised Code be enacted to 14  
read as follows: 15

**Sec. 2915.01.** As used in this chapter: 16

(A) "Bookmaking" means the business of receiving or paying 17  
off bets. 18

(B) "Bet" means the hazarding of anything of value upon the 19

result of an event, undertaking, or contingency, but does not 20  
include a bona fide business risk. 21

(C) "Scheme of chance" means a slot machine, lottery, numbers 22  
game, pool conducted for profit, or other scheme in which a 23  
participant gives a valuable consideration for a chance to win a 24  
prize, but does not include bingo, a skill-based amusement 25  
machine, or a pool not conducted for profit. 26

(D) "Game of chance" means poker, craps, roulette, or other 27  
game in which a player gives anything of value in the hope of 28  
gain, the outcome of which is determined largely by chance, but 29  
does not include bingo. 30

(E) "Game of chance conducted for profit" means any game of 31  
chance designed to produce income for the person who conducts or 32  
operates the game of chance, but does not include bingo. 33

(F) "Gambling device" means any of the following: 34

(1) A book, totalizer, or other equipment for recording bets; 35

(2) A ticket, token, or other device representing a chance, 36  
share, or interest in a scheme of chance or evidencing a bet; 37

(3) A deck of cards, dice, gaming table, roulette wheel, slot 38  
machine, or other apparatus designed for use in connection with a 39  
game of chance; 40

(4) Any equipment, device, apparatus, or paraphernalia 41  
specially designed for gambling purposes; 42

(5) Bingo supplies sold or otherwise provided, or used, in 43  
violation of this chapter. 44

(G) "Gambling offense" means any of the following: 45

(1) A violation of section 2915.02, 2915.03, 2915.04, 46  
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 47  
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code; 48

(2) A violation of an existing or former municipal ordinance 49  
or law of this or any other state or the United States 50  
substantially equivalent to any section listed in division (G)(1) 51  
of this section or a violation of section 2915.06 of the Revised 52  
Code as it existed prior to July 1, 1996; 53

(3) An offense under an existing or former municipal 54  
ordinance or law of this or any other state or the United States, 55  
of which gambling is an element; 56

(4) A conspiracy or attempt to commit, or complicity in 57  
committing, any offense under division (G)(1), (2), or (3) of this 58  
section. 59

(H) Except as otherwise provided in this chapter, "charitable 60  
organization" means any tax exempt religious, educational, 61  
veteran's, fraternal, sporting, service, nonprofit medical, 62  
volunteer rescue service, volunteer firefighter's, senior 63  
citizen's, historic railroad educational, youth athletic, amateur 64  
athletic, or youth athletic park organization. An organization is 65  
tax exempt if the organization is, and has received from the 66  
internal revenue service a determination letter that currently is 67  
in effect stating that the organization is, exempt from federal 68  
income taxation under subsection 501(a) and described in 69  
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 70  
501(c)(19) of the Internal Revenue Code, or if the organization is 71  
a sporting organization that is exempt from federal income 72  
taxation under subsection 501(a) and is described in subsection 73  
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 74  
organization, an organization, except a volunteer rescue service 75  
or volunteer ~~fire fighter's~~ firefighter's organization, shall have 76  
been in continuous existence as such in this state for a period of 77  
two years immediately preceding either the making of an 78  
application for a bingo license under section 2915.08 of the 79  
Revised Code or the conducting of any game of chance as provided 80

in division (D) of section 2915.02 of the Revised Code. A 81  
charitable organization that is exempt from federal income 82  
taxation under subsection 501(a) and described in subsection 83  
501(c)(3) of the Internal Revenue Code and that is created by a 84  
veteran's organization, a fraternal organization, or a sporting 85  
organization does not have to have been in continuous existence as 86  
such in this state for a period of two years immediately preceding 87  
either the making of an application for a bingo license under 88  
section 2915.08 of the Revised Code or the conducting of any game 89  
of chance as provided in division (D) of section 2915.02 of the 90  
Revised Code. 91

(I) "Religious organization" means any church, body of 92  
communicants, or group that is not organized or operated for 93  
profit and that gathers in common membership for regular worship 94  
and religious observances. 95

(J) "Educational organization" means any organization within 96  
this state that is not organized for profit, the primary purpose 97  
of which is to educate and develop the capabilities of individuals 98  
through instruction by means of operating or contributing to the 99  
support of a school, academy, college, or university. 100

(K) "Veteran's organization" means any individual post or 101  
state headquarters of a national veteran's association or an 102  
auxiliary unit of any individual post of a national veteran's 103  
association, which post, state headquarters, or auxiliary unit has 104  
been in continuous existence in this state for at least two years 105  
and incorporated as a nonprofit corporation and either has 106  
received a letter from the state headquarters of the national 107  
veteran's association indicating that the individual post or 108  
auxiliary unit is in good standing with the national veteran's 109  
association or has received a letter from the national veteran's 110  
association indicating that the state headquarters is in good 111  
standing with the national veteran's association. As used in this 112

division, "national veteran's association" means any veteran's 113  
association that has been in continuous existence as such for a 114  
period of at least five years and either is incorporated by an act 115  
of the United States congress or has a national dues-paying 116  
membership of at least five thousand persons. 117

(L) "Volunteer firefighter's organization" means any 118  
organization of volunteer firefighters, as defined in section 119  
146.01 of the Revised Code, that is organized and operated 120  
exclusively to provide financial support for a volunteer fire 121  
department or a volunteer fire company and that is recognized or 122  
ratified by a county, municipal corporation, or township. 123

(M) "Fraternal organization" means any society, order, state 124  
headquarters, or association within this state, except a college 125  
or high school fraternity, that is not organized for profit, that 126  
is a branch, lodge, or chapter of a national or state 127  
organization, that exists exclusively for the common business or 128  
sodality of its members, and that has been in continuous existence 129  
in this state for a period of five years. 130

(N) "Volunteer rescue service organization" means any 131  
organization of volunteers organized to function as an emergency 132  
medical service organization, as defined in section 4765.01 of the 133  
Revised Code. 134

(O) "Service organization" means either of the following: 135

(1) Any organization, not organized for profit, that is 136  
organized and operated exclusively to provide, or to contribute to 137  
the support of organizations or institutions organized and 138  
operated exclusively to provide, medical and therapeutic services 139  
for persons who are crippled, born with birth defects, or have any 140  
other mental or physical defect or those organized and operated 141  
exclusively to protect, or to contribute to the support of 142  
organizations or institutions organized and operated exclusively 143

to protect, animals from inhumane treatment or provide immediate 144  
shelter to victims of domestic violence; 145

(2) Any organization that is described in subsection 146  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 147  
and is either a governmental unit or an organization that is tax 148  
exempt under subsection 501(a) and described in subsection 149  
501(c)(3) of the Internal Revenue Code and that is an 150  
organization, not organized for profit, that is organized and 151  
operated primarily to provide, or to contribute to the support of 152  
organizations or institutions organized and operated primarily to 153  
provide, medical and therapeutic services for persons who are 154  
crippled, born with birth defects, or have any other mental or 155  
physical defect. 156

(P) "Nonprofit medical organization" means either of the 157  
following: 158

(1) Any organization that has been incorporated as a 159  
nonprofit corporation for at least five years and that has 160  
continuously operated and will be operated exclusively to provide, 161  
or to contribute to the support of organizations or institutions 162  
organized and operated exclusively to provide, hospital, medical, 163  
research, or therapeutic services for the public; 164

(2) Any organization that is described and qualified under 165  
subsection 501(c)(3) of the Internal Revenue Code, that has been 166  
incorporated as a nonprofit corporation for at least five years, 167  
and that has continuously operated and will be operated primarily 168  
to provide, or to contribute to the support of organizations or 169  
institutions organized and operated primarily to provide, 170  
hospital, medical, research, or therapeutic services for the 171  
public. 172

(Q) "Senior citizen's organization" means any private 173  
organization, not organized for profit, that is organized and 174

operated exclusively to provide recreational or social services 175  
for persons who are fifty-five years of age or older and that is 176  
described and qualified under subsection 501(c)(3) of the Internal 177  
Revenue Code. 178

(R) "Charitable bingo game" means any bingo game described in 179  
division (S)(1) or (2) of this section that is conducted by a 180  
charitable organization that has obtained a license pursuant to 181  
section 2915.08 of the Revised Code and the proceeds of which are 182  
used for a charitable purpose. 183

(S) "Bingo" means either of the following: 184

(1) A game with all of the following characteristics: 185

(a) The participants use bingo cards or sheets, including 186  
paper formats and electronic representation or image formats, that 187  
are divided into twenty-five spaces arranged in five horizontal 188  
and five vertical rows of spaces, with each space, except the 189  
central space, being designated by a combination of a letter and a 190  
number and with the central space being designated as a free 191  
space. 192

(b) The participants cover the spaces on the bingo cards or 193  
sheets that correspond to combinations of letters and numbers that 194  
are announced by a bingo game operator. 195

(c) A bingo game operator announces combinations of letters 196  
and numbers that appear on objects that a bingo game operator 197  
selects by chance, either manually or mechanically, from a 198  
receptacle that contains seventy-five objects at the beginning of 199  
each game, each object marked by a different combination of a 200  
letter and a number that corresponds to one of the seventy-five 201  
possible combinations of a letter and a number that can appear on 202  
the bingo cards or sheets. 203

(d) The winner of the bingo game includes any participant who 204  
properly announces during the interval between the announcements 205

of letters and numbers as described in division (S)(1)(c) of this 206  
section, that a predetermined and preannounced pattern of spaces 207  
has been covered on a bingo card or sheet being used by the 208  
participant. 209

(2) Instant bingo, punch boards, and raffles. 210

(T) "Conduct" means to back, promote, organize, manage, carry 211  
on, sponsor, or prepare for the operation of bingo or a game of 212  
chance. 213

(U) "Bingo game operator" means any person, except security 214  
personnel, who performs work or labor at the site of bingo, 215  
including, but not limited to, collecting money from participants, 216  
handing out bingo cards or sheets or objects to cover spaces on 217  
bingo cards or sheets, selecting from a receptacle the objects 218  
that contain the combination of letters and numbers that appear on 219  
bingo cards or sheets, calling out the combinations of letters and 220  
numbers, distributing prizes, selling or redeeming instant bingo 221  
tickets or cards, supervising the operation of a punch board, 222  
selling raffle tickets, selecting raffle tickets from a receptacle 223  
and announcing the winning numbers in a raffle, and preparing, 224  
selling, and serving food or beverages. 225

(V) "Participant" means any person who plays bingo. 226

(W) "Bingo session" means a period that includes both of the 227  
following: 228

(1) Not to exceed five continuous hours for the conduct of 229  
one or more games described in division (S)(1) of this section, 230  
instant bingo, and seal cards; 231

(2) A period for the conduct of instant bingo and seal cards 232  
for not more than two hours before and not more than two hours 233  
after the period described in division (W)(1) of this section. 234

(X) "Gross receipts" means all money or assets, including 235



admission fees, that a person receives from bingo without the 236  
deduction of any amounts for prizes paid out or for the expenses 237  
of conducting bingo. "Gross receipts" does not include any money 238  
directly taken in from the sale of food or beverages by a 239  
charitable organization conducting bingo, or by a bona fide 240  
auxiliary unit or society of a charitable organization conducting 241  
bingo, provided all of the following apply: 242

(1) The auxiliary unit or society has been in existence as a 243  
bona fide auxiliary unit or society of the charitable organization 244  
for at least two years prior to conducting bingo. 245

(2) The person who purchases the food or beverage receives 246  
nothing of value except the food or beverage and items customarily 247  
received with the purchase of that food or beverage. 248

(3) The food and beverages are sold at customary and 249  
reasonable prices. 250

(Y) "Security personnel" includes any person who either is a 251  
sheriff, deputy sheriff, marshal, deputy marshal, township 252  
constable, or member of an organized police department of a 253  
municipal corporation or has successfully completed a peace 254  
officer's training course pursuant to sections 109.71 to 109.79 of 255  
the Revised Code and who is hired to provide security for the 256  
premises on which bingo is conducted. 257

(Z) "Charitable purpose" means that the net profit of bingo, 258  
other than instant bingo, is used by, or is given, donated, or 259  
otherwise transferred to, any of the following: 260

(1) Any organization that is described in subsection 261  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 262  
and is either a governmental unit or an organization that is tax 263  
exempt under subsection 501(a) and described in subsection 264  
501(c)(3) of the Internal Revenue Code; 265

(2) A veteran's organization that is a post, chapter, or 266

organization of veterans, or an auxiliary unit or society of, or a 267  
trust or foundation for, any such post, chapter, or organization 268  
organized in the United States or any of its possessions, at least 269  
seventy-five per cent of the members of which are veterans and 270  
substantially all of the other members of which are individuals 271  
who are spouses, widows, or widowers of veterans, or such 272  
individuals, provided that no part of the net earnings of such 273  
post, chapter, or organization inures to the benefit of any 274  
private shareholder or individual, and further provided that the 275  
net profit is used by the post, chapter, or organization for the 276  
charitable purposes set forth in division (B)(12) of section 277  
5739.02 of the Revised Code, is used for awarding scholarships to 278  
or for attendance at an institution mentioned in division (B)(12) 279  
of section 5739.02 of the Revised Code, is donated to a 280  
governmental agency, or is used for nonprofit youth activities, 281  
the purchase of United States or Ohio flags that are donated to 282  
schools, youth groups, or other bona fide nonprofit organizations, 283  
promotion of patriotism, or disaster relief; 284

(3) A fraternal organization that has been in continuous 285  
existence in this state for fifteen years and that uses the net 286  
profit exclusively for religious, charitable, scientific, 287  
literary, or educational purposes, or for the prevention of 288  
cruelty to children or animals, if contributions for such use 289  
would qualify as a deductible charitable contribution under 290  
subsection 170 of the Internal Revenue Code; 291

(4) A volunteer firefighter's organization that uses the net 292  
profit for the purposes set forth in division (L) of this section. 293

(AA) "Internal Revenue Code" means the "Internal Revenue Code 294  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 295  
amended. 296

(BB) "Youth athletic organization" means any organization, 297  
not organized for profit, that is organized and operated 298

exclusively to provide financial support to, or to operate, 299  
athletic activities for persons who are twenty-one years of age or 300  
younger by means of sponsoring, organizing, operating, or 301  
contributing to the support of an athletic team, club, league, or 302  
association. 303

(CC) "Youth athletic park organization" means any 304  
organization, not organized for profit, that satisfies both of the 305  
following: 306

(1) It owns, operates, and maintains playing fields that 307  
satisfy both of the following: 308

(a) The playing fields are used at least one hundred days per 309  
year for athletic activities by one or more organizations, not 310  
organized for profit, each of which is organized and operated 311  
exclusively to provide financial support to, or to operate, 312  
athletic activities for persons who are eighteen years of age or 313  
younger by means of sponsoring, organizing, operating, or 314  
contributing to the support of an athletic team, club, league, or 315  
association. 316

(b) The playing fields are not used for any profit-making 317  
activity at any time during the year. 318

(2) It uses the proceeds of bingo it conducts exclusively for 319  
the operation, maintenance, and improvement of its playing fields 320  
of the type described in division (CC)(1) of this section. 321

(DD) "Amateur athletic organization" means any organization, 322  
not organized for profit, that is organized and operated 323  
exclusively to provide financial support to, or to operate, 324  
athletic activities for persons who are training for amateur 325  
athletic competition that is sanctioned by a national governing 326  
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 327  
3045, 36 U.S.C.A. 373. 328

(EE) "Bingo supplies" means bingo cards or sheets; instant 329

bingo tickets or cards; electronic bingo aids; raffle tickets; 330  
punch boards; seal cards; instant bingo ticket dispensers; and 331  
devices for selecting or displaying the combination of bingo 332  
letters and numbers or raffle tickets. Items that are "bingo 333  
supplies" are not gambling devices if sold or otherwise provided, 334  
and used, in accordance with this chapter. For purposes of this 335  
chapter, "bingo supplies" are not to be considered equipment used 336  
to conduct a bingo game. 337

(FF) "Instant bingo" means a form of bingo that uses folded 338  
or banded tickets or paper cards with perforated break-open tabs, 339  
a face of which is covered or otherwise hidden from view to 340  
conceal a number, letter, or symbol, or set of numbers, letters, 341  
or symbols, some of which have been designated in advance as prize 342  
winners. "Instant bingo" includes seal cards. "Instant bingo" does 343  
not include any device that is activated by the insertion of a 344  
coin, currency, token, or an equivalent, and that contains as one 345  
of its components a video display monitor that is capable of 346  
displaying numbers, letters, symbols, or characters in winning or 347  
losing combinations. 348

(GG) "Seal card" means a form of instant bingo that uses 349  
instant bingo tickets in conjunction with a board or placard that 350  
contains one or more seals that, when removed or opened, reveal 351  
predesignated winning numbers, letters, or symbols. 352

(HH) "Raffle" means a form of bingo in which the one or more 353  
prizes are won by one or more persons who have purchased a raffle 354  
ticket. The one or more winners of the raffle are determined by 355  
drawing a ticket stub or other detachable section from a 356  
receptacle containing ticket stubs or detachable sections 357  
corresponding to all tickets sold for the raffle. 358

(II) "Punch board" means a board containing a number of holes 359  
or receptacles of uniform size in which are placed, mechanically 360  
and randomly, serially numbered slips of paper that may be punched 361

or drawn from the hole or receptacle when used in conjunction with 362  
instant bingo. A player may punch or draw the numbered slips of 363  
paper from the holes or receptacles and obtain the prize 364  
established for the game if the number drawn corresponds to a 365  
winning number or, if the punch board includes the use of a seal 366  
card, a potential winning number. 367

(JJ) "Gross profit" means gross receipts minus the amount 368  
actually expended for the payment of prize awards. 369

(KK) "Net profit" means gross profit minus expenses. 370

(LL) "Expenses" means the reasonable amount of gross profit 371  
actually expended for all of the following: 372

(1) The purchase or lease of bingo supplies; 373

(2) The annual license fee required under section 2915.08 of 374  
the Revised Code; 375

(3) Bank fees and service charges for a bingo session or game 376  
account described in section 2915.10 of the Revised Code; 377

(4) Audits and accounting services; 378

(5) Safes; 379

(6) Cash registers; 380

(7) Hiring security personnel; 381

(8) Advertising bingo; 382

(9) Renting premises in which to conduct a bingo session; 383

(10) Tables and chairs; 384

(11) Expenses for maintaining and operating a charitable 385  
organization's facilities, including, but not limited to, a post 386  
home, club house, lounge, tavern, or canteen and any grounds 387  
attached to the post home, club house, lounge, tavern, or canteen; 388

(12) Any other product or service directly related to the 389

conduct of bingo that is authorized in rules adopted by the 390  
attorney general under division (B)(1) of section 2915.08 of the 391  
Revised Code. 392

(MM) "Person" has the same meaning as in section 1.59 of the 393  
Revised Code and includes any firm or any other legal entity, 394  
however organized. 395

(NN) "Revoke" means to void permanently all rights and 396  
privileges of the holder of a license issued under section 397  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 398  
gaming license issued by another jurisdiction. 399

(OO) "Suspend" means to interrupt temporarily all rights and 400  
privileges of the holder of a license issued under section 401  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 402  
gaming license issued by another jurisdiction. 403

(PP) "Distributor" means any person who purchases or obtains 404  
bingo supplies and who does either of the following: 405

(1) Sells, offers for sale, or otherwise provides or offers 406  
to provide the bingo supplies to another person for use in this 407  
state; 408

(2) Modifies, converts, adds to, or removes parts from the 409  
bingo supplies to further their promotion or sale for use in this 410  
state. 411

(QQ) "Manufacturer" means any person who assembles completed 412  
bingo supplies from raw materials, other items, or subparts or who 413  
modifies, converts, adds to, or removes parts from bingo supplies 414  
to further their promotion or sale. 415

(RR) "Gross annual revenues" means the annual gross receipts 416  
derived from the conduct of bingo described in division (S)(1) of 417  
this section plus the annual net profit derived from the conduct 418  
of bingo described in division (S)(2) of this section. 419

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

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

(2) It performs no gaming functions.

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

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

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

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

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

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

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

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

(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. 450

(2) "Electronic bingo aid" does not include any device into 451  
which a coin, currency, token, or an equivalent is inserted to 452  
activate play. 453

(UU) "Deal of instant bingo tickets" means a single game of 454  
instant bingo tickets all with the same serial number. 455

(VV)(1) "Slot machine" ~~machine~~ means either of the following: 456

(a) Any mechanical, electronic, video, or digital device that 457  
is capable of accepting anything of value, directly or indirectly, 458  
from or on behalf of a player who gives the thing of value in the 459  
hope of gain, ~~the outcome of which is determined largely or wholly~~ 460  
~~by chance;~~ 461

(b) Any mechanical, electronic, video, or digital device that 462  
is capable of accepting anything of value, directly or indirectly, 463  
from or on behalf of a player to conduct or dispense bingo or a 464  
scheme or game of chance. 465

(2) "Slot machine" does not include a skill-based amusement 466  
machine. 467

(WW) "Net profit from the proceeds of the sale of instant 468  
bingo" means gross profit minus the ordinary, necessary, and 469  
reasonable expense expended for the purchase of instant bingo 470  
supplies. 471

(XX) "Charitable instant bingo organization" means an 472  
organization that is exempt from federal income taxation under 473  
subsection 501(a) and described in subsection 501(c)(3) of the 474  
Internal Revenue Code and is a charitable organization as defined 475  
in this section. A "charitable instant bingo organization" does 476  
not include a charitable organization that is exempt from federal 477  
income taxation under subsection 501(a) and described in 478  
subsection 501(c)(3) of the Internal Revenue Code and that is 479



created by a veteran's organization, a fraternal organization, or 480  
a sporting organization in regards to bingo conducted or assisted 481  
by a veteran's organization, a fraternal organization, or a 482  
sporting organization pursuant to section 2915.13 of the Revised 483  
Code. 484

(YY) "Game flare" means the board or placard that accompanies 485  
each deal of instant bingo tickets and that has printed on or 486  
affixed to it the following information for the game: 487

(1) The name of the game; 488

(2) The manufacturer's name or distinctive logo; 489

(3) The form number; 490

(4) The ticket count; 491

(5) The prize structure, including the number of winning 492  
instant bingo tickets by denomination and the respective winning 493  
symbol or number combinations for the winning instant bingo 494  
tickets; 495

(6) The cost per play; 496

(7) The serial number of the game. 497

(ZZ) "Historic railroad educational organization" means an 498  
organization that is exempt from federal income taxation under 499  
subsection 501(a) and described in subsection 501(c)(3) of the 500  
Internal Revenue Code, that owns in fee simple the tracks and the 501  
right of way of a historic railroad that the organization restores 502  
or maintains and on which the organization provides excursions as 503  
part of a program to promote tourism and educate visitors 504  
regarding the role of railroad transportation in Ohio history, and 505  
that received as donations from a charitable organization that 506  
holds a license to conduct bingo under this chapter an amount 507  
equal to at least fifty per cent of that licensed charitable 508  
organization's net proceeds from the conduct of bingo during each 509

of the five years preceding June 30, 2003. "Historic railroad" 510  
means all or a portion of the tracks and right-of-way of a 511  
railroad that was owned and operated by a for-profit common 512  
carrier in this state at any time prior to January 1, 1950. 513

(AAA)(1) "Skill-based amusement machine" means a ~~skill-based~~ 514  
~~amusement device, such as a mechanical, electronic, video, or~~ 515  
~~digital device, or machine, whether or not the skill-based~~ 516  
~~amusement machine requires payment for use through a coin or bill~~ 517  
~~validator or other payment of consideration or value to~~ 518  
~~participate in the machine's offering or to activate the machine,~~ 519  
~~provided that all of the following apply:~~ 520

~~(a) The machine involves a task, game, play, contest,~~ 521  
~~competition, or tournament in which the player actively~~ 522  
~~participates in the task, game, play, contest, competition, or~~ 523  
~~tournament.~~ 524

~~(b) The outcome of an individual's play and participation is~~ 525  
~~not determined largely or wholly by chance.~~ 526

~~(c) The outcome of play during a game is not controlled by a~~ 527  
~~person not actively participating in the game mechanical, video,~~ 528  
~~digital, or electronic device that rewards the player or players,~~ 529  
~~if at all, only with merchandise prizes or with redeemable~~ 530  
~~vouchers redeemable only for merchandise prizes, provided that~~ 531  
~~with respect to rewards for playing the game all of the following~~ 532  
~~apply:~~ 533

(a) The wholesale value of a merchandise prize awarded as a 534  
result of the single play of a machine does not exceed ten 535  
dollars; 536

(b) Redeemable vouchers awarded for any single play of a 537  
machine are not redeemable for a merchandise prize with a 538  
wholesale value of more than ten dollars; 539

(c) Redeemable vouchers are not redeemable for a merchandise 540

prize that has a wholesale value of more than ten dollars times 541  
the fewest number of single plays necessary to accrue the 542  
redeemable vouchers required to obtain that prize; and 543

(d) Any redeemable vouchers or merchandise prizes are 544  
distributed at the site of the skill-based amusement machine at 545  
the time of play. 546

(2) A machine shall not be considered a skill-based amusement 547  
machine and shall be considered a slot machine if it pays cash or 548  
one or more of the following apply: 549

(a) The ability of a player to succeed at the game is 550  
impacted by the number or ratio of prior wins to prior losses of 551  
players playing the game. 552

(b) Any reward of redeemable vouchers is not based solely on 553  
the player achieving the object of the game or the players score; 554

(c) The outcome of the game, or the value of the redeemable 555  
voucher or merchandise prize awarded for winning the game, can be 556  
controlled by a source other than any player playing the game. 557

(d) The success of any player is or may be determined by a 558  
chance event that cannot be altered by player actions. 559

(e) The ability of any player to succeed at the game is 560  
determined by game features not visible or known to the player. 561

(f) The ability of the player to succeed at the game is 562  
impacted by the exercise of a skill that no reasonable player 563  
could exercise. 564

~~(2)~~(3) All of the following apply to any machine that is 565  
operated as described in division (AAA)(1) of this section: 566

(a) As used in this section, "~~task,~~" "game," and "play" mean 567  
one event from the initial activation of the machine until the 568  
results of play are determined without payment of additional 569  
consideration. An individual utilizing a machine that involves a 570

single ~~task~~, game, play, contest, competition, or tournament may 571  
be awarded redeemable vouchers or merchandise prizes based on the 572  
results of play. 573

(b) Advance play for a single ~~task~~, game, play, contest, 574  
competition, or tournament participation may be purchased. The 575  
cost of the contest, competition, or tournament participation may 576  
be greater than a single ~~non-contest~~ noncontest, competition, or 577  
tournament play. 578

(c) To the extent that the machine is used in a contest, 579  
competition, or tournament, that contest, competition, or 580  
tournament has a defined starting and ending date and is open to 581  
participants in competition for scoring and ranking results toward 582  
the awarding of redeemable vouchers or merchandise prizes that are 583  
stated prior to the start of the contest, competition, or 584  
tournament. 585

(BBB) "Merchandise prize" means any item of value, but shall 586  
not include any of the following: 587

(1) Cash, gift cards, or any equivalent thereof; 588

(2) Plays on games of chance, state lottery tickets, bingo, 589  
or instant bingo; 590

(3) Firearms, tobacco, or alcoholic beverages; or 591

(4) A redeemable voucher that is redeemable for any of the 592  
items listed in division (BBB)(1), (2), or (3) of this section. 593

(CCC) "Redeemable voucher" means any ticket, token, coupon, 594  
receipt, or other noncash representation of value. 595

(DDD) "Pool not conducted for profit" means a scheme in which 596  
a participant gives a valuable consideration for a chance to win a 597  
prize and the total amount of consideration wagered is distributed 598  
to a participant or participants. 599

~~(CCC)~~(EEE) "Sporting organization" means a hunting, fishing, 600

or trapping organization, other than a college or high school 601  
fraternity or sorority, that is not organized for profit, that is 602  
affiliated with a state or national sporting organization, 603  
including but not limited to, the Ohio ~~League~~ league of sportsmen, 604  
and that has been in continuous existence in this state for a 605  
period of three years. 606

~~(DDD)~~(FFF) "Community action agency" has the same meaning as 607  
in section 122.66 of the Revised Code. 608

**Sec. 2915.06.** (A) No person shall give to another person any 609  
item described in division (BBB)(1), (2), (3), or (4) of section 610  
2915.01 of the Revised Code in exchange for a noncash prize, toy, 611  
or novelty received as a reward for playing or operating a 612  
skill-based amusement machine or for a free or reduced-price game 613  
won on a skill-based amusement machine. 614

(B) Whoever violates division (A) of this section is guilty 615  
of skill-based amusement machine prohibited conduct. A violation 616  
of division (A) of this section is a misdemeanor of the first 617  
degree for each redemption of a prize that is involved in the 618  
violation. If the offender previously has been convicted of a 619  
violation of division (A) of this section, a violation of that 620  
division is a felony of the fifth degree for each redemption of a 621  
prize that is involved in the violation. The maximum fine 622  
authorized to be imposed for a felony of the fifth degree shall be 623  
imposed upon the offender. 624

**Sec. 2915.061.** Any regulation of skill-based amusement 625  
machines shall be governed by this chapter and not by Chapter 626  
1345. of the Revised Code. 627

**Sec. 3769.07.** Except as otherwise provided in this section, 628  
no permit shall be issued under sections 3769.01 to 3769.14 of the 629  
Revised Code, authorizing the conduct of a live racing program for 630

thoroughbred horses and quarter horses at any place, track, or 631  
enclosure except between the hours of twelve noon and seven p.m., 632  
for running horse-racing meetings, except that on special events 633  
days running horse-racing meetings may begin at nine a.m. by 634  
application to the state racing commission and except that the 635  
seven p.m. time may be extended to eight p.m. on a Sunday or 636  
holiday by application to the commission, and no permit shall be 637  
issued under those sections authorizing the conduct of a live 638  
racing program for harness horses at any place, track, or 639  
enclosure except between the hours of twelve noon and twelve 640  
midnight for light harness horse-racing meetings. The seven p.m. 641  
and eight p.m. closing times described in this section shall upon 642  
application to the commission be extended to nine p.m. for any 643  
running horse-racing meeting conducted between the fifteenth day 644  
of May and the fifteenth day of September at a track that is 645  
located more than twenty-five miles from a track located in this 646  
state where a light harness horse-racing meeting, other than a 647  
light harness horse-racing meeting at a county fair or independent 648  
fair, is being conducted and that is located less than twenty-five 649  
miles from a track located outside this state. A permit issued for 650  
horse racing at a county fair shall authorize live horse racing to 651  
begin at nine a.m. ~~No~~ 652

No permit shall be granted for the holding or conducting of a 653  
horse-racing meeting after the tenth day of December in any 654  
calendar year, except for racing at winterized tracks. "Winterized 655  
track" means a track with enclosed club house or grandstand, 656  
all-weather racing track, heated facilities for jockeys or 657  
drivers, backstretch facilities that are properly prepared for 658  
winter racing, and adequate snow removal equipment available. ~~No~~ 659

No permit shall be issued for more than an aggregate of 660  
fifty-six racing days in any one calendar year, except that an 661  
additional five days of racing may be approved by the commission 662

upon application by a permit holder and except that an additional 663  
thirty days of racing may be granted for racing at any time after 664  
the fifteenth day of October and prior to the fifteenth day of 665  
March to a permit holder who has a winterized facility, but no 666  
more than thirty such additional days may be issued at any one 667  
track or enclosure. No more than an aggregate of fifty-six racing 668  
days shall be issued in any one calendar year for any one race 669  
track, place, or enclosure, except for the additional five days of 670  
racing for each permit holder which may be approved by the 671  
commission pursuant to this section, except as provided in 672  
sections 3769.071 and 3769.13 of the Revised Code, except for 673  
racing days granted as a result of a winterized facility, and 674  
except that the commission may issue a second permit for a maximum 675  
of fifty-six racing days for any one track, place, or enclosure, 676  
if the commission determines that the issuance of such second 677  
permit is not against the public interest. No such second permit 678  
shall be issued: 679

(A) For the operation of racing in any county with a 680  
population of less than seven hundred thousand or for the 681  
operation of racing in any county which has more than one race 682  
track at which a racing meet has been authorized, except as 683  
provided in this division and in sections 3769.071 and 3769.13 of 684  
the Revised Code, in the same year by the commission. A second 685  
permit issued pursuant to this division may be issued at either or 686  
both race tracks in a county that has only two race tracks if a 687  
racing meet has been authorized at both race tracks in the same 688  
year by the commission and one race track has been authorized to 689  
conduct thoroughbred racing meets and the other race track has 690  
been authorized to conduct harness racing meets. When such second 691  
permit is issued pursuant to this division for racing at the one 692  
race track, racing shall not be conducted at that race track on 693  
the same day that racing is conducted at the other race track in 694  
the county except by mutual agreement of the two race tracks. 695

(B) To any corporation having one or more shareholders owning 696  
an interest in any other permit issued by the commission for the 697  
operation of racing, in the same year, at any other race track, 698  
place, or enclosure in this state; 699

(C) To any person, association, or trust which owns, or which 700  
has any members owning, an interest in any other permit issued by 701  
the commission for the operation of racing, in the same year, at 702  
any other race track, place, or enclosure in this state. 703

No permit shall be issued so as to permit live racing 704  
programs on the same hour at more than one track in one county or 705  
on tracks in operation in 1975 within fifty miles of each other, 706  
nor shall any other form of pari-mutuel wagering other than horse 707  
racing be permitted within seventy-five miles of a track where 708  
horse racing is being conducted, except that this provision shall 709  
not apply to a horse-racing meeting held at the state fair or at a 710  
fair conducted by a county agricultural society or at a fair 711  
conducted by an independent agricultural society; ~~nor shall more 712~~  
~~than one permit in any one year be granted to the same person,~~ 713  
~~association, trust, or corporation for the holding or conducting 714~~  
~~of a horse racing meeting, at more than one race track, place, or 715~~  
~~enclosure in this state.~~ Distribution of days shall not apply to 716  
fairs or horse shows not required to secure a permit under such 717  
section. Notwithstanding any other provision of this chapter, a 718  
person, association, trust, or corporation may own or operate two 719  
separate facilities in this state that are conducting horse-racing 720  
meetings. 721

A permit, granted under sections 3769.01 to 3769.14 of the 722  
Revised Code, shall be conspicuously displayed during the 723  
horse-racing meeting in the principal office at such race track 724  
and at all reasonable times shall be exhibited to any authorized 725  
person requesting to see the same. 726



**Section 2.** That existing sections 2915.01 and 3769.07 of the Revised Code are hereby repealed.

**Section 3.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for this necessity lies in the fact that a change in the definition of "skill-based amusement machine" must be made very soon to clarify the legality of the operation of these machines. Therefore, this act shall go into immediate effect.