

As Passed by the Senate

127th General Assembly

Regular Session

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Am. Sub. H. B. No. 177

Representative Blessing

Cosponsors: Representatives Adams, Yuko, Webster

Senators Jacobson, Harris, Amstutz

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

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

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

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

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

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

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

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

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

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

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

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

(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 420
device that dispenses an instant bingo ticket or card as the sole 421
item of value dispensed and that has the following 422
characteristics: 423

(1) It is activated upon the insertion of United States 424
currency. 425

(2) It performs no gaming functions. 426

(3) It does not contain a video display monitor or generate 427
noise. 428

(4) It is not capable of displaying any numbers, letters, 429
symbols, or characters in winning or losing combinations. 430

(5) It does not simulate or display rolling or spinning 431
reels. 432

(6) It is incapable of determining whether a dispensed bingo 433
ticket or card is a winning or nonwinning ticket or card and 434
requires a winning ticket or card to be paid by a bingo game 435
operator. 436

(7) It may provide accounting and security features to aid in 437
accounting for the instant bingo tickets or cards it dispenses. 438

(8) It is not part of an electronic network and is not 439
interactive. 440

(TT)(1) "Electronic bingo aid" means an electronic device 441
used by a participant to monitor bingo cards or sheets purchased 442
at the time and place of a bingo session and that does all of the 443
following: 444

(a) It provides a means for a participant to input numbers 445
and letters announced by a bingo caller. 446

(b) It compares the numbers and letters entered by the 447
participant to the bingo faces previously stored in the memory of 448
the device. 449

(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 device 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

(4) For purposes of division (AAA)(1) of this section, the 586
mere presence of a device, such as a pin-setting, ball-releasing, 587
or scoring mechanism, that does not contribute to or affect the 588
outcome of the play of the game does not make the device a 589
skill-based amusement machine. 590

(BBB) "Merchandise prize" means any item of value, but shall 591
not include any of the following: 592

(1) Cash, gift cards, or any equivalent thereof; 593

(2) Plays on games of chance, state lottery tickets, bingo, 594
or instant bingo; 595

(3) Firearms, tobacco, or alcoholic beverages; or 596

(4) A redeemable voucher that is redeemable for any of the 597
items listed in division (BBB)(1), (2), or (3) of this section. 598

(CCC) "Redeemable voucher" means any ticket, token, coupon, 599
receipt, or other noncash representation of value. 600

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

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

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

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

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

Sec. 2915.061. Any regulation of skill-based amusement

machines shall be governed by this chapter and not by Chapter 631
1345. of the Revised Code. 632

Sec. 3769.07. Except as otherwise provided in this section, 633
no permit shall be issued under sections 3769.01 to 3769.14 of the 634
Revised Code, authorizing the conduct of a live racing program for 635
thoroughbred horses and quarter horses at any place, track, or 636
enclosure except between the hours of twelve noon and seven p.m., 637
for running horse-racing meetings, except that on special events 638
days running horse-racing meetings may begin at nine a.m. by 639
application to the state racing commission and except that the 640
seven p.m. time may be extended to eight p.m. on a Sunday or 641
holiday by application to the commission, and no permit shall be 642
issued under those sections authorizing the conduct of a live 643
racing program for harness horses at any place, track, or 644
enclosure except between the hours of twelve noon and twelve 645
midnight for light harness horse-racing meetings. The seven p.m. 646
and eight p.m. closing times described in this section shall upon 647
application to the commission be extended to nine p.m. for any 648
running horse-racing meeting conducted between the fifteenth day 649
of May and the fifteenth day of September at a track that is 650
located more than twenty-five miles from a track located in this 651
state where a light harness horse-racing meeting, other than a 652
light harness horse-racing meeting at a county fair or independent 653
fair, is being conducted and that is located less than twenty-five 654
miles from a track located outside this state. A permit issued for 655
horse racing at a county fair shall authorize live horse racing to 656
begin at nine a.m. ~~No~~ 657

No permit shall be granted for the holding or conducting of a 658
horse-racing meeting after the tenth day of December in any 659
calendar year, except for racing at winterized tracks. "Winterized 660
track" means a track with enclosed club house or grandstand, 661
all-weather racing track, heated facilities for jockeys or 662

drivers, backstretch facilities that are properly prepared for 663
winter racing, and adequate snow removal equipment available. No 664

No permit shall be issued for more than an aggregate of 665
fifty-six racing days in any one calendar year, except that an 666
additional five days of racing may be approved by the commission 667
upon application by a permit holder and except that an additional 668
thirty days of racing may be granted for racing at any time after 669
the fifteenth day of October and prior to the fifteenth day of 670
March to a permit holder who has a winterized facility, but no 671
more than thirty such additional days may be issued at any one 672
track or enclosure. No more than an aggregate of fifty-six racing 673
days shall be issued in any one calendar year for any one race 674
track, place, or enclosure, except for the additional five days of 675
racing for each permit holder which may be approved by the 676
commission pursuant to this section, except as provided in 677
sections 3769.071 and 3769.13 of the Revised Code, except for 678
racing days granted as a result of a winterized facility, and 679
except that the commission may issue a second permit for a maximum 680
of fifty-six racing days for any one track, place, or enclosure, 681
if the commission determines that the issuance of such second 682
permit is not against the public interest. No such second permit 683
shall be issued: 684

(A) For the operation of racing in any county with a 685
population of less than seven hundred thousand or for the 686
operation of racing in any county which has more than one race 687
track at which a racing meet has been authorized, except as 688
provided in this division and in sections 3769.071 and 3769.13 of 689
the Revised Code, in the same year by the commission. A second 690
permit issued pursuant to this division may be issued at either or 691
both race tracks in a county that has only two race tracks if a 692
racing meet has been authorized at both race tracks in the same 693
year by the commission and one race track has been authorized to 694

conduct thoroughbred racing meets and the other race track has 695
been authorized to conduct harness racing meets. When such second 696
permit is issued pursuant to this division for racing at the one 697
race track, racing shall not be conducted at that race track on 698
the same day that racing is conducted at the other race track in 699
the county except by mutual agreement of the two race tracks. 700

(B) To any corporation having one or more shareholders owning 701
an interest in any other permit issued by the commission for the 702
operation of racing, in the same year, at any other race track, 703
place, or enclosure in this state; 704

(C) To any person, association, or trust which owns, or which 705
has any members owning, an interest in any other permit issued by 706
the commission for the operation of racing, in the same year, at 707
any other race track, place, or enclosure in this state. 708

No permit shall be issued so as to permit live racing 709
programs on the same hour at more than one track in one county or 710
on tracks in operation in 1975 within fifty miles of each other, 711
nor shall any other form of pari-mutuel wagering other than horse 712
racing be permitted within seventy-five miles of a track where 713
horse racing is being conducted, except that this provision shall 714
not apply to a horse-racing meeting held at the state fair or at a 715
fair conducted by a county agricultural society or at a fair 716
conducted by an independent agricultural society; ~~nor shall more~~ 717
~~than one permit in any one year be granted to the same person,~~ 718
~~association, trust, or corporation for the holding or conducting~~ 719
~~of a horse racing meeting, at more than one race track, place, or~~ 720
~~enclosure in this state.~~ Distribution of days shall not apply to 721
fairs or horse shows not required to secure a permit under such 722
section. Notwithstanding any other provision of this chapter, a 723
person, association, trust, or corporation may own or operate two 724
separate facilities in this state that are conducting horse-racing 725
meetings. 726

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

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.