

# As Reported by the House State Government Committee

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H. B. No. 155

Representative Yuko

Cosponsors: Representatives Hagan, Domenick, Ujvagi, Boyd, Gerberry,  
Lundy, Stewart, Williams, B., Adams, J., Hall

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## A BILL

To amend sections 2915.01 and 2915.091 of the Revised Code to change the definition of "instant bingo ticket dispenser" and to authorize a charitable organization to purchase, lease, and use instant bingo ticket dispensers.

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

**Section 1.** That sections 2915.01 and 2915.091 of the Revised Code be amended to read as follows:

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

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

(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. 18

(D) "Game of chance" means poker, craps, roulette, or other 19  
game in which a player gives anything of value in the hope of 20  
gain, the outcome of which is determined largely by chance, but 21  
does not include bingo. 22

(E) "Game of chance conducted for profit" means any game of 23  
chance designed to produce income for the person who conducts or 24  
operates the game of chance, but does not include bingo. 25

(F) "Gambling device" means any of the following: 26

(1) A book, totalizer, or other equipment for recording bets; 27

(2) A ticket, token, or other device representing a chance, 28  
share, or interest in a scheme of chance or evidencing a bet; 29

(3) A deck of cards, dice, gaming table, roulette wheel, slot 30  
machine, or other apparatus designed for use in connection with a 31  
game of chance; 32

(4) Any equipment, device, apparatus, or paraphernalia 33  
specially designed for gambling purposes; 34

(5) Bingo supplies sold or otherwise provided, or used, in 35  
violation of this chapter. 36

(G) "Gambling offense" means any of the following: 37

(1) A violation of section 2915.02, 2915.03, 2915.04, 38  
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 39  
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code; 40

(2) A violation of an existing or former municipal ordinance 41  
or law of this or any other state or the United States 42  
substantially equivalent to any section listed in division (G)(1) 43  
of this section or a violation of section 2915.06 of the Revised 44  
Code as it existed prior to July 1, 1996; 45

(3) An offense under an existing or former municipal 46

ordinance or law of this or any other state or the United States, 47  
of which gambling is an element; 48

(4) A conspiracy or attempt to commit, or complicity in 49  
committing, any offense under division (G)(1), (2), or (3) of this 50  
section. 51

(H) Except as otherwise provided in this chapter, "charitable 52  
organization" means any tax exempt religious, educational, 53  
veteran's, fraternal, sporting, service, nonprofit medical, 54  
volunteer rescue service, volunteer firefighter's, senior 55  
citizen's, historic railroad educational, youth athletic, amateur 56  
athletic, or youth athletic park organization. An organization is 57  
tax exempt if the organization is, and has received from the 58  
internal revenue service a determination letter that currently is 59  
in effect stating that the organization is, exempt from federal 60  
income taxation under subsection 501(a) and described in 61  
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 62  
501(c)(19) of the Internal Revenue Code, or if the organization is 63  
a sporting organization that is exempt from federal income 64  
taxation under subsection 501(a) and is described in subsection 65  
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 66  
organization, an organization, except a volunteer rescue service 67  
or volunteer firefighter's organization, shall have been in 68  
continuous existence as such in this state for a period of two 69  
years immediately preceding either the making of an application 70  
for a bingo license under section 2915.08 of the Revised Code or 71  
the conducting of any game of chance as provided in division (D) 72  
of section 2915.02 of the Revised Code. A charitable organization 73  
that is exempt from federal income taxation under subsection 74  
501(a) and described in subsection 501(c)(3) of the Internal 75  
Revenue Code and that is created by a veteran's organization, a 76  
fraternal organization, or a sporting organization does not have 77  
to have been in continuous existence as such in this state for a 78

period of two years immediately preceding either the making of an 79  
application for a bingo license under section 2915.08 of the 80  
Revised Code or the conducting of any game of chance as provided 81  
in division (D) of section 2915.02 of the Revised Code. 82

(I) "Religious organization" means any church, body of 83  
communicants, or group that is not organized or operated for 84  
profit and that gathers in common membership for regular worship 85  
and religious observances. 86

(J) "Educational organization" means any organization within 87  
this state that is not organized for profit, the primary purpose 88  
of which is to educate and develop the capabilities of individuals 89  
through instruction by means of operating or contributing to the 90  
support of a school, academy, college, or university. 91

(K) "Veteran's organization" means any individual post or 92  
state headquarters of a national veteran's association or an 93  
auxiliary unit of any individual post of a national veteran's 94  
association, which post, state headquarters, or auxiliary unit has 95  
been in continuous existence in this state for at least two years 96  
and incorporated as a nonprofit corporation and either has 97  
received a letter from the state headquarters of the national 98  
veteran's association indicating that the individual post or 99  
auxiliary unit is in good standing with the national veteran's 100  
association or has received a letter from the national veteran's 101  
association indicating that the state headquarters is in good 102  
standing with the national veteran's association. As used in this 103  
division, "national veteran's association" means any veteran's 104  
association that has been in continuous existence as such for a 105  
period of at least five years and either is incorporated by an act 106  
of the United States congress or has a national dues-paying 107  
membership of at least five thousand persons. 108

(L) "Volunteer firefighter's organization" means any 109  
organization of volunteer firefighters, as defined in section 110

146.01 of the Revised Code, that is organized and operated 111  
exclusively to provide financial support for a volunteer fire 112  
department or a volunteer fire company and that is recognized or 113  
ratified by a county, municipal corporation, or township. 114

(M) "Fraternal organization" means any society, order, state 115  
headquarters, or association within this state, except a college 116  
or high school fraternity, that is not organized for profit, that 117  
is a branch, lodge, or chapter of a national or state 118  
organization, that exists exclusively for the common business or 119  
sodality of its members, and that has been in continuous existence 120  
in this state for a period of five years. 121

(N) "Volunteer rescue service organization" means any 122  
organization of volunteers organized to function as an emergency 123  
medical service organization, as defined in section 4765.01 of the 124  
Revised Code. 125

(O) "Service organization" means either of the following: 126

(1) Any organization, not organized for profit, that is 127  
organized and operated exclusively to provide, or to contribute to 128  
the support of organizations or institutions organized and 129  
operated exclusively to provide, medical and therapeutic services 130  
for persons who are crippled, born with birth defects, or have any 131  
other mental or physical defect or those organized and operated 132  
exclusively to protect, or to contribute to the support of 133  
organizations or institutions organized and operated exclusively 134  
to protect, animals from inhumane treatment or provide immediate 135  
shelter to victims of domestic violence; 136

(2) Any organization that is described in subsection 137  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 138  
and is either a governmental unit or an organization that is tax 139  
exempt under subsection 501(a) and described in subsection 140  
501(c)(3) of the Internal Revenue Code and that is an 141

organization, not organized for profit, that is organized and 142  
operated primarily to provide, or to contribute to the support of 143  
organizations or institutions organized and operated primarily to 144  
provide, medical and therapeutic services for persons who are 145  
crippled, born with birth defects, or have any other mental or 146  
physical defect. 147

(P) "Nonprofit medical organization" means either of the 148  
following: 149

(1) Any organization that has been incorporated as a 150  
nonprofit corporation for at least five years and that has 151  
continuously operated and will be operated exclusively to provide, 152  
or to contribute to the support of organizations or institutions 153  
organized and operated exclusively to provide, hospital, medical, 154  
research, or therapeutic services for the public; 155

(2) Any organization that is described and qualified under 156  
subsection 501(c)(3) of the Internal Revenue Code, that has been 157  
incorporated as a nonprofit corporation for at least five years, 158  
and that has continuously operated and will be operated primarily 159  
to provide, or to contribute to the support of organizations or 160  
institutions organized and operated primarily to provide, 161  
hospital, medical, research, or therapeutic services for the 162  
public. 163

(Q) "Senior citizen's organization" means any private 164  
organization, not organized for profit, that is organized and 165  
operated exclusively to provide recreational or social services 166  
for persons who are fifty-five years of age or older and that is 167  
described and qualified under subsection 501(c)(3) of the Internal 168  
Revenue Code. 169

(R) "Charitable bingo game" means any bingo game described in 170  
division (S)(1) or (2) of this section that is conducted by a 171  
charitable organization that has obtained a license pursuant to 172

section 2915.08 of the Revised Code and the proceeds of which are 173  
used for a charitable purpose. 174

(S) "Bingo" means either of the following: 175

(1) A game with all of the following characteristics: 176

(a) The participants use bingo cards or sheets, including 177  
paper formats and electronic representation or image formats, that 178  
are divided into twenty-five spaces arranged in five horizontal 179  
and five vertical rows of spaces, with each space, except the 180  
central space, being designated by a combination of a letter and a 181  
number and with the central space being designated as a free 182  
space. 183

(b) The participants cover the spaces on the bingo cards or 184  
sheets that correspond to combinations of letters and numbers that 185  
are announced by a bingo game operator. 186

(c) A bingo game operator announces combinations of letters 187  
and numbers that appear on objects that a bingo game operator 188  
selects by chance, either manually or mechanically, from a 189  
receptacle that contains seventy-five objects at the beginning of 190  
each game, each object marked by a different combination of a 191  
letter and a number that corresponds to one of the seventy-five 192  
possible combinations of a letter and a number that can appear on 193  
the bingo cards or sheets. 194

(d) The winner of the bingo game includes any participant who 195  
properly announces during the interval between the announcements 196  
of letters and numbers as described in division (S)(1)(c) of this 197  
section, that a predetermined and preannounced pattern of spaces 198  
has been covered on a bingo card or sheet being used by the 199  
participant. 200

(2) Instant bingo, punch boards, and raffles. 201

(T) "Conduct" means to back, promote, organize, manage, carry 202

on, sponsor, or prepare for the operation of bingo or a game of 203  
chance. 204

(U) "Bingo game operator" means any person, except security 205  
personnel, who performs work or labor at the site of bingo, 206  
including, but not limited to, collecting money from participants, 207  
handing out bingo cards or sheets or objects to cover spaces on 208  
bingo cards or sheets, selecting from a receptacle the objects 209  
that contain the combination of letters and numbers that appear on 210  
bingo cards or sheets, calling out the combinations of letters and 211  
numbers, distributing prizes, selling or redeeming instant bingo 212  
tickets or cards, supervising the operation of a punch board, 213  
selling raffle tickets, selecting raffle tickets from a receptacle 214  
and announcing the winning numbers in a raffle, and preparing, 215  
selling, and serving food or beverages. 216

(V) "Participant" means any person who plays bingo. 217

(W) "Bingo session" means a period that includes both of the 218  
following: 219

(1) Not to exceed five continuous hours for the conduct of 220  
one or more games described in division (S)(1) of this section, 221  
instant bingo, and seal cards; 222

(2) A period for the conduct of instant bingo and seal cards 223  
for not more than two hours before and not more than two hours 224  
after the period described in division (W)(1) of this section. 225

(X) "Gross receipts" means all money or assets, including 226  
admission fees, that a person receives from bingo without the 227  
deduction of any amounts for prizes paid out or for the expenses 228  
of conducting bingo. "Gross receipts" does not include any money 229  
directly taken in from the sale of food or beverages by a 230  
charitable organization conducting bingo, or by a bona fide 231  
auxiliary unit or society of a charitable organization conducting 232  
bingo, provided all of the following apply: 233



(1) The auxiliary unit or society has been in existence as a	234
bona fide auxiliary unit or society of the charitable organization	235
for at least two years prior to conducting bingo.	236
(2) The person who purchases the food or beverage receives	237
nothing of value except the food or beverage and items customarily	238
received with the purchase of that food or beverage.	239
(3) The food and beverages are sold at customary and	240
reasonable prices.	241
(Y) "Security personnel" includes any person who either is a	242
sheriff, deputy sheriff, marshal, deputy marshal, township	243
constable, or member of an organized police department of a	244
municipal corporation or has successfully completed a peace	245
officer's training course pursuant to sections 109.71 to 109.79 of	246
the Revised Code and who is hired to provide security for the	247
premises on which bingo is conducted.	248
(Z) "Charitable purpose" means that the net profit of bingo,	249
other than instant bingo, is used by, or is given, donated, or	250
otherwise transferred to, any of the following:	251
(1) Any organization that is described in subsection	252
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code	253
and is either a governmental unit or an organization that is tax	254
exempt under subsection 501(a) and described in subsection	255
501(c)(3) of the Internal Revenue Code;	256
(2) A veteran's organization that is a post, chapter, or	257
organization of veterans, or an auxiliary unit or society of, or a	258
trust or foundation for, any such post, chapter, or organization	259
organized in the United States or any of its possessions, at least	260
seventy-five per cent of the members of which are veterans and	261
substantially all of the other members of which are individuals	262
who are spouses, widows, or widowers of veterans, or such	263
individuals, provided that no part of the net earnings of such	264

post, chapter, or organization inures to the benefit of any 265  
private shareholder or individual, and further provided that the 266  
net profit is used by the post, chapter, or organization for the 267  
charitable purposes set forth in division (B)(12) of section 268  
5739.02 of the Revised Code, is used for awarding scholarships to 269  
or for attendance at an institution mentioned in division (B)(12) 270  
of section 5739.02 of the Revised Code, is donated to a 271  
governmental agency, or is used for nonprofit youth activities, 272  
the purchase of United States or Ohio flags that are donated to 273  
schools, youth groups, or other bona fide nonprofit organizations, 274  
promotion of patriotism, or disaster relief; 275

(3) A fraternal organization that has been in continuous 276  
existence in this state for fifteen years and that uses the net 277  
profit exclusively for religious, charitable, scientific, 278  
literary, or educational purposes, or for the prevention of 279  
cruelty to children or animals, if contributions for such use 280  
would qualify as a deductible charitable contribution under 281  
subsection 170 of the Internal Revenue Code; 282

(4) A volunteer firefighter's organization that uses the net 283  
profit for the purposes set forth in division (L) of this section. 284

(AA) "Internal Revenue Code" means the "Internal Revenue Code 285  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 286  
amended. 287

(BB) "Youth athletic organization" means any organization, 288  
not organized for profit, that is organized and operated 289  
exclusively to provide financial support to, or to operate, 290  
athletic activities for persons who are twenty-one years of age or 291  
younger by means of sponsoring, organizing, operating, or 292  
contributing to the support of an athletic team, club, league, or 293  
association. 294

(CC) "Youth athletic park organization" means any 295

organization, not organized for profit, that satisfies both of the 296  
following: 297

(1) It owns, operates, and maintains playing fields that 298  
satisfy both of the following: 299

(a) The playing fields are used at least one hundred days per 300  
year for athletic activities by one or more organizations, not 301  
organized for profit, each of which is organized and operated 302  
exclusively to provide financial support to, or to operate, 303  
athletic activities for persons who are eighteen years of age or 304  
younger by means of sponsoring, organizing, operating, or 305  
contributing to the support of an athletic team, club, league, or 306  
association. 307

(b) The playing fields are not used for any profit-making 308  
activity at any time during the year. 309

(2) It uses the proceeds of bingo it conducts exclusively for 310  
the operation, maintenance, and improvement of its playing fields 311  
of the type described in division (CC)(1) of this section. 312

(DD) "Amateur athletic organization" means any organization, 313  
not organized for profit, that is organized and operated 314  
exclusively to provide financial support to, or to operate, 315  
athletic activities for persons who are training for amateur 316  
athletic competition that is sanctioned by a national governing 317  
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 318  
3045, 36 U.S.C.A. 373. 319

(EE) "Bingo supplies" means bingo cards or sheets; instant 320  
bingo tickets or cards; electronic bingo aids; raffle tickets; 321  
punch boards; seal cards; instant bingo ticket dispensers; and 322  
devices for selecting or displaying the combination of bingo 323  
letters and numbers or raffle tickets. Items that are "bingo 324  
supplies" are not gambling devices if sold or otherwise provided, 325  
and used, in accordance with this chapter. For purposes of this 326

chapter, "bingo supplies" are not to be considered equipment used 327  
to conduct a bingo game. 328

(FF) "Instant bingo" means a form of bingo that uses folded 329  
or banded tickets or paper cards with perforated break-open tabs, 330  
a face of which is covered or otherwise hidden from view to 331  
conceal a number, letter, or symbol, or set of numbers, letters, 332  
or symbols, some of which have been designated in advance as prize 333  
winners. "Instant bingo" includes seal cards. "Instant bingo" does 334  
not include any device that is activated by the insertion of a 335  
coin, currency, token, or an equivalent, and that contains as one 336  
of its components a video display monitor that is capable of 337  
displaying numbers, letters, symbols, or characters in winning or 338  
losing combinations. 339

(GG) "Seal card" means a form of instant bingo that uses 340  
instant bingo tickets in conjunction with a board or placard that 341  
contains one or more seals that, when removed or opened, reveal 342  
predesignated winning numbers, letters, or symbols. 343

(HH) "Raffle" means a form of bingo in which the one or more 344  
prizes are won by one or more persons who have purchased a raffle 345  
ticket. The one or more winners of the raffle are determined by 346  
drawing a ticket stub or other detachable section from a 347  
receptacle containing ticket stubs or detachable sections 348  
corresponding to all tickets sold for the raffle. 349

(II) "Punch board" means a board containing a number of holes 350  
or receptacles of uniform size in which are placed, mechanically 351  
and randomly, serially numbered slips of paper that may be punched 352  
or drawn from the hole or receptacle when used in conjunction with 353  
instant bingo. A player may punch or draw the numbered slips of 354  
paper from the holes or receptacles and obtain the prize 355  
established for the game if the number drawn corresponds to a 356  
winning number or, if the punch board includes the use of a seal 357  
card, a potential winning number. 358

(JJ) "Gross profit" means gross receipts minus the amount	359
actually expended for the payment of prize awards.	360
(KK) "Net profit" means gross profit minus expenses.	361
(LL) "Expenses" means the reasonable amount of gross profit	362
actually expended for all of the following:	363
(1) The purchase or lease of bingo supplies;	364
(2) The annual license fee required under section 2915.08 of	365
the Revised Code;	366
(3) Bank fees and service charges for a bingo session or game	367
account described in section 2915.10 of the Revised Code;	368
(4) Audits and accounting services;	369
(5) Safes;	370
(6) Cash registers;	371
(7) Hiring security personnel;	372
(8) Advertising bingo;	373
(9) Renting premises in which to conduct a bingo session;	374
(10) Tables and chairs;	375
(11) Expenses for maintaining and operating a charitable	376
organization's facilities, including, but not limited to, a post	377
home, club house, lounge, tavern, or canteen and any grounds	378
attached to the post home, club house, lounge, tavern, or canteen;	379
(12) Any other product or service directly related to the	380
conduct of bingo that is authorized in rules adopted by the	381
attorney general under division (B)(1) of section 2915.08 of the	382
Revised Code.	383
(MM) "Person" has the same meaning as in section 1.59 of the	384
Revised Code and includes any firm or any other legal entity,	385
however organized.	386

(NN) "Revoke" means to void permanently all rights and 387  
privileges of the holder of a license issued under section 388  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 389  
gaming license issued by another jurisdiction. 390

(OO) "Suspend" means to interrupt temporarily all rights and 391  
privileges of the holder of a license issued under section 392  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 393  
gaming license issued by another jurisdiction. 394

(PP) "Distributor" means any person who purchases or obtains 395  
bingo supplies and who does either of the following: 396

(1) Sells, offers for sale, or otherwise provides or offers 397  
to provide the bingo supplies to another person for use in this 398  
state; 399

(2) Modifies, converts, adds to, or removes parts from the 400  
bingo supplies to further their promotion or sale for use in this 401  
state. 402

(QQ) "Manufacturer" means any person who assembles completed 403  
bingo supplies from raw materials, other items, or subparts or who 404  
modifies, converts, adds to, or removes parts from bingo supplies 405  
to further their promotion or sale. 406

(RR) "Gross annual revenues" means the annual gross receipts 407  
derived from the conduct of bingo described in division (S)(1) of 408  
this section plus the annual net profit derived from the conduct 409  
of bingo described in division (S)(2) of this section. 410

(SS) "Instant bingo ticket dispenser" means a mechanical 411  
device that dispenses an instant bingo ticket or card as the sole 412  
item of value dispensed and that has the following 413  
characteristics: 414

(1) It is activated upon the insertion of United States 415  
currency. 416

(2) It performs no gaming functions.	417
(3) It does not contain a video display monitor or generate noise.	418 419
(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.	420 421
(5) It does not simulate or display rolling or spinning reels.	422 423
(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.	424 425 426 427
(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.	428 429
(8) It is not part of an electronic network and is not interactive.	430 431
<u>(9) The insertion of tickets or cards into the device and the removal of currency from the device that has been inserted into the device are controlled by two separate keys that are controlled by two separate individuals.</u>	432 433 434 435
(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:	436 437 438 439
(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.	440 441
(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.	442 443 444
(c) It identifies a winning bingo pattern.	445

(2) "Electronic bingo aid" does not include any device into 446  
which a coin, currency, token, or an equivalent is inserted to 447  
activate play. 448

(UU) "Deal of instant bingo tickets" means a single game of 449  
instant bingo tickets all with the same serial number. 450

(VV)(1) "Slot machine" means either of the following: 451

(a) Any mechanical, electronic, video, or digital device that 452  
is capable of accepting anything of value, directly or indirectly, 453  
from or on behalf of a player who gives the thing of value in the 454  
hope of gain; 455

(b) Any mechanical, electronic, video, or digital device that 456  
is capable of accepting anything of value, directly or indirectly, 457  
from or on behalf of a player to conduct or dispense bingo or a 458  
scheme or game of chance. 459

(2) "Slot machine" does not include a skill-based amusement 460  
machine. 461

(WW) "Net profit from the proceeds of the sale of instant 462  
bingo" means gross profit minus the ordinary, necessary, and 463  
reasonable expense expended for the purchase of instant bingo 464  
supplies. 465

(XX) "Charitable instant bingo organization" means an 466  
organization that is exempt from federal income taxation under 467  
subsection 501(a) and described in subsection 501(c)(3) of the 468  
Internal Revenue Code and is a charitable organization as defined 469  
in this section. A "charitable instant bingo organization" does 470  
not include a charitable organization that is exempt from federal 471  
income taxation under subsection 501(a) and described in 472  
subsection 501(c)(3) of the Internal Revenue Code and that is 473  
created by a veteran's organization, a fraternal organization, or 474  
a sporting organization in regards to bingo conducted or assisted 475  
by a veteran's organization, a fraternal organization, or a 476



sporting organization pursuant to section 2915.13 of the Revised Code.	477 478
(YY) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:	479 480 481
(1) The name of the game;	482
(2) The manufacturer's name or distinctive logo;	483
(3) The form number;	484
(4) The ticket count;	485
(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;	486 487 488 489
(6) The cost per play;	490
(7) The serial number of the game.	491
(ZZ) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the right of way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that received as donations from a charitable organization that holds a license to conduct bingo under this chapter an amount equal to at least fifty per cent of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003. "Historic railroad" means all or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for-profit common	492 493 494 495 496 497 498 499 500 501 502 503 504 505 506

carrier in this state at any time prior to January 1, 1950. 507

(AAA)(1) "Skill-based amusement machine" means a mechanical, 508  
video, digital, or electronic device that rewards the player or 509  
players, if at all, only with merchandise prizes or with 510  
redeemable vouchers redeemable only for merchandise prizes, 511  
provided that with respect to rewards for playing the game all of 512  
the following apply: 513

(a) The wholesale value of a merchandise prize awarded as a 514  
result of the single play of a machine does not exceed ten 515  
dollars; 516

(b) Redeemable vouchers awarded for any single play of a 517  
machine are not redeemable for a merchandise prize with a 518  
wholesale value of more than ten dollars; 519

(c) Redeemable vouchers are not redeemable for a merchandise 520  
prize that has a wholesale value of more than ten dollars times 521  
the fewest number of single plays necessary to accrue the 522  
redeemable vouchers required to obtain that prize; and 523

(d) Any redeemable vouchers or merchandise prizes are 524  
distributed at the site of the skill-based amusement machine at 525  
the time of play. 526

(2) A device shall not be considered a skill-based amusement 527  
machine and shall be considered a slot machine if it pays cash or 528  
one or more of the following apply: 529

(a) The ability of a player to succeed at the game is 530  
impacted by the number or ratio of prior wins to prior losses of 531  
players playing the game. 532

(b) Any reward of redeemable vouchers is not based solely on 533  
the player achieving the object of the game or the ~~players~~ 534  
player's score; 535

(c) The outcome of the game, or the value of the redeemable 536

voucher or merchandise prize awarded for winning the game, can be 537  
controlled by a source other than any player playing the game. 538

(d) The success of any player is or may be determined by a 539  
chance event that cannot be altered by player actions. 540

(e) The ability of any player to succeed at the game is 541  
determined by game features not visible or known to the player. 542

(f) The ability of the player to succeed at the game is 543  
impacted by the exercise of a skill that no reasonable player 544  
could exercise. 545

(3) All of the following apply to any machine that is 546  
operated as described in division (AAA)(1) of this section: 547

(a) As used in this section, "game" and "play" mean one event 548  
from the initial activation of the machine until the results of 549  
play are determined without payment of additional consideration. 550  
An individual utilizing a machine that involves a single game, 551  
play, contest, competition, or tournament may be awarded 552  
redeemable vouchers or merchandise prizes based on the results of 553  
play. 554

(b) Advance play for a single game, play, contest, 555  
competition, or tournament participation may be purchased. The 556  
cost of the contest, competition, or tournament participation may 557  
be greater than a single noncontest, competition, or tournament 558  
play. 559

(c) To the extent that the machine is used in a contest, 560  
competition, or tournament, that contest, competition, or 561  
tournament has a defined starting and ending date and is open to 562  
participants in competition for scoring and ranking results toward 563  
the awarding of redeemable vouchers or merchandise prizes that are 564  
stated prior to the start of the contest, competition, or 565  
tournament. 566

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

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

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

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

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

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

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

(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.

(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 of sportsmen, and that has been in continuous existence in this state for a period of three years.

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

**Sec. 2915.091.** (A) No charitable organization that conducts

instant bingo shall do any of the following: 596

(1) Fail to comply with the requirements of divisions (A)(1), 597  
(2), and (3) of section 2915.09 of the Revised Code; 598

(2) Conduct instant bingo unless either of the following 599  
~~apply~~ applies: 600

(a) That organization is, and has received from the internal 601  
revenue service a determination letter that is currently in effect 602  
stating that the organization is, exempt from federal income 603  
taxation under subsection 501(a), is described in subsection 604  
501(c)(3) of the Internal Revenue Code, is a charitable 605  
organization as defined in section 2915.01 of the Revised Code, is 606  
in good standing in the state pursuant to section 2915.08 of the 607  
Revised Code, and is in compliance with Chapter 1716. of the 608  
Revised Code; 609

(b) That organization is, and has received from the internal 610  
revenue service a determination letter that is currently in effect 611  
stating that the organization is, exempt from federal income 612  
taxation under subsection 501(a), is described in subsection 613  
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 614  
organization described in subsection 501(c)(4) of the Internal 615  
Revenue Code, and conducts instant bingo under section 2915.13 of 616  
the Revised Code. 617

(3) Conduct instant bingo on any day, at any time, or at any 618  
premises not specified on the organization's license issued 619  
pursuant to section 2915.08 of the Revised Code; 620

(4) Permit any person whom the organization knows or should 621  
have known has been convicted of a felony or gambling offense in 622  
any jurisdiction to be a bingo game operator in the conduct of 623  
instant bingo; 624

(5) Purchase or lease supplies used to conduct instant bingo 625

or punch board games from any person except a distributor licensed 626  
under section 2915.081 of the Revised Code; 627

(6) Sell or provide any instant bingo ticket or card for a 628  
price different from the price printed on it by the manufacturer 629  
on either the instant bingo ticket or card or on the game flare; 630

(7) Sell an instant bingo ticket or card to a person under 631  
eighteen years of age; 632

(8) Fail to keep unsold instant bingo tickets or cards for 633  
less than three years; 634

(9) Pay any compensation to a bingo game operator for 635  
conducting instant bingo that is conducted by the organization or 636  
for preparing, selling, or serving food or beverages at the site 637  
of the instant bingo game, permit any auxiliary unit or society of 638  
the organization to pay compensation to any bingo game operator 639  
who prepares, sells, or serves food or beverages at an instant 640  
bingo game conducted by the organization, or permit any auxiliary 641  
unit or society of the organization to prepare, sell, or serve 642  
food or beverages at an instant bingo game conducted by the 643  
organization, if the auxiliary unit or society pays any 644  
compensation to the bingo game operators who prepare, sell, or 645  
serve the food or beverages; 646

(10) Pay fees to any person for any services performed in 647  
relation to an instant bingo game; 648

(11) Pay fees to any person who provides refreshments to the 649  
participants in an instant bingo game; 650

(12)(a) Allow instant bingo tickets or cards to be sold to 651  
bingo game operators at a premises at which the organization sells 652  
instant bingo tickets or cards or to be sold to employees of a D 653  
permit holder who are working at a premises at which instant bingo 654  
tickets or cards are sold; 655

(b) Division (A)(12)(a) of this section does not prohibit a 656  
licensed charitable organization or a bingo game operator from 657  
giving any person an instant bingo ~~tickets~~ ticket as a prize. 658

(13) Fail to display its bingo license, and the serial 659  
numbers of the deal of instant bingo tickets or cards to be sold, 660  
conspicuously at each premises at which it sells instant bingo 661  
tickets or cards; 662

(14) Possess a deal of instant bingo tickets or cards that 663  
was not purchased from a distributor licensed under section 664  
2915.081 of the Revised Code as reflected on an invoice issued by 665  
the distributor that contains all of the information required by 666  
division (E) of section 2915.10 of the Revised Code; 667

(15) Fail, once it opens a deal of instant bingo tickets or 668  
cards, to continue to sell the tickets or cards in that deal until 669  
the tickets or cards with the top two highest tiers of prizes in 670  
that deal are sold; 671

~~(16) Purchase, lease, or use instant bingo ticket dispensers 672  
to sell instant bingo tickets or cards; 673~~

~~(17) Possess bingo supplies that were not obtained in 674  
accordance with sections 2915.01 to 2915.13 of the Revised Code. 675~~

(B)(1) A charitable organization may conduct instant bingo 676  
other than at a bingo session at not more than five separate 677  
locations. A charitable organization that is exempt from federal 678  
taxation under subsection 501(a) and described in subsection 679  
501(c)(3) of the Internal Revenue Code and that is created by a 680  
veteran's organization or a fraternal organization is not limited 681  
in the number of separate locations the charitable organization 682  
may conduct instant bingo other than at a bingo session. 683

(2) A charitable organization may purchase, lease, or use 684  
instant bingo ticket dispensers to sell instant bingo tickets or 685  
cards. 686

(C) The attorney general may adopt rules in accordance with 687  
Chapter 119. of the Revised Code that govern the conduct of 688  
instant bingo by charitable organizations. Before those rules are 689  
adopted, the attorney general shall reference the recommended 690  
standards for opacity, randomization, minimum information, winner 691  
protection, color, and cutting for instant bingo tickets or cards, 692  
seal cards, and punch boards established by the North American 693  
gaming regulators association. 694

(D) Whoever violates division (A) of this section or a rule 695  
adopted under division (C) of this section is guilty of illegal 696  
instant bingo conduct. Except as otherwise provided in this 697  
division, illegal instant bingo conduct is a misdemeanor of the 698  
first degree. If the offender previously has been convicted of a 699  
violation of division (A) of this section or of such a rule, 700  
illegal instant bingo conduct is a felony of the fifth degree. 701

**Section 2.** That existing sections 2915.01 and 2915.091 of the 702  
Revised Code are hereby repealed. 703