

**As Introduced**

**128th General Assembly  
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**H. B. No. 421**

**Representatives Stebelton, Goyal**

**Cosponsors: Representatives Dodd, Domenick, Driehaus, Goodwin,  
Grossman, Huffman, Letson, Lundy, Mecklenborg, Okey, Patten,  
Weddington, Yuko, Zehringer, McGregor**

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**A B I L L**

To amend sections 2915.01, 2915.09, and 2915.091 of 1  
the Revised Code to allow the distribution of a 2  
free instant bingo ticket as a prize or 3  
promotional item, to modify the definition of 4  
"instant bingo," to eliminate a requirement 5  
relating to sales from a deal of instant bingo 6  
tickets, to increase from two to three the number 7  
of bingo sessions that a charitable organization 8  
may conduct in any seven-day period, to increase 9  
the aggregate prize limit distributed at a bingo 10  
session from \$3,500 to \$6,000, to authorize up to 11  
three charitable organizations to conduct bingo 12  
sessions at the same leased location in any 13  
calendar week, and to permit landlords to lease 14  
bingo equipment to a charitable organization. 15

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

**Section 1.** That sections 2915.01, 2915.09, and 2915.091 of 16  
the Revised Code be amended to read as follows: 17

|  |                            |
|--|----------------------------|
| Sec. 2915.01. As used in this chapter:   | 18                         |
| (A) "Bookmaking" means the business of receiving or paying off bets.   | 19<br>20                   |
| (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.   | 21<br>22<br>23             |
| (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. | 24<br>25<br>26<br>27<br>28 |
| (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.  | 29<br>30<br>31<br>32       |
| (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.  | 33<br>34<br>35             |
| (F) "Gambling device" means any of the following:  | 36                         |
| (1) A book, totalizer, or other equipment for recording bets;  | 37                         |
| (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;  | 38<br>39                   |
| (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;  | 40<br>41<br>42             |
| (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;   | 43<br>44                   |
| (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.  | 45<br>46                   |

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| (G) "Gambling offense" means any of the following:                 | 47 |
| (1) A violation of section 2915.02, 2915.03, 2915.04,              | 48 |
| 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,   | 49 |
| 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;       | 50 |
| (2) A violation of an existing or former municipal ordinance       | 51 |
| or law of this or any other state or the United States             | 52 |
| substantially equivalent to any section listed in division (G)(1)  | 53 |
| of this section or a violation of section 2915.06 of the Revised   | 54 |
| Code as it existed prior to July 1, 1996;                          | 55 |
| (3) An offense under an existing or former municipal               | 56 |
| ordinance or law of this or any other state or the United States,  | 57 |
| of which gambling is an element;                                   | 58 |
| (4) A conspiracy or attempt to commit, or complicity in            | 59 |
| committing, any offense under division (G)(1), (2), or (3) of this | 60 |
| section.   | 61 |
| (H) Except as otherwise provided in this chapter, "charitable      | 62 |
| organization" means any tax exempt religious, educational,         | 63 |
| veteran's, fraternal, sporting, service, nonprofit medical,        | 64 |
| volunteer rescue service, volunteer firefighter's, senior          | 65 |
| citizen's, historic railroad educational, youth athletic, amateur  | 66 |
| athletic, or youth athletic park organization. An organization is  | 67 |
| tax exempt if the organization is, and has received from the       | 68 |
| internal revenue service a determination letter that currently is  | 69 |
| in effect stating that the organization is, exempt from federal    | 70 |
| income taxation under subsection 501(a) and described in           | 71 |
| subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or         | 72 |
| 501(c)(19) of the Internal Revenue Code, or if the organization is | 73 |
| a sporting organization that is exempt from federal income         | 74 |
| taxation under subsection 501(a) and is described in subsection    | 75 |
| 501(c)(7) of the Internal Revenue Code. To qualify as a charitable | 76 |
| organization, an organization, except a volunteer rescue service   | 77 |

or volunteer firefighter's organization, shall have been in 78  
continuous existence as such in this state for a period of two 79  
years immediately preceding either the making of an application 80  
for a bingo license under section 2915.08 of the Revised Code or 81  
the conducting of any game of chance as provided in division (D) 82  
of section 2915.02 of the Revised Code. A charitable organization 83  
that is exempt from federal income taxation under subsection 84  
501(a) and described in subsection 501(c)(3) of the Internal 85  
Revenue Code and that is created by a veteran's organization, a 86  
fraternal organization, or a sporting organization does not have 87  
to have been in continuous existence as such in this state for a 88  
period of two years immediately preceding either the making of an 89  
application for a bingo license under section 2915.08 of the 90  
Revised Code or the conducting of any game of chance as provided 91  
in division (D) of section 2915.02 of the Revised Code. 92

(I) "Religious organization" means any church, body of 93  
communicants, or group that is not organized or operated for 94  
profit and that gathers in common membership for regular worship 95  
and religious observances. 96

(J) "Educational organization" means any organization within 97  
this state that is not organized for profit, the primary purpose 98  
of which is to educate and develop the capabilities of individuals 99  
through instruction by means of operating or contributing to the 100  
support of a school, academy, college, or university. 101

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

auxiliary unit is in good standing with the national veteran's 110  
association or has received a letter from the national veteran's 111  
association indicating that the state headquarters is in good 112  
standing with the national veteran's association. As used in this 113  
division, "national veteran's association" means any veteran's 114  
association that has been in continuous existence as such for a 115  
period of at least five years and either is incorporated by an act 116  
of the United States congress or has a national dues-paying 117  
membership of at least five thousand persons. 118

(L) "Volunteer firefighter's organization" means any 119  
organization of volunteer firefighters, as defined in section 120  
146.01 of the Revised Code, that is organized and operated 121  
exclusively to provide financial support for a volunteer fire 122  
department or a volunteer fire company and that is recognized or 123  
ratified by a county, municipal corporation, or township. 124

(M) "Fraternal organization" means any society, order, state 125  
headquarters, or association within this state, except a college 126  
or high school fraternity, that is not organized for profit, that 127  
is a branch, lodge, or chapter of a national or state 128  
organization, that exists exclusively for the common business or 129  
sodality of its members, and that has been in continuous existence 130  
in this state for a period of five years. 131

(N) "Volunteer rescue service organization" means any 132  
organization of volunteers organized to function as an emergency 133  
medical service organization, as defined in section 4765.01 of the 134  
Revised Code. 135

(O) "Service organization" means either of the following: 136

(1) Any organization, not organized for profit, that is 137  
organized and operated exclusively to provide, or to contribute to 138  
the support of organizations or institutions organized and 139  
operated exclusively to provide, medical and therapeutic services 140

for persons who are crippled, born with birth defects, or have any 141  
other mental or physical defect or those organized and operated 142  
exclusively to protect, or to contribute to the support of 143  
organizations or institutions organized and operated exclusively 144  
to protect, animals from inhumane treatment or provide immediate 145  
shelter to victims of domestic violence; 146

(2) Any organization that is described in subsection 147  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 148  
and is either a governmental unit or an organization that is tax 149  
exempt under subsection 501(a) and described in subsection 150  
501(c)(3) of the Internal Revenue Code and that is an 151  
organization, not organized for profit, that is organized and 152  
operated primarily to provide, or to contribute to the support of 153  
organizations or institutions organized and operated primarily to 154  
provide, medical and therapeutic services for persons who are 155  
crippled, born with birth defects, or have any other mental or 156  
physical defect. 157

(P) "Nonprofit medical organization" means either of the 158  
following: 159

(1) Any organization that has been incorporated as a 160  
nonprofit corporation for at least five years and that has 161  
continuously operated and will be operated exclusively to provide, 162  
or to contribute to the support of organizations or institutions 163  
organized and operated exclusively to provide, hospital, medical, 164  
research, or therapeutic services for the public; 165

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

public. 173

(Q) "Senior citizen's organization" means any private 174  
organization, not organized for profit, that is organized and 175  
operated exclusively to provide recreational or social services 176  
for persons who are fifty-five years of age or older and that is 177  
described and qualified under subsection 501(c)(3) of the Internal 178  
Revenue Code. 179

(R) "Charitable bingo game" means any bingo game described in 180  
division (S)(1) or (2) of this section that is conducted by a 181  
charitable organization that has obtained a license pursuant to 182  
section 2915.08 of the Revised Code and the proceeds of which are 183  
used for a charitable purpose. 184

(S) "Bingo" means either of the following: 185

(1) A game with all of the following characteristics: 186

(a) The participants use bingo cards or sheets, including 187  
paper formats and electronic representation or image formats, that 188  
are divided into twenty-five spaces arranged in five horizontal 189  
and five vertical rows of spaces, with each space, except the 190  
central space, being designated by a combination of a letter and a 191  
number and with the central space being designated as a free 192  
space. 193

(b) The participants cover the spaces on the bingo cards or 194  
sheets that correspond to combinations of letters and numbers that 195  
are announced by a bingo game operator. 196

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

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| the bingo cards or sheets.   | 204  |
| (d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (S)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.   | 205<br>206<br>207<br>208<br>209<br>210   |
| (2) Instant bingo, punch boards, and raffles.  | 211  |
| (T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.  | 212<br>213<br>214  |
| (U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. | 215<br>216<br>217<br>218<br>219<br>220<br>221<br>222<br>223<br>224<br>225<br>226 |
| (V) "Participant" means any person who plays bingo.  | 227  |
| (W) "Bingo session" means a period that includes both of the following:  | 228<br>229   |
| (1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;  | 230<br>231<br>232  |
| (2) A period for the conduct of instant bingo and seal cards   | 233  |



for not more than two hours before and not more than two hours 234  
after the period described in division (W)(1) of this section. 235

(X) "Gross receipts" means all money or assets, including 236  
admission fees, that a person receives from bingo without the 237  
deduction of any amounts for prizes paid out or for the expenses 238  
of conducting bingo. "Gross receipts" does not include any money 239  
directly taken in from the sale of food or beverages by a 240  
charitable organization conducting bingo, or by a bona fide 241  
auxiliary unit or society of a charitable organization conducting 242  
bingo, provided all of the following apply: 243

(1) The auxiliary unit or society has been in existence as a 244  
bona fide auxiliary unit or society of the charitable organization 245  
for at least two years prior to conducting bingo. 246

(2) The person who purchases the food or beverage receives 247  
nothing of value except the food or beverage and items customarily 248  
received with the purchase of that food or beverage. 249

(3) The food and beverages are sold at customary and 250  
reasonable prices. 251

(Y) "Security personnel" includes any person who either is a 252  
sheriff, deputy sheriff, marshal, deputy marshal, township 253  
constable, or member of an organized police department of a 254  
municipal corporation or has successfully completed a peace 255  
officer's training course pursuant to sections 109.71 to 109.79 of 256  
the Revised Code and who is hired to provide security for the 257  
premises on which bingo is conducted. 258

(Z) "Charitable purpose" means that the net profit of bingo, 259  
other than instant bingo, is used by, or is given, donated, or 260  
otherwise transferred to, any of the following: 261

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

exempt under subsection 501(a) and described in subsection 265  
501(c)(3) of the Internal Revenue Code; 266

(2) A veteran's organization that is a post, chapter, or 267  
organization of veterans, or an auxiliary unit or society of, or a 268  
trust or foundation for, any such post, chapter, or organization 269  
organized in the United States or any of its possessions, at least 270  
seventy-five per cent of the members of which are veterans and 271  
substantially all of the other members of which are individuals 272  
who are spouses, widows, or widowers of veterans, or such 273  
individuals, provided that no part of the net earnings of such 274  
post, chapter, or organization inures to the benefit of any 275  
private shareholder or individual, and further provided that the 276  
net profit is used by the post, chapter, or organization for the 277  
charitable purposes set forth in division (B)(12) of section 278  
5739.02 of the Revised Code, is used for awarding scholarships to 279  
or for attendance at an institution mentioned in division (B)(12) 280  
of section 5739.02 of the Revised Code, is donated to a 281  
governmental agency, or is used for nonprofit youth activities, 282  
the purchase of United States or Ohio flags that are donated to 283  
schools, youth groups, or other bona fide nonprofit organizations, 284  
promotion of patriotism, or disaster relief; 285

(3) A fraternal organization that has been in continuous 286  
existence in this state for fifteen years and that uses the net 287  
profit exclusively for religious, charitable, scientific, 288  
literary, or educational purposes, or for the prevention of 289  
cruelty to children or animals, if contributions for such use 290  
would qualify as a deductible charitable contribution under 291  
subsection 170 of the Internal Revenue Code; 292

(4) A volunteer firefighter's organization that uses the net 293  
profit for the purposes set forth in division (L) of this section. 294

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

amended. 297

(BB) "Youth athletic organization" means any organization, 298  
not organized for profit, that is organized and operated 299  
exclusively to provide financial support to, or to operate, 300  
athletic activities for persons who are twenty-one years of age or 301  
younger by means of sponsoring, organizing, operating, or 302  
contributing to the support of an athletic team, club, league, or 303  
association. 304

(CC) "Youth athletic park organization" means any 305  
organization, not organized for profit, that satisfies both of the 306  
following: 307

(1) It owns, operates, and maintains playing fields that 308  
satisfy both of the following: 309

(a) The playing fields are used at least one hundred days per 310  
year for athletic activities by one or more organizations, not 311  
organized for profit, each of which is organized and operated 312  
exclusively to provide financial support to, or to operate, 313  
athletic activities for persons who are eighteen years of age or 314  
younger by means of sponsoring, organizing, operating, or 315  
contributing to the support of an athletic team, club, league, or 316  
association. 317

(b) The playing fields are not used for any profit-making 318  
activity at any time during the year. 319

(2) It uses the proceeds of bingo it conducts exclusively for 320  
the operation, maintenance, and improvement of its playing fields 321  
of the type described in division (CC)(1) of this section. 322

(DD) "Amateur athletic organization" means any organization, 323  
not organized for profit, that is organized and operated 324  
exclusively to provide financial support to, or to operate, 325  
athletic activities for persons who are training for amateur 326  
athletic competition that is sanctioned by a national governing 327

body as defined in the "Amateur Sports Act of 1978," 90 Stat. 328  
3045, 36 U.S.C.A. 373. 329

(EE) "Bingo supplies" means bingo cards or sheets; instant 330  
bingo tickets or cards; electronic bingo aids; raffle tickets; 331  
punch boards; seal cards; instant bingo ticket dispensers; and 332  
devices for selecting or displaying the combination of bingo 333  
letters and numbers or raffle tickets. Items that are "bingo 334  
supplies" are not gambling devices if sold or otherwise provided, 335  
and used, in accordance with this chapter. For purposes of this 336  
chapter, "bingo supplies" are not to be considered equipment used 337  
to conduct a bingo game. 338

(FF) "Instant bingo" means a form of bingo that uses folded 339  
or banded tickets or paper cards with perforated break-open tabs, 340  
a face of which is covered or otherwise hidden from view to 341  
conceal a number, letter, or symbol, or set of numbers, letters, 342  
or symbols, some of which have been designated in advance as prize 343  
winners, and games in which winners are determined by the random 344  
selection of one or more bingo numbers, by the use of a seal card 345  
or bingo blower. "Instant bingo" includes seal cards. "Instant 346  
bingo" does not include any device that is activated by the 347  
insertion of a coin, currency, token, or an equivalent, and that 348  
contains as one of its components a video display monitor that is 349  
capable of displaying numbers, letters, symbols, or characters in 350  
winning or losing combinations. 351

(GG) "Seal card" means a form of instant bingo that uses 352  
instant bingo tickets in conjunction with a board or placard that 353  
contains one or more seals that, when removed or opened, reveal 354  
predesignated winning numbers, letters, or symbols. 355

(HH) "Raffle" means a form of bingo in which the one or more 356  
prizes are won by one or more persons who have purchased a raffle 357  
ticket. The one or more winners of the raffle are determined by 358  
drawing a ticket stub or other detachable section from a 359

receptacle containing ticket stubs or detachable sections 360  
corresponding to all tickets sold for the raffle. 361

(II) "Punch board" means a board containing a number of holes 362  
or receptacles of uniform size in which are placed, mechanically 363  
and randomly, serially numbered slips of paper that may be punched 364  
or drawn from the hole or receptacle when used in conjunction with 365  
instant bingo. A player may punch or draw the numbered slips of 366  
paper from the holes or receptacles and obtain the prize 367  
established for the game if the number drawn corresponds to a 368  
winning number or, if the punch board includes the use of a seal 369  
card, a potential winning number. 370

(JJ) "Gross profit" means gross receipts minus the amount 371  
actually expended for the payment of prize awards. 372

(KK) "Net profit" means gross profit minus expenses. 373

(LL) "Expenses" means the reasonable amount of gross profit 374  
actually expended for all of the following: 375

(1) The purchase or lease of bingo supplies; 376

(2) The annual license fee required under section 2915.08 of 377  
the Revised Code; 378

(3) Bank fees and service charges for a bingo session or game 379  
account described in section 2915.10 of the Revised Code; 380

(4) Audits and accounting services; 381

(5) Safes; 382

(6) Cash registers; 383

(7) Hiring security personnel; 384

(8) Advertising bingo; 385

(9) Renting premises in which to conduct a bingo session; 386

(10) Tables and chairs; 387

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|---|--------------------------|
| (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen; | 388<br>389<br>390<br>391 |
| (12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.  | 392<br>393<br>394<br>395 |
| (MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.   | 396<br>397<br>398        |
| (NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.                       | 399<br>400<br>401<br>402 |
| (OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.                 | 403<br>404<br>405<br>406 |
| (PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:   | 407<br>408               |
| (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;  | 409<br>410<br>411        |
| (2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.   | 412<br>413<br>414        |
| (QQ) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies   | 415<br>416<br>417        |

to further their promotion or sale. 418

(RR) "Gross annual revenues" means the annual gross receipts 419  
derived from the conduct of bingo described in division (S)(1) of 420  
this section plus the annual net profit derived from the conduct 421  
of bingo described in division (S)(2) of this section. 422

(SS) "Instant bingo ticket dispenser" means a mechanical 423  
device that dispenses an instant bingo ticket or card as the sole 424  
item of value dispensed and that has the following 425  
characteristics: 426

(1) It is activated upon the insertion of United States 427  
currency. 428

(2) It performs no gaming functions. 429

(3) It does not contain a video display monitor or generate 430  
noise. 431

(4) It is not capable of displaying any numbers, letters, 432  
symbols, or characters in winning or losing combinations. 433

(5) It does not simulate or display rolling or spinning 434  
reels. 435

(6) It is incapable of determining whether a dispensed bingo 436  
ticket or card is a winning or nonwinning ticket or card and 437  
requires a winning ticket or card to be paid by a bingo game 438  
operator. 439

(7) It may provide accounting and security features to aid in 440  
accounting for the instant bingo tickets or cards it dispenses. 441

(8) It is not part of an electronic network and is not 442  
interactive. 443

(TT)(1) "Electronic bingo aid" means an electronic device 444  
used by a participant to monitor bingo cards or sheets purchased 445  
at the time and place of a bingo session and that does all of the 446  
following: 447

(a) It provides a means for a participant to input numbers 448  
and letters announced by a bingo caller. 449

(b) It compares the numbers and letters entered by the 450  
participant to the bingo faces previously stored in the memory of 451  
the device. 452

(c) It identifies a winning bingo pattern. 453

(2) "Electronic bingo aid" does not include any device into 454  
which a coin, currency, token, or an equivalent is inserted to 455  
activate play. 456

(UU) "Deal of instant bingo tickets" means a single game of 457  
instant bingo tickets all with the same serial number. 458

(VV)(1) "Slot machine" means either of the following: 459

(a) Any mechanical, electronic, video, or digital device that 460  
is capable of accepting anything of value, directly or indirectly, 461  
from or on behalf of a player who gives the thing of value in the 462  
hope of gain; 463

(b) Any mechanical, electronic, video, or digital device that 464  
is capable of accepting anything of value, directly or indirectly, 465  
from or on behalf of a player to conduct or dispense bingo or a 466  
scheme or game of chance. 467

(2) "Slot machine" does not include a skill-based amusement 468  
machine. 469

(WW) "Net profit from the proceeds of the sale of instant 470  
bingo" means gross profit minus the ordinary, necessary, and 471  
reasonable expense expended for the purchase of instant bingo 472  
supplies. 473

(XX) "Charitable instant bingo organization" means an 474  
organization that is exempt from federal income taxation under 475  
subsection 501(a) and described in subsection 501(c)(3) of the 476  
Internal Revenue Code and is a charitable organization as defined 477



in this section. A "charitable instant bingo organization" does 478  
not include a charitable organization that is exempt from federal 479  
income taxation under subsection 501(a) and described in 480  
subsection 501(c)(3) of the Internal Revenue Code and that is 481  
created by a veteran's organization, a fraternal organization, or 482  
a sporting organization in regards to bingo conducted or assisted 483  
by a veteran's organization, a fraternal organization, or a 484  
sporting organization pursuant to section 2915.13 of the Revised 485  
Code. 486

(YY) "Game flare" means the board or placard that accompanies 487  
each deal of instant bingo tickets and that has printed on or 488  
affixed to it the following information for the game: 489

(1) The name of the game; 490

(2) The manufacturer's name or distinctive logo; 491

(3) The form number; 492

(4) The ticket count; 493

(5) The prize structure, including the number of winning 494  
instant bingo tickets by denomination and the respective winning 495  
symbol or number combinations for the winning instant bingo 496  
tickets; 497

(6) The cost per play; 498

(7) The serial number of the game. 499

(ZZ) "Historic railroad educational organization" means an 500  
organization that is exempt from federal income taxation under 501  
subsection 501(a) and described in subsection 501(c)(3) of the 502  
Internal Revenue Code, that owns in fee simple the tracks and the 503  
right of way of a historic railroad that the organization restores 504  
or maintains and on which the organization provides excursions as 505  
part of a program to promote tourism and educate visitors 506  
regarding the role of railroad transportation in Ohio history, and 507

that received as donations from a charitable organization that 508  
holds a license to conduct bingo under this chapter an amount 509  
equal to at least fifty per cent of that licensed charitable 510  
organization's net proceeds from the conduct of bingo during each 511  
of the five years preceding June 30, 2003. "Historic railroad" 512  
means all or a portion of the tracks and right-of-way of a 513  
railroad that was owned and operated by a for-profit common 514  
carrier in this state at any time prior to January 1, 1950. 515

(AAA)(1) "Skill-based amusement machine" means a mechanical, 516  
video, digital, or electronic device that rewards the player or 517  
players, if at all, only with merchandise prizes or with 518  
redeemable vouchers redeemable only for merchandise prizes, 519  
provided that with respect to rewards for playing the game all of 520  
the following apply: 521

(a) The wholesale value of a merchandise prize awarded as a 522  
result of the single play of a machine does not exceed ten 523  
dollars; 524

(b) Redeemable vouchers awarded for any single play of a 525  
machine are not redeemable for a merchandise prize with a 526  
wholesale value of more than ten dollars; 527

(c) Redeemable vouchers are not redeemable for a merchandise 528  
prize that has a wholesale value of more than ten dollars times 529  
the fewest number of single plays necessary to accrue the 530  
redeemable vouchers required to obtain that prize; and 531

(d) Any redeemable vouchers or merchandise prizes are 532  
distributed at the site of the skill-based amusement machine at 533  
the time of play. 534

(2) A device shall not be considered a skill-based amusement 535  
machine and shall be considered a slot machine if it pays cash or 536  
one or more of the following apply: 537

(a) The ability of a player to succeed at the game is 538

impacted by the number or ratio of prior wins to prior losses of 539  
players playing the game. 540

(b) Any reward of redeemable vouchers is not based solely on 541  
the player achieving the object of the game or the player's score; 542  
543

(c) The outcome of the game, or the value of the redeemable 544  
voucher or merchandise prize awarded for winning the game, can be 545  
controlled by a source other than any player playing the game. 546

(d) The success of any player is or may be determined by a 547  
chance event that cannot be altered by player actions. 548

(e) The ability of any player to succeed at the game is 549  
determined by game features not visible or known to the player. 550

(f) The ability of the player to succeed at the game is 551  
impacted by the exercise of a skill that no reasonable player 552  
could exercise. 553

(3) All of the following apply to any machine that is 554  
operated as described in division (AAA)(1) of this section: 555

(a) As used in this section, "game" and "play" mean one event 556  
from the initial activation of the machine until the results of 557  
play are determined without payment of additional consideration. 558  
An individual utilizing a machine that involves a single game, 559  
play, contest, competition, or tournament may be awarded 560  
redeemable vouchers or merchandise prizes based on the results of 561  
play. 562

(b) Advance play for a single game, play, contest, 563  
competition, or tournament participation may be purchased. The 564  
cost of the contest, competition, or tournament participation may 565  
be greater than a single noncontest, competition, or tournament 566  
play. 567

(c) To the extent that the machine is used in a contest, 568

competition, or tournament, that contest, competition, or 569  
tournament has a defined starting and ending date and is open to 570  
participants in competition for scoring and ranking results toward 571  
the awarding of redeemable vouchers or merchandise prizes that are 572  
stated prior to the start of the contest, competition, or 573  
tournament. 574

(4) For purposes of division (AAA)(1) of this section, the 575  
mere presence of a device, such as a pin-setting, ball-releasing, 576  
or scoring mechanism, that does not contribute to or affect the 577  
outcome of the play of the game does not make the device a 578  
skill-based amusement machine. 579

(BBB) "Merchandise prize" means any item of value, but shall 580  
not include any of the following: 581

(1) Cash, gift cards, or any equivalent thereof; 582

(2) Plays on games of chance, state lottery tickets, bingo, 583  
or instant bingo; 584

(3) Firearms, tobacco, or alcoholic beverages; or 585

(4) A redeemable voucher that is redeemable for any of the 586  
items listed in division (BBB)(1), (2), or (3) of this section. 587

(CCC) "Redeemable voucher" means any ticket, token, coupon, 588  
receipt, or other noncash representation of value. 589

(DDD) "Pool not conducted for profit" means a scheme in which 590  
a participant gives a valuable consideration for a chance to win a 591  
prize and the total amount of consideration wagered is distributed 592  
to a participant or participants. 593

(EEE) "Sporting organization" means a hunting, fishing, or 594  
trapping organization, other than a college or high school 595  
fraternity or sorority, that is not organized for profit, that is 596  
affiliated with a state or national sporting organization, 597  
including but not limited to, the Ohio league of sportsmen, and 598

that has been in continuous existence in this state for a period 599  
of three years. 600

(FFF) "Community action agency" has the same meaning as in 601  
section 122.66 of the Revised Code. 602

**Sec. 2915.09.** (A) No charitable organization that conducts 603  
bingo shall fail to do any of the following: 604

(1) Own all of the equipment used to conduct bingo or lease 605  
that equipment from a charitable organization that is licensed to 606  
conduct bingo, or from the landlord of a premises where bingo is 607  
conducted, for a rental rate that is not more than is customary 608  
and reasonable for that equipment; 609

(2) Except as otherwise provided in division (A)(3) of this 610  
section, use all of the gross receipts from bingo for paying 611  
prizes, for reimbursement of expenses for or for renting premises 612  
in which to conduct a bingo session, for reimbursement of expenses 613  
for or for purchasing or leasing bingo supplies used in conducting 614  
bingo, for reimbursement of expenses for or for hiring security 615  
personnel, for reimbursement of expenses for or for advertising 616  
bingo, or for reimbursement of other expenses or for other 617  
expenses listed in division (LL) of section 2915.01 of the Revised 618  
Code, provided that the amount of the receipts so spent is not 619  
more than is customary and reasonable for a similar purchase, 620  
lease, hiring, advertising, or expense. If the building in which 621  
bingo is conducted is owned by the charitable organization 622  
conducting bingo and the bingo conducted includes a form of bingo 623  
described in division (S)(1) of section 2915.01 of the Revised 624  
Code, the charitable organization may deduct from the total amount 625  
of the gross receipts from each session a sum equal to the lesser 626  
of six hundred dollars or forty-five per cent of the gross 627  
receipts from the bingo described in that division as 628  
consideration for the use of the premises. 629

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in division (Z) of section 2915.01 of the Revised Code, or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with section 2915.101 of the Revised Code.

(B) No charitable organization that conducts a bingo game described in division (S)(1) of section 2915.01 of the Revised Code shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide ~~only~~ the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service ~~or equipment~~. A charitable organization shall not

lease or sublease premises that it owns or leases to more than one 662  
other charitable organization per calendar week for the purpose of 663  
conducting bingo sessions on the premises. A person that is not a 664  
charitable organization shall not lease premises that it owns, 665  
leases, or otherwise is empowered to lease to more than ~~one~~ three 666  
charitable ~~organization~~ organizations per calendar week for 667  
conducting bingo sessions on the premises. In no case shall more 668  
than ~~two~~ nine bingo sessions be conducted on any premises in any 669  
calendar week. 670

(2) Display its license conspicuously at the premises where 671  
the bingo session is conducted; 672

(3) Conduct the bingo session in accordance with the 673  
definition of bingo set forth in division (S)(1) of section 674  
2915.01 of the Revised Code. 675

(C) No charitable organization that conducts a bingo game 676  
described in division (S)(1) of section 2915.01 of the Revised 677  
Code shall do any of the following: 678

(1) Pay any compensation to a bingo game operator for 679  
operating a bingo session that is conducted by the charitable 680  
organization or for preparing, selling, or serving food or 681  
beverages at the site of the bingo session, permit any auxiliary 682  
unit or society of the charitable organization to pay compensation 683  
to any bingo game operator who prepares, sells, or serves food or 684  
beverages at a bingo session conducted by the charitable 685  
organization, or permit any auxiliary unit or society of the 686  
charitable organization to prepare, sell, or serve food or 687  
beverages at a bingo session conducted by the charitable 688  
organization, if the auxiliary unit or society pays any 689  
compensation to the bingo game operators who prepare, sell, or 690  
serve the food or beverages; 691

(2) Pay consulting fees to any person for any services 692

performed in relation to the bingo session; 693

(3) Pay concession fees to any person who provides 694  
refreshments to the participants in the bingo session; 695

(4) Except as otherwise provided in division (C)(4) of this 696  
section, conduct more than ~~two~~ three bingo sessions in any 697  
seven-day period. A volunteer firefighter's organization or a 698  
volunteer rescue service organization that conducts not more than 699  
five bingo sessions in a calendar year may conduct more than ~~two~~ 700  
three bingo sessions in a seven-day period after notifying the 701  
attorney general when it will conduct the sessions. 702

(5) Pay out more than ~~three~~ six thousand ~~five-hundred~~ dollars 703  
in prizes for bingo games described in division (S)(1) of section 704  
2915.01 of the Revised Code during any bingo session that is 705  
conducted by the charitable organization. "Prizes" does not 706  
include awards from the conduct of instant bingo. 707

(6) Conduct a bingo session at any time during the ten-hour 708  
period between midnight and ten a.m., at any time during, or 709  
within ten hours of, a bingo game conducted for amusement only 710  
pursuant to section 2915.12 of the Revised Code, at any premises 711  
not specified on its license, or on any day of the week or during 712  
any time period not specified on its license. Division (A)(6) of 713  
this section does not prohibit the sale of instant bingo tickets 714  
beginning at nine a.m. for a bingo session that begins at ten a.m. 715  
If circumstances make it impractical for the charitable 716  
organization to conduct a bingo session at the premises, or on the 717  
day of the week or at the time, specified on its license or if a 718  
charitable organization wants to conduct bingo sessions on a day 719  
of the week or at a time other than the day or time specified on 720  
its license, the charitable organization may apply in writing to 721  
the attorney general for an amended license pursuant to division 722  
(F) of section 2915.08 of the Revised Code. A charitable 723  
organization may apply twice in each calendar year for an amended 724



license to conduct bingo sessions on a day of the week or at a 725  
time other than the day or time specified on its license. If the 726  
amended license is granted, the organization may conduct bingo 727  
sessions at the premises, on the day of the week, and at the time 728  
specified on its amended license. 729

(7) Permit any person whom the charitable organization knows, 730  
or should have known, is under the age of eighteen to work as a 731  
bingo game operator; 732

(8) Permit any person whom the charitable organization knows, 733  
or should have known, has been convicted of a felony or gambling 734  
offense in any jurisdiction to be a bingo game operator; 735

(9) Permit the lessor of the premises on which the bingo 736  
session is conducted, if the lessor is not a charitable 737  
organization, to provide the charitable organization with bingo 738  
game operators, security personnel, concessions, bingo supplies, 739  
or any other type of service ~~or equipment~~; 740

(10) Purchase or lease bingo supplies from any person except 741  
a distributor issued a license under section 2915.081 of the 742  
Revised Code; 743

(11)(a) Use or permit the use of electronic bingo aids except 744  
under the following circumstances: 745

(i) For any single participant, not more than ninety bingo 746  
faces can be played using an electronic bingo aid or aids. 747

(ii) The charitable organization shall provide a participant 748  
using an electronic bingo aid with corresponding paper bingo cards 749  
or sheets. 750

(iii) The total price of bingo faces played with an 751  
electronic bingo aid shall be equal to the total price of the same 752  
number of bingo faces played with a paper bingo card or sheet sold 753  
at the same bingo session but without an electronic bingo aid. 754

(iv) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

(v) An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(vi) An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(b) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the attorney general to verify the number of bingo cards or sheets played during each bingo session.

(12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in division (S)(1) of section 2915.01 of the Revised Code.

(D)(1) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo other than at a bingo session at the site of instant bingo other than at a bingo session.

(3) Nothing in division (D) of this section prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the attorney general in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the attorney general prior to December 6, 1977, and that each

organization that will conduct the sessions was issued a license 818  
to conduct bingo games by the attorney general prior to December 819  
6, 1977. 820

(F) This section does not prohibit a bingo licensed 821  
charitable organization or a game operator from giving any person 822  
an instant bingo ticket as a prize. 823

(G) Whoever violates division (A)(2) of this section is 824  
guilty of illegally conducting a bingo game, a felony of the 825  
fourth degree. Except as otherwise provided in this division, 826  
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 827  
(C)(1) to (12), or (D) of this section is guilty of a minor 828  
misdemeanor. If the offender previously has been convicted of a 829  
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 830  
to (11), or (D) of this section, a violation of division (A)(1) 831  
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 832  
misdemeanor of the first degree. Whoever violates division (C)(12) 833  
of this section is guilty of a misdemeanor of the first degree, if 834  
the offender previously has been convicted of a violation of 835  
division (C)(12) of this section, a felony of the fourth degree. 836

**Sec. 2915.091.** (A) No charitable organization that conducts 837  
instant bingo shall do any of the following: 838

(1) Fail to comply with the requirements of divisions (A)(1), 839  
(2), and (3) of section 2915.09 of the Revised Code; 840

(2) Conduct instant bingo unless either of the following 841  
apply: 842

(a) That organization is, and has received from the internal 843  
revenue service a determination letter that is currently in effect 844  
stating that the organization is, exempt from federal income 845  
taxation under subsection 501(a), is described in subsection 846  
501(c)(3) of the Internal Revenue Code, is a charitable 847

organization as defined in section 2915.01 of the Revised Code, is 848  
in good standing in the state pursuant to section 2915.08 of the 849  
Revised Code, and is in compliance with Chapter 1716. of the 850  
Revised Code; 851

(b) That organization is, and has received from the internal 852  
revenue service a determination letter that is currently in effect 853  
stating that the organization is, exempt from federal income 854  
taxation under subsection 501(a), is described in subsection 855  
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 856  
organization described in subsection 501(c)(4) of the Internal 857  
Revenue Code, and conducts instant bingo under section 2915.13 of 858  
the Revised Code. 859

(3) Conduct instant bingo on any day, at any time, or at any 860  
premises not specified on the organization's license issued 861  
pursuant to section 2915.08 of the Revised Code; 862

(4) Permit any person whom the organization knows or should 863  
have known has been convicted of a felony or gambling offense in 864  
any jurisdiction to be a bingo game operator in the conduct of 865  
instant bingo; 866

(5) Purchase or lease supplies used to conduct instant bingo 867  
or punch board games from any person except a distributor licensed 868  
under section 2915.081 of the Revised Code; 869

(6) Sell or provide any instant bingo ticket or card for a 870  
price different from the price printed on it by the manufacturer 871  
on either the instant bingo ticket or card or on the game flare; 872  
Division (A)(6) of this section does not prohibit a charitable 873  
organization that is licensed to conduct instant bingo or a bingo 874  
game operator from giving an instant bingo ticket as a prize or 875  
promotional item at no charge. 876

(7) Sell an instant bingo ticket or card to a person under 877  
eighteen years of age; 878

- (8) Fail to keep unsold instant bingo tickets or cards for less than three years; 879  
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- (9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages; 881  
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- (10) Pay fees to any person for any services performed in relation to an instant bingo game; 893  
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- (11) Pay fees to any person who provides refreshments to the participants in an instant bingo game; 895  
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- (12)(a) Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold; 897  
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- (b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ~~tickets~~ ticket as a prize. 902  
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904
- (13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards; 905  
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- (14) Possess a deal of instant bingo tickets or cards that 909

was not purchased from a distributor licensed under section 910  
2915.081 of the Revised Code as reflected on an invoice issued by 911  
the distributor that contains all of the information required by 912  
division (E) of section 2915.10 of the Revised Code; 913

~~(15) Fail, once it opens a deal of instant bingo tickets or 914  
cards, to continue to sell the tickets or cards in that deal until 915  
the tickets or cards with the top two highest tiers of prizes in 916  
that deal are sold; 917~~

~~(16) Purchase, lease, or use instant bingo ticket dispensers 918  
to sell instant bingo tickets or cards; 919~~

~~(17)~~(16) Possess bingo supplies that were not obtained in 920  
accordance with sections 2915.01 to 2915.13 of the Revised Code. 921

(B) A charitable organization may conduct instant bingo other 922  
than at a bingo session at not more than five separate locations. 923  
A charitable organization that is exempt from federal taxation 924  
under subsection 501(a) and described in subsection 501(c)(3) of 925  
the Internal Revenue Code and that is created by a veteran's 926  
organization or a fraternal organization is not limited in the 927  
number of separate locations the charitable organization may 928  
conduct instant bingo other than at a bingo session. 929

(C) The attorney general may adopt rules in accordance with 930  
Chapter 119. of the Revised Code that govern the conduct of 931  
instant bingo by charitable organizations. Before those rules are 932  
adopted, the attorney general shall reference the recommended 933  
standards for opacity, randomization, minimum information, winner 934  
protection, color, and cutting for instant bingo tickets or cards, 935  
seal cards, and punch boards established by the North American 936  
gaming regulators association. 937

(D) Whoever violates division (A) of this section or a rule 938  
adopted under division (C) of this section is guilty of illegal 939  
instant bingo conduct. Except as otherwise provided in this 940

division, illegal instant bingo conduct is a misdemeanor of the 941  
first degree. If the offender previously has been convicted of a 942  
violation of division (A) of this section or of such a rule, 943  
illegal instant bingo conduct is a felony of the fifth degree. 944

**Section 2.** That existing sections 2915.01, 2915.09, and 945  
2915.091 of the Revised Code are hereby repealed. 946