

**As Introduced**

**128th General Assembly  
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**H. B. No. 455**

**Representatives Goodwin, Lundy**

**Cosponsors: Representatives Mecklenborg, Newcomb, Evans, Domenick,  
Stebelton, Grossman, Zehringer, Sayre, Harwood**

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**A B I L L**

To amend sections 2915.01, 2915.02, 2915.091, and 1  
2915.101 of the Revised Code to authorize a 2  
charitable organization to purchase, lease, and 3  
use instant bingo ticket dispensers, to specify 4  
that these dispensers are not slot machines, to 5  
modify the definitions of veteran's and fraternal 6  
organizations, to increase the number of times in 7  
a preceding year a veteran's or fraternal 8  
organization may lease premises to charitable 9  
organizations for festivals at which games of 10  
chance are conducted, to allow a charitable 11  
organization to spend a reasonable amount of its 12  
gross profit to pay property taxes and assessments 13  
on the premises where the organization conducts 14  
bingo, and to adjust the threshold amount 15  
governing the distribution of instant bingo net 16  
profit by a veteran's, fraternal, or sporting 17  
organization. 18

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

**Section 1.** That sections 2915.01, 2915.02, 2915.091, and 19

2915.101 of the Revised Code be amended to read as follows:	20
<b>Sec. 2915.01.</b> As used in this chapter:	21
(A) "Bookmaking" means the business of receiving or paying off bets.	22 23
(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.	24 25 26
(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.	27 28 29 30 31
(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.	32 33 34 35
(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.	36 37 38
(F) "Gambling device" means any of the following:	39
(1) A book, totalizer, or other equipment for recording bets;	40
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	41 42
(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;	43 44 45
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	46 47

(5) Bingo supplies sold or otherwise provided, or used, in 48  
violation of this chapter. 49

(G) "Gambling offense" means any of the following: 50

(1) A violation of section 2915.02, 2915.03, 2915.04, 51  
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 52  
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code; 53

(2) A violation of an existing or former municipal ordinance 54  
or law of this or any other state or the United States 55  
substantially equivalent to any section listed in division (G)(1) 56  
of this section or a violation of section 2915.06 of the Revised 57  
Code as it existed prior to July 1, 1996; 58

(3) An offense under an existing or former municipal 59  
ordinance or law of this or any other state or the United States, 60  
of which gambling is an element; 61

(4) A conspiracy or attempt to commit, or complicity in 62  
committing, any offense under division (G)(1), (2), or (3) of this 63  
section. 64

(H) Except as otherwise provided in this chapter, "charitable 65  
organization" means any tax exempt religious, educational, 66  
veteran's, fraternal, sporting, service, nonprofit medical, 67  
volunteer rescue service, volunteer firefighter's, senior 68  
citizen's, historic railroad educational, youth athletic, amateur 69  
athletic, or youth athletic park organization. An organization is 70  
tax exempt if the organization is, and has received from the 71  
internal revenue service a determination letter that currently is 72  
in effect stating that the organization is, exempt from federal 73  
income taxation under subsection 501(a) and described in 74  
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 75  
501(c)(19) of the Internal Revenue Code, or if the organization is 76  
a sporting organization that is exempt from federal income 77  
taxation under subsection 501(a) and is described in subsection 78

501(c)(7) of the Internal Revenue Code. To qualify as a charitable 79  
organization, an organization, except a volunteer rescue service 80  
or volunteer firefighter's organization, shall have been in 81  
continuous existence as such in this state for a period of two 82  
years immediately preceding either the making of an application 83  
for a bingo license under section 2915.08 of the Revised Code or 84  
the conducting of any game of chance as provided in division (D) 85  
of section 2915.02 of the Revised Code. A charitable organization 86  
that is exempt from federal income taxation under subsection 87  
501(a) and described in subsection 501(c)(3) of the Internal 88  
Revenue Code and that is created by a veteran's organization, a 89  
fraternal organization, or a sporting organization does not have 90  
to have been in continuous existence as such in this state for a 91  
period of two years immediately preceding either the making of an 92  
application for a bingo license under section 2915.08 of the 93  
Revised Code or the conducting of any game of chance as provided 94  
in division (D) of section 2915.02 of the Revised Code. 95

(I) "Religious organization" means any church, body of 96  
communicants, or group that is not organized or operated for 97  
profit and that gathers in common membership for regular worship 98  
and religious observances. 99

(J) "Educational organization" means any organization within 100  
this state that is not organized for profit, the primary purpose 101  
of which is to educate and develop the capabilities of individuals 102  
through instruction by means of operating or contributing to the 103  
support of a school, academy, college, or university. 104

(K) "Veteran's organization" means any individual post or 105  
state headquarters of a national veteran's association or an 106  
auxiliary unit of any individual post of a national veteran's 107  
association, which post, state headquarters, or auxiliary unit ~~has~~ 108  
~~been in continuous existence in this state for at least two years~~ 109  
~~and is~~ incorporated as a nonprofit corporation and either has 110

received a letter from the state headquarters of the national 111  
veteran's association indicating that the individual post or 112  
auxiliary unit is in good standing with the national veteran's 113  
association or has received a letter from the national veteran's 114  
association indicating that the state headquarters is in good 115  
standing with the national veteran's association. As used in this 116  
division, "national veteran's association" means any veteran's 117  
association that has been in continuous existence as such for a 118  
period of at least five years and either is incorporated by an act 119  
of the United States congress or has a national dues-paying 120  
membership of at least five thousand persons. 121

(L) "Volunteer firefighter's organization" means any 122  
organization of volunteer firefighters, as defined in section 123  
146.01 of the Revised Code, that is organized and operated 124  
exclusively to provide financial support for a volunteer fire 125  
department or a volunteer fire company and that is recognized or 126  
ratified by a county, municipal corporation, or township. 127

(M) "Fraternal organization" means any society, order, state 128  
headquarters, or association within this state, except a college 129  
or high school fraternity, that is not organized for profit, that 130  
is a branch, lodge, or chapter of a national or state 131  
organization, that exists exclusively for the common business or 132  
sodality of its members, ~~and that has been in continuous existence~~ 133  
~~in this state for a period of five years.~~ 134

(N) "Volunteer rescue service organization" means any 135  
organization of volunteers organized to function as an emergency 136  
medical service organization, as defined in section 4765.01 of the 137  
Revised Code. 138

(O) "Service organization" means either of the following: 139

(1) Any organization, not organized for profit, that is 140  
organized and operated exclusively to provide, or to contribute to 141

the support of organizations or institutions organized and 142  
operated exclusively to provide, medical and therapeutic services 143  
for persons who are crippled, born with birth defects, or have any 144  
other mental or physical defect or those organized and operated 145  
exclusively to protect, or to contribute to the support of 146  
organizations or institutions organized and operated exclusively 147  
to protect, animals from inhumane treatment or provide immediate 148  
shelter to victims of domestic violence; 149

(2) Any organization that is described in subsection 150  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 151  
and is either a governmental unit or an organization that is tax 152  
exempt under subsection 501(a) and described in subsection 153  
501(c)(3) of the Internal Revenue Code and that is an 154  
organization, not organized for profit, that is organized and 155  
operated primarily to provide, or to contribute to the support of 156  
organizations or institutions organized and operated primarily to 157  
provide, medical and therapeutic services for persons who are 158  
crippled, born with birth defects, or have any other mental or 159  
physical defect. 160

(P) "Nonprofit medical organization" means either of the 161  
following: 162

(1) Any organization that has been incorporated as a 163  
nonprofit corporation for at least five years and that has 164  
continuously operated and will be operated exclusively to provide, 165  
or to contribute to the support of organizations or institutions 166  
organized and operated exclusively to provide, hospital, medical, 167  
research, or therapeutic services for the public; 168

(2) Any organization that is described and qualified under 169  
subsection 501(c)(3) of the Internal Revenue Code, that has been 170  
incorporated as a nonprofit corporation for at least five years, 171  
and that has continuously operated and will be operated primarily 172  
to provide, or to contribute to the support of organizations or 173

institutions organized and operated primarily to provide, 174  
hospital, medical, research, or therapeutic services for the 175  
public. 176

(Q) "Senior citizen's organization" means any private 177  
organization, not organized for profit, that is organized and 178  
operated exclusively to provide recreational or social services 179  
for persons who are fifty-five years of age or older and that is 180  
described and qualified under subsection 501(c)(3) of the Internal 181  
Revenue Code. 182

(R) "Charitable bingo game" means any bingo game described in 183  
division (S)(1) or (2) of this section that is conducted by a 184  
charitable organization that has obtained a license pursuant to 185  
section 2915.08 of the Revised Code and the proceeds of which are 186  
used for a charitable purpose. 187

(S) "Bingo" means either of the following: 188

(1) A game with all of the following characteristics: 189

(a) The participants use bingo cards or sheets, including 190  
paper formats and electronic representation or image formats, that 191  
are divided into twenty-five spaces arranged in five horizontal 192  
and five vertical rows of spaces, with each space, except the 193  
central space, being designated by a combination of a letter and a 194  
number and with the central space being designated as a free 195  
space. 196

(b) The participants cover the spaces on the bingo cards or 197  
sheets that correspond to combinations of letters and numbers that 198  
are announced by a bingo game operator. 199

(c) A bingo game operator announces combinations of letters 200  
and numbers that appear on objects that a bingo game operator 201  
selects by chance, either manually or mechanically, from a 202  
receptacle that contains seventy-five objects at the beginning of 203  
each game, each object marked by a different combination of a 204

letter and a number that corresponds to one of the seventy-five 205  
possible combinations of a letter and a number that can appear on 206  
the bingo cards or sheets. 207

(d) The winner of the bingo game includes any participant who 208  
properly announces during the interval between the announcements 209  
of letters and numbers as described in division (S)(1)(c) of this 210  
section, that a predetermined and preannounced pattern of spaces 211  
has been covered on a bingo card or sheet being used by the 212  
participant. 213

(2) Instant bingo, punch boards, and raffles. 214

(T) "Conduct" means to back, promote, organize, manage, carry 215  
on, sponsor, or prepare for the operation of bingo or a game of 216  
chance. 217

(U) "Bingo game operator" means any person, except security 218  
personnel, who performs work or labor at the site of bingo, 219  
including, but not limited to, collecting money from participants, 220  
handing out bingo cards or sheets or objects to cover spaces on 221  
bingo cards or sheets, selecting from a receptacle the objects 222  
that contain the combination of letters and numbers that appear on 223  
bingo cards or sheets, calling out the combinations of letters and 224  
numbers, distributing prizes, selling or redeeming instant bingo 225  
tickets or cards, supervising the operation of a punch board, 226  
selling raffle tickets, selecting raffle tickets from a receptacle 227  
and announcing the winning numbers in a raffle, and preparing, 228  
selling, and serving food or beverages. 229

(V) "Participant" means any person who plays bingo. 230

(W) "Bingo session" means a period that includes both of the 231  
following: 232

(1) Not to exceed five continuous hours for the conduct of 233  
one or more games described in division (S)(1) of this section, 234  
instant bingo, and seal cards; 235



(2) A period for the conduct of instant bingo and seal cards 236  
for not more than two hours before and not more than two hours 237  
after the period described in division (W)(1) of this section. 238

(X) "Gross receipts" means all money or assets, including 239  
admission fees, that a person receives from bingo without the 240  
deduction of any amounts for prizes paid out or for the expenses 241  
of conducting bingo. "Gross receipts" does not include any money 242  
directly taken in from the sale of food or beverages by a 243  
charitable organization conducting bingo, or by a bona fide 244  
auxiliary unit or society of a charitable organization conducting 245  
bingo, provided all of the following apply: 246

(1) The auxiliary unit or society has been in existence as a 247  
bona fide auxiliary unit or society of the charitable organization 248  
for at least two years prior to conducting bingo. 249

(2) The person who purchases the food or beverage receives 250  
nothing of value except the food or beverage and items customarily 251  
received with the purchase of that food or beverage. 252

(3) The food and beverages are sold at customary and 253  
reasonable prices. 254

(Y) "Security personnel" includes any person who either is a 255  
sheriff, deputy sheriff, marshal, deputy marshal, township 256  
constable, or member of an organized police department of a 257  
municipal corporation or has successfully completed a peace 258  
officer's training course pursuant to sections 109.71 to 109.79 of 259  
the Revised Code and who is hired to provide security for the 260  
premises on which bingo is conducted. 261

(Z) "Charitable purpose" means that the net profit of bingo, 262  
other than instant bingo, is used by, or is given, donated, or 263  
otherwise transferred to, any of the following: 264

(1) Any organization that is described in subsection 265  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 266

and is either a governmental unit or an organization that is tax 267  
exempt under subsection 501(a) and described in subsection 268  
501(c)(3) of the Internal Revenue Code; 269

(2) A veteran's organization that is a post, chapter, or 270  
organization of veterans, or an auxiliary unit or society of, or a 271  
trust or foundation for, any such post, chapter, or organization 272  
organized in the United States or any of its possessions, at least 273  
seventy-five per cent of the members of which are veterans and 274  
substantially all of the other members of which are individuals 275  
who are spouses, widows, or widowers of veterans, or such 276  
individuals, provided that no part of the net earnings of such 277  
post, chapter, or organization inures to the benefit of any 278  
private shareholder or individual, and further provided that the 279  
net profit is used by the post, chapter, or organization for the 280  
charitable purposes set forth in division (B)(12) of section 281  
5739.02 of the Revised Code, is used for awarding scholarships to 282  
or for attendance at an institution mentioned in division (B)(12) 283  
of section 5739.02 of the Revised Code, is donated to a 284  
governmental agency, or is used for nonprofit youth activities, 285  
the purchase of United States or Ohio flags that are donated to 286  
schools, youth groups, or other bona fide nonprofit organizations, 287  
promotion of patriotism, or disaster relief; 288

(3) A fraternal organization that has been in continuous 289  
existence in this state for fifteen years and that uses the net 290  
profit exclusively for religious, charitable, scientific, 291  
literary, or educational purposes, or for the prevention of 292  
cruelty to children or animals, if contributions for such use 293  
would qualify as a deductible charitable contribution under 294  
subsection 170 of the Internal Revenue Code; 295

(4) A volunteer firefighter's organization that uses the net 296  
profit for the purposes set forth in division (L) of this section. 297

(AA) "Internal Revenue Code" means the "Internal Revenue Code 298

of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 299  
amended. 300

(BB) "Youth athletic organization" means any organization, 301  
not organized for profit, that is organized and operated 302  
exclusively to provide financial support to, or to operate, 303  
athletic activities for persons who are twenty-one 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

(CC) "Youth athletic park organization" means any 308  
organization, not organized for profit, that satisfies both of the 309  
following: 310

(1) It owns, operates, and maintains playing fields that 311  
satisfy both of the following: 312

(a) The playing fields are used at least one hundred days per 313  
year for athletic activities by one or more organizations, not 314  
organized for profit, each of which is organized and operated 315  
exclusively to provide financial support to, or to operate, 316  
athletic activities for persons who are eighteen years of age or 317  
younger by means of sponsoring, organizing, operating, or 318  
contributing to the support of an athletic team, club, league, or 319  
association. 320

(b) The playing fields are not used for any profit-making 321  
activity at any time during the year. 322

(2) It uses the proceeds of bingo it conducts exclusively for 323  
the operation, maintenance, and improvement of its playing fields 324  
of the type described in division (CC)(1) of this section. 325

(DD) "Amateur athletic organization" means any organization, 326  
not organized for profit, that is organized and operated 327  
exclusively to provide financial support to, or to operate, 328  
athletic activities for persons who are training for amateur 329

athletic competition that is sanctioned by a national governing 330  
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 331  
3045, 36 U.S.C.A. 373. 332

(EE) "Bingo supplies" means bingo cards or sheets; instant 333  
bingo tickets or cards; electronic bingo aids; raffle tickets; 334  
punch boards; seal cards; instant bingo ticket dispensers; and 335  
devices for selecting or displaying the combination of bingo 336  
letters and numbers or raffle tickets. Items that are "bingo 337  
supplies" are not gambling devices if sold or otherwise provided, 338  
and used, in accordance with this chapter. For purposes of this 339  
chapter, "bingo supplies" are not to be considered equipment used 340  
to conduct a bingo game. 341

(FF) "Instant bingo" means a form of bingo that uses folded 342  
or banded tickets or paper cards with perforated break-open tabs, 343  
a face of which is covered or otherwise hidden from view to 344  
conceal a number, letter, or symbol, or set of numbers, letters, 345  
or symbols, some of which have been designated in advance as prize 346  
winners. "Instant bingo" includes seal cards. "Instant bingo" does 347  
not include any device that is activated by the insertion of a 348  
coin, currency, token, or an equivalent, and that contains as one 349  
of its components a video display monitor that is capable of 350  
displaying numbers, letters, symbols, or characters in winning or 351  
losing combinations. 352

(GG) "Seal card" means a form of instant bingo that uses 353  
instant bingo tickets in conjunction with a board or placard that 354  
contains one or more seals that, when removed or opened, reveal 355  
predesignated winning numbers, letters, or symbols. 356

(HH) "Raffle" means a form of bingo in which the one or more 357  
prizes are won by one or more persons who have purchased a raffle 358  
ticket. The one or more winners of the raffle are determined by 359  
drawing a ticket stub or other detachable section from a 360  
receptacle containing ticket stubs or detachable sections 361

corresponding to all tickets sold for the raffle.	362
(II) "Punch board" means a board containing a number of holes	363
or receptacles of uniform size in which are placed, mechanically	364
and randomly, serially numbered slips of paper that may be punched	365
or drawn from the hole or receptacle when used in conjunction with	366
instant bingo. A player may punch or draw the numbered slips of	367
paper from the holes or receptacles and obtain the prize	368
established for the game if the number drawn corresponds to a	369
winning number or, if the punch board includes the use of a seal	370
card, a potential winning number.	371
(JJ) "Gross profit" means gross receipts minus the amount	372
actually expended for the payment of prize awards.	373
(KK) "Net profit" means gross profit minus expenses.	374
(LL) "Expenses" means the reasonable amount of gross profit	375
actually expended for all of the following:	376
(1) The purchase or lease of bingo supplies;	377
(2) The annual license fee required under section 2915.08 of	378
the Revised Code;	379
(3) Bank fees and service charges for a bingo session or game	380
account described in section 2915.10 of the Revised Code;	381
(4) Audits and accounting services;	382
(5) Safes;	383
(6) Cash registers;	384
(7) Hiring security personnel;	385
(8) Advertising bingo;	386
(9) Renting premises in which to conduct a bingo session;	387
(10) Tables and chairs;	388
(11) Expenses for maintaining and operating a charitable	389

organization's facilities, including, but not limited to, a post 390  
home, club house, lounge, tavern, or canteen and any grounds 391  
attached to the post home, club house, lounge, tavern, or canteen; 392

(12) Payment of real property taxes and assessments that are 393  
levied on a premises on which bingo is conducted; 394

(13) Any other product or service directly related to the 395  
conduct of bingo that is authorized in rules adopted by the 396  
attorney general under division (B)(1) of section 2915.08 of the 397  
Revised Code. 398

(MM) "Person" has the same meaning as in section 1.59 of the 399  
Revised Code and includes any firm or any other legal entity, 400  
however organized. 401

(NN) "Revoke" means to void permanently all rights and 402  
privileges of the holder of a license issued under section 403  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 404  
gaming license issued by another jurisdiction. 405

(OO) "Suspend" means to interrupt temporarily all rights and 406  
privileges of the holder of a license issued under section 407  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 408  
gaming license issued by another jurisdiction. 409

(PP) "Distributor" means any person who purchases or obtains 410  
bingo supplies and who does either of the following: 411

(1) Sells, offers for sale, or otherwise provides or offers 412  
to provide the bingo supplies to another person for use in this 413  
state; 414

(2) Modifies, converts, adds to, or removes parts from the 415  
bingo supplies to further their promotion or sale for use in this 416  
state. 417

(QQ) "Manufacturer" means any person who assembles completed 418  
bingo supplies from raw materials, other items, or subparts or who 419

modifies, converts, adds to, or removes parts from bingo supplies 420  
to further their promotion or sale. 421

(RR) "Gross annual revenues" means the annual gross receipts 422  
derived from the conduct of bingo described in division (S)(1) of 423  
this section plus the annual net profit derived from the conduct 424  
of bingo described in division (S)(2) of this section. 425

(SS) "Instant bingo ticket dispenser" means a mechanical 426  
device that dispenses an instant bingo ticket or card as the sole 427  
item of value dispensed and that has the following 428  
characteristics: 429

(1) It is activated upon the insertion of United States 430  
currency. 431

(2) It performs no gaming functions. 432

(3) It does not contain a video display monitor or generate 433  
noise. 434

(4) It is not capable of displaying any numbers, letters, 435  
symbols, or characters in winning or losing combinations. 436

(5) It does not simulate or display rolling or spinning 437  
reels. 438

(6) It is incapable of determining whether a dispensed bingo 439  
ticket or card is a winning or nonwinning ticket or card and 440  
requires a winning ticket or card to be paid by a bingo game 441  
operator. 442

(7) It may provide accounting and security features to aid in 443  
accounting for the instant bingo tickets or cards it dispenses. 444

(8) It is not part of an electronic network and is not 445  
interactive. 446

(TT)(1) "Electronic bingo aid" means an electronic device 447  
used by a participant to monitor bingo cards or sheets purchased 448  
at the time and place of a bingo session and that does all of the 449

following: 450

(a) It provides a means for a participant to input numbers 451  
and letters announced by a bingo caller. 452

(b) It compares the numbers and letters entered by the 453  
participant to the bingo faces previously stored in the memory of 454  
the device. 455

(c) It identifies a winning bingo pattern. 456

(2) "Electronic bingo aid" does not include any device into 457  
which a coin, currency, token, or an equivalent is inserted to 458  
activate play. 459

(UU) "Deal of instant bingo tickets" means a single game of 460  
instant bingo tickets all with the same serial number. 461

(VV)(1) "Slot machine" means either of the following: 462

(a) Any mechanical, electronic, video, or digital device that 463  
is capable of accepting anything of value, directly or indirectly, 464  
from or on behalf of a player who gives the thing of value in the 465  
hope of gain; 466

(b) Any mechanical, electronic, video, or digital device that 467  
is capable of accepting anything of value, directly or indirectly, 468  
from or on behalf of a player to conduct ~~or dispense~~ bingo or a 469  
scheme or game of chance. 470

(2) "Slot machine" does not include a skill-based amusement 471  
machine or an instant bingo ticket dispenser. 472

(WW) "Net profit from the proceeds of the sale of instant 473  
bingo" means gross profit minus the ordinary, necessary, and 474  
reasonable expense expended for the purchase of instant bingo 475  
supplies. 476

(XX) "Charitable instant bingo organization" means an 477  
organization that is exempt from federal income taxation under 478  
subsection 501(a) and described in subsection 501(c)(3) of the 479



Internal Revenue Code and is a charitable organization as defined 480  
in this section. A "charitable instant bingo organization" does 481  
not include a charitable organization that is exempt from federal 482  
income taxation under subsection 501(a) and described in 483  
subsection 501(c)(3) of the Internal Revenue Code and that is 484  
created by a veteran's organization, a fraternal organization, or 485  
a sporting organization in regards to bingo conducted or assisted 486  
by a veteran's organization, a fraternal organization, or a 487  
sporting organization pursuant to section 2915.13 of the Revised 488  
Code. 489

(YY) "Game flare" means the board or placard that accompanies 490  
each deal of instant bingo tickets and that has printed on or 491  
affixed to it the following information for the game: 492

(1) The name of the game; 493

(2) The manufacturer's name or distinctive logo; 494

(3) The form number; 495

(4) The ticket count; 496

(5) The prize structure, including the number of winning 497  
instant bingo tickets by denomination and the respective winning 498  
symbol or number combinations for the winning instant bingo 499  
tickets; 500

(6) The cost per play; 501

(7) The serial number of the game. 502

(ZZ) "Historic railroad educational organization" means an 503  
organization that is exempt from federal income taxation under 504  
subsection 501(a) and described in subsection 501(c)(3) of the 505  
Internal Revenue Code, that owns in fee simple the tracks and the 506  
right of way of a historic railroad that the organization restores 507  
or maintains and on which the organization provides excursions as 508  
part of a program to promote tourism and educate visitors 509

regarding the role of railroad transportation in Ohio history, and 510  
that received as donations from a charitable organization that 511  
holds a license to conduct bingo under this chapter an amount 512  
equal to at least fifty per cent of that licensed charitable 513  
organization's net proceeds from the conduct of bingo during each 514  
of the five years preceding June 30, 2003. "Historic railroad" 515  
means all or a portion of the tracks and right-of-way of a 516  
railroad that was owned and operated by a for-profit common 517  
carrier in this state at any time prior to January 1, 1950. 518

(AAA)(1) "Skill-based amusement machine" means a mechanical, 519  
video, digital, or electronic device that rewards the player or 520  
players, if at all, only with merchandise prizes or with 521  
redeemable vouchers redeemable only for merchandise prizes, 522  
provided that with respect to rewards for playing the game all of 523  
the following apply: 524

(a) The wholesale value of a merchandise prize awarded as a 525  
result of the single play of a machine does not exceed ten 526  
dollars; 527

(b) Redeemable vouchers awarded for any single play of a 528  
machine are not redeemable for a merchandise prize with a 529  
wholesale value of more than ten dollars; 530

(c) Redeemable vouchers are not redeemable for a merchandise 531  
prize that has a wholesale value of more than ten dollars times 532  
the fewest number of single plays necessary to accrue the 533  
redeemable vouchers required to obtain that prize; and 534

(d) Any redeemable vouchers or merchandise prizes are 535  
distributed at the site of the skill-based amusement machine at 536  
the time of play. 537

(2) A device shall not be considered a skill-based amusement 538  
machine and shall be considered a slot machine if it pays cash or 539  
one or more of the following apply: 540

(a) The ability of a player to succeed at the game is 541  
impacted by the number or ratio of prior wins to prior losses of 542  
players playing the game. 543

(b) Any reward of redeemable vouchers is not based solely on 544  
the player achieving the object of the game or the player's score; 545

(c) The outcome of the game, or the value of the redeemable 546  
voucher or merchandise prize awarded for winning the game, can be 547  
controlled by a source other than any player playing the game. 548

(d) The success of any player is or may be determined by a 549  
chance event that cannot be altered by player actions. 550

(e) The ability of any player to succeed at the game is 551  
determined by game features not visible or known to the player. 552

(f) The ability of the player to succeed at the game is 553  
impacted by the exercise of a skill that no reasonable player 554  
could exercise. 555

(3) All of the following apply to any machine that is 556  
operated as described in division (AAA)(1) of this section: 557

(a) As used in this section, "game" and "play" mean one event 558  
from the initial activation of the machine until the results of 559  
play are determined without payment of additional consideration. 560  
An individual utilizing a machine that involves a single game, 561  
play, contest, competition, or tournament may be awarded 562  
redeemable vouchers or merchandise prizes based on the results of 563  
play. 564

(b) Advance play for a single game, play, contest, 565  
competition, or tournament participation may be purchased. The 566  
cost of the contest, competition, or tournament participation may 567  
be greater than a single noncontest, competition, or tournament 568  
play. 569

(c) To the extent that the machine is used in a contest, 570

competition, or tournament, that contest, competition, or 571  
tournament has a defined starting and ending date and is open to 572  
participants in competition for scoring and ranking results toward 573  
the awarding of redeemable vouchers or merchandise prizes that are 574  
stated prior to the start of the contest, competition, or 575  
tournament. 576

(4) For purposes of division (AAA)(1) of this section, the 577  
mere presence of a device, such as a pin-setting, ball-releasing, 578  
or scoring mechanism, that does not contribute to or affect the 579  
outcome of the play of the game does not make the device a 580  
skill-based amusement machine. 581

(BBB) "Merchandise prize" means any item of value, but shall 582  
not include any of the following: 583

(1) Cash, gift cards, or any equivalent thereof; 584

(2) Plays on games of chance, state lottery tickets, bingo, 585  
or instant bingo; 586

(3) Firearms, tobacco, or alcoholic beverages; or 587

(4) A redeemable voucher that is redeemable for any of the 588  
items listed in division (BBB)(1), (2), or (3) of this section. 589

(CCC) "Redeemable voucher" means any ticket, token, coupon, 590  
receipt, or other noncash representation of value. 591

(DDD) "Pool not conducted for profit" means a scheme in which 592  
a participant gives a valuable consideration for a chance to win a 593  
prize and the total amount of consideration wagered is distributed 594  
to a participant or participants. 595

(EEE) "Sporting organization" means a hunting, fishing, or 596  
trapping organization, other than a college or high school 597  
fraternity or sorority, that is not organized for profit, that is 598  
affiliated with a state or national sporting organization, 599  
including but not limited to, the Ohio league of sportsmen, and 600

that has been in continuous existence in this state for a period 601  
of three years. 602

(FFF) "Community action agency" has the same meaning as in 603  
section 122.66 of the Revised Code. 604

**Sec. 2915.02.** (A) No person shall do any of the following: 605

(1) Engage in bookmaking, or knowingly engage in conduct that 606  
facilitates bookmaking; 607

(2) Establish, promote, or operate or knowingly engage in 608  
conduct that facilitates any game of chance conducted for profit 609  
or any scheme of chance; 610

(3) Knowingly procure, transmit, exchange, or engage in 611  
conduct that facilitates the procurement, transmission, or 612  
exchange of information for use in establishing odds or 613  
determining winners in connection with bookmaking or with any game 614  
of chance conducted for profit or any scheme of chance; 615

(4) Engage in betting or in playing any scheme or game of 616  
chance as a substantial source of income or livelihood; 617

(5) With purpose to violate division (A)(1), (2), (3), or (4) 618  
of this section, acquire, possess, control, or operate any 619  
gambling device. 620

(B) For purposes of division (A)(1) of this section, a person 621  
facilitates bookmaking if the person in any way knowingly aids an 622  
illegal bookmaking operation, including, without limitation, 623  
placing a bet with a person engaged in or facilitating illegal 624  
bookmaking. For purposes of division (A)(2) of this section, a 625  
person facilitates a game of chance conducted for profit or a 626  
scheme of chance if the person in any way knowingly aids in the 627  
conduct or operation of any such game or scheme, including, 628  
without limitation, playing any such game or scheme. 629

(C) This section does not prohibit conduct in connection with 630

gambling expressly permitted by law. 631

(D) This section does not apply to any of the following: 632

(1) Games of chance, if all of the following apply: 633

(a) The games of chance are not craps for money or roulette 634  
for money. 635

(b) The games of chance are conducted by a charitable 636  
organization that is, and has received from the internal revenue 637  
service a determination letter that is currently in effect, 638  
stating that the organization is, exempt from federal income 639  
taxation under subsection 501(a) and described in subsection 640  
501(c)(3) of the Internal Revenue Code. 641

(c) The games of chance are conducted at festivals of the 642  
charitable organization that are conducted either for a period of 643  
four consecutive days or less and not more than twice a year or 644  
for a period of five consecutive days not more than once a year, 645  
and are conducted on premises owned by the charitable organization 646  
for a period of no less than one year immediately preceding the 647  
conducting of the games of chance, on premises leased from a 648  
governmental unit, or on premises that are leased from a veteran's 649  
or fraternal organization and that have been owned by the lessor 650  
veteran's or fraternal organization for a period of no less than 651  
one year immediately preceding the conducting of the games of 652  
chance. 653

A charitable organization shall not lease premises from a 654  
veteran's or fraternal organization to conduct a festival 655  
described in division (D)(1)(c) of this section if the veteran's 656  
or fraternal organization already has leased the premises ~~four~~ 657  
twelve times during the preceding year to charitable organizations 658  
for that purpose. If a charitable organization leases premises 659  
from a veteran's or fraternal organization to conduct a festival 660  
described in division (D)(1)(c) of this section, the charitable 661

organization shall not pay a rental rate for the premises per day 662  
of the festival that exceeds the rental rate per bingo session 663  
that a charitable organization may pay under division (B)(1) of 664  
section 2915.09 of the Revised Code when it leases premises from 665  
another charitable organization to conduct bingo games. 666

(d) All of the money or assets received from the games of 667  
chance after deduction only of prizes paid out during the conduct 668  
of the games of chance are used by, or given, donated, or 669  
otherwise transferred to, any organization that is described in 670  
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 671  
Revenue Code and is either a governmental unit or an organization 672  
that is tax exempt under subsection 501(a) and described in 673  
subsection 501(c)(3) of the Internal Revenue Code; 674

(e) The games of chance are not conducted during, or within 675  
ten hours of, a bingo game conducted for amusement purposes only 676  
pursuant to section 2915.12 of the Revised Code. 677

No person shall receive any commission, wage, salary, reward, 678  
tip, donation, gratuity, or other form of compensation, directly 679  
or indirectly, for operating or assisting in the operation of any 680  
game of chance. 681

(2) Any tag fishing tournament operated under a permit issued 682  
under section 1533.92 of the Revised Code, as "tag fishing 683  
tournament" is defined in section 1531.01 of the Revised Code; 684

(3) Bingo conducted by a charitable organization that holds a 685  
license issued under section 2915.08 of the Revised Code. 686

(E) Division (D) of this section shall not be construed to 687  
authorize the sale, lease, or other temporary or permanent 688  
transfer of the right to conduct games of chance, as granted by 689  
that division, by any charitable organization that is granted that 690  
right. 691

(F) Whoever violates this section is guilty of gambling, a 692

misdemeanor of the first degree. If the offender previously has 693  
been convicted of any gambling offense, gambling is a felony of 694  
the fifth degree. 695

**Sec. 2915.091.** (A) No charitable organization that conducts 696  
instant bingo shall do any of the following: 697

(1) Fail to comply with the requirements of divisions (A)(1), 698  
(2), and (3) of section 2915.09 of the Revised Code; 699

(2) Conduct instant bingo unless either of the following 700  
apply: 701

(a) That organization is, and has received from the internal 702  
revenue service a determination letter that is currently in effect 703  
stating that the organization is, exempt from federal income 704  
taxation under subsection 501(a), is described in subsection 705  
501(c)(3) of the Internal Revenue Code, is a charitable 706  
organization as defined in section 2915.01 of the Revised Code, is 707  
in good standing in the state pursuant to section 2915.08 of the 708  
Revised Code, and is in compliance with Chapter 1716. of the 709  
Revised Code; 710

(b) That organization is, and has received from the internal 711  
revenue service a determination letter that is currently in effect 712  
stating that the organization is, exempt from federal income 713  
taxation under subsection 501(a), is described in subsection 714  
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 715  
organization described in subsection 501(c)(4) of the Internal 716  
Revenue Code, and conducts instant bingo under section 2915.13 of 717  
the Revised Code. 718

(3) Conduct instant bingo on any day, at any time, or at any 719  
premises not specified on the organization's license issued 720  
pursuant to section 2915.08 of the Revised Code; 721

(4) Permit any person whom the organization knows or should 722



have known has been convicted of a felony or gambling offense in 723  
any jurisdiction to be a bingo game operator in the conduct of 724  
instant bingo; 725

(5) Purchase or lease supplies used to conduct instant bingo 726  
or punch board games from any person except a distributor licensed 727  
under section 2915.081 of the Revised Code; 728

(6) Sell or provide any instant bingo ticket or card for a 729  
price different from the price printed on it by the manufacturer 730  
on either the instant bingo ticket or card or on the game flare; 731

(7) Sell an instant bingo ticket or card to a person under 732  
eighteen years of age; 733

(8) Fail to keep unsold instant bingo tickets or cards for 734  
less than three years; 735

(9) Pay any compensation to a bingo game operator for 736  
conducting instant bingo that is conducted by the organization or 737  
for preparing, selling, or serving food or beverages at the site 738  
of the instant bingo game, permit any auxiliary unit or society of 739  
the organization to pay compensation to any bingo game operator 740  
who prepares, sells, or serves food or beverages at an instant 741  
bingo game conducted by the organization, or permit any auxiliary 742  
unit or society of the organization to prepare, sell, or serve 743  
food or beverages at an instant bingo game conducted by the 744  
organization, if the auxiliary unit or society pays any 745  
compensation to the bingo game operators who prepare, sell, or 746  
serve the food or beverages; 747

(10) Pay fees to any person for any services performed in 748  
relation to an instant bingo game; 749

(11) Pay fees to any person who provides refreshments to the 750  
participants in an instant bingo game; 751

(12)(a) Allow instant bingo tickets or cards to be sold to 752

bingo game operators at a premises at which the organization sells 753  
instant bingo tickets or cards or to be sold to employees of a D 754  
permit holder who are working at a premises at which instant bingo 755  
tickets or cards are sold; 756

(b) Division (A)(12)(a) of this section does not prohibit a 757  
licensed charitable organization or a bingo game operator from 758  
giving any person an instant bingo ~~tickets~~ ticket as a prize. 759

(13) Fail to display its bingo license, and the serial 760  
numbers of the deal of instant bingo tickets or cards to be sold, 761  
conspicuously at each premises at which it sells instant bingo 762  
tickets or cards; 763

(14) Possess a deal of instant bingo tickets or cards that 764  
was not purchased from a distributor licensed under section 765  
2915.081 of the Revised Code as reflected on an invoice issued by 766  
the distributor that contains all of the information required by 767  
division (E) of section 2915.10 of the Revised Code; 768

(15) Fail, once it opens a deal of instant bingo tickets or 769  
cards, to continue to sell the tickets or cards in that deal until 770  
the tickets or cards with the top two highest tiers of prizes in 771  
that deal are sold; 772

~~(16) Purchase, lease, or use instant bingo ticket dispensers 773  
to sell instant bingo tickets or cards; 774~~

~~(17) Possess bingo supplies that were not obtained in 775  
accordance with sections 2915.01 to 2915.13 of the Revised Code. 776~~

(B)(1) A charitable organization may conduct instant bingo 777  
other than at a bingo session at not more than five separate 778  
locations. A charitable organization that is exempt from federal 779  
taxation under subsection 501(a) and described in subsection 780  
501(c)(3) of the Internal Revenue Code and that is created by a 781  
veteran's organization or a fraternal organization is not limited 782  
in the number of separate locations the charitable organization 783

may conduct instant bingo other than at a bingo session. 784

(2) A charitable organization may purchase, lease, or use 785  
instant bingo ticket dispensers to sell instant bingo tickets or 786  
cards. 787

(C) The attorney general may adopt rules in accordance with 788  
Chapter 119. of the Revised Code that govern the conduct of 789  
instant bingo by charitable organizations. Before those rules are 790  
adopted, the attorney general shall reference the recommended 791  
standards for opacity, randomization, minimum information, winner 792  
protection, color, and cutting for instant bingo tickets or cards, 793  
seal cards, and punch boards established by the North American 794  
gaming regulators association. 795

(D) Whoever violates division (A) of this section or a rule 796  
adopted under division (C) of this section is guilty of illegal 797  
instant bingo conduct. Except as otherwise provided in this 798  
division, illegal instant bingo conduct is a misdemeanor of the 799  
first degree. If the offender previously has been convicted of a 800  
violation of division (A) of this section or of such a rule, 801  
illegal instant bingo conduct is a felony of the fifth degree. 802

**Sec. 2915.101.** Except as otherwise provided by law, a 803  
charitable organization that conducts instant bingo shall 804  
distribute the net profit from the proceeds of the sale of instant 805  
bingo as follows: 806

(A)(1) If a veteran's organization, a fraternal organization, 807  
or a sporting organization conducted the instant bingo, the 808  
organization shall distribute the net profit from the proceeds of 809  
the sale of instant bingo, as follows: 810

(a) For the first ~~one~~ three hundred ~~fifty~~ thousand dollars, 811  
or a greater amount prescribed by the attorney general to adjust 812  
for changes in prices as measured by the consumer price index as 813

defined in section 325.18 of the Revised Code and other factors 814  
affecting the organization's expenses as defined in division (LL) 815  
of section 2915.01 of the Revised Code, or less of net profit from 816  
the proceeds of the sale of instant bingo generated in a calendar 817  
year: 818

(i) At least twenty-five per cent shall be distributed to an 819  
organization described in division (Z)(1) of section 2915.01 of 820  
the Revised Code or to a department or agency of the federal 821  
government, the state, or any political subdivision. 822

(ii) Not more than seventy-five per cent may be deducted and 823  
retained by the organization for reimbursement of or for the 824  
organization's expenses, as defined in division (LL) of section 825  
2915.01 of the Revised Code, in conducting the instant bingo game. 826

(b) For any net profit from the proceeds of the sale of 827  
instant bingo of more than ~~one~~ three hundred ~~fifty~~ thousand 828  
dollars or an adjusted amount generated in a calendar year: 829

(i) A minimum of fifty per cent shall be distributed to an 830  
organization described in division (Z)(1) of section 2915.01 of 831  
the Revised Code or to a department or agency of the federal 832  
government, the state, or any political subdivision. 833

(ii) Five per cent may be distributed for the organization's 834  
own charitable purposes or to a community action agency. 835

(iii) Forty-five per cent may be deducted and retained by the 836  
organization for reimbursement of or for the organization's 837  
expenses, as defined in division (LL) of section 2915.01 of the 838  
Revised Code, in conducting the instant bingo game. 839

(2) If a veteran's organization, a fraternal organization, or 840  
a sporting organization does not distribute the full percentages 841  
specified in divisions (A)(1)(a) and (b) of this section for the 842  
purposes specified in those divisions, the organization shall 843  
distribute the balance of the net profit from the proceeds of the 844

sale of instant bingo not distributed or retained for those 845  
purposes to an organization described in division (Z)(1) of 846  
section 2915.01 of the Revised Code. 847

(B) If a charitable organization other than a veteran's 848  
organization, a fraternal organization, or a sporting organization 849  
conducted the instant bingo, the organization shall distribute one 850  
hundred per cent of the net profit from the proceeds of the sale 851  
of instant bingo to an organization described in division (Z)(1) 852  
of section 2915.01 of the Revised Code or to a department or 853  
agency of the federal government, the state, or any political 854  
subdivision. 855

(C) Nothing in this section prohibits a veteran's 856  
organization, a fraternal organization, or a sporting organization 857  
from distributing any net profit from the proceeds of the sale of 858  
instant bingo to an organization that is described in subsection 859  
501(c)(3) of the Internal Revenue Code when the organization that 860  
is described in subsection 501(c)(3) of the Internal Revenue Code 861  
is one that makes donations to other organizations and permits 862  
donors to advise or direct such donations so long as the donations 863  
comply with requirements established in or pursuant to subsection 864  
501(c)(3) of the Internal Revenue Code. 865

**Section 2.** That existing sections 2915.01, 2915.02, 2915.091, 866  
and 2915.101 of the Revised Code are hereby repealed. 867