

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 519

Representatives Yuko, Book

—

A BILL

To amend sections 101.70, 102.02, 102.03, 109.572, 1
109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2
2915.01, 2915.02, 2915.08, 2915.09, 2915.091, 3
2915.101, 3793.02, 4301.355, 4301.62, 4303.181, 4
4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5
5703.21, 5703.70, and 5747.02, and to enact 6
sections 121.54, 122.045, 2915.14, 3517.1015, 7
3769.081, 3772.01 to 3772.03, 3772.031, 3772.032, 8
3772.033, 3772.034, 3772.04, 3772.05, 3772.051, 9
3772.06, 3772.061, 3772.062, 3772.07 to 3772.09, 10
3772.091, 3772.10, 3772.11, 3772.111, 3772.112, 11
3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 12
3772.32, 3772.99, 3793.032, 5747.063, 5753.01 to 13
5753.06, 5753.061, and 5753.07 to 5753.10 of the 14
Revised Code to create the Ohio Casino Control 15
Commission and related provisions and to set forth 16
casino gaming statutes under Ohio Constitution, 17
Article XV, Section 6(C), to make changes to bingo 18
and instant bingo laws, to create charity card 19
rooms, and to make an appropriation. 20

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

Section 1. That sections 101.70, 102.02, 102.03, 109.572, 21

109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2915.01, 2915.02, 22
2915.08, 2915.09, 2915.091, 2915.101, 3793.02, 4301.355, 4301.62, 23
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 24
5703.70, and 5747.02 be amended and sections 121.54, 122.045, 25
2915.14, 3517.1015, 3769.081, 3772.01, 3772.02, 3772.03, 3772.031, 26
3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 27
3772.061, 3772.062, 3772.07, 3772.08, 3772.09, 3772.091, 3772.10, 28
3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 29
3772.14, 3772.15, 3772.16, 3772.17, 3772.18, 3772.19, 3772.20, 30
3772.21, 3772.22, 3772.23, 3772.24, 3772.25, 3772.26, 3772.27, 31
3772.28, 3772.29, 3772.30, 3772.31, 3772.32, 3772.99, 3793.032, 32
5747.063, 5753.01, 5753.02, 5753.03, 5753.04, 5753.05, 5753.06, 33
5753.061, 5753.07, 5753.08, 5753.09, and 5753.10 of the Revised 34
Code be enacted to read as follows: 35

Sec. 101.70. As used in sections 101.70 to 101.79 and 101.99 36
of the Revised Code: 37

(A) "Person" means any individual, partnership, trust, 38
estate, business trust, association, or corporation; any labor 39
organization or manufacturer association; any department, 40
commission, board, publicly supported college or university, 41
division, institution, bureau, or other instrumentality of the 42
state; or any county, township, municipal corporation, school 43
district, or other political subdivision of the state. "Person" 44
includes the Ohio casino control commission, a member of the 45
commission, the executive director of the commission, an employee 46
of the commission, and an agent of the commission. 47

(B) "Legislation" means bills, resolutions, amendments, 48
nominations, and any other matter pending before the general 49
assembly, any matter pending before the controlling board, or the 50
executive approval or veto of any bill acted upon by the general 51
assembly. 52

(C) "Compensation" means a salary, gift, payment, benefit, 53
subscription, loan, advance, reimbursement, or deposit of money or 54
anything of value; or a contract, promise, or agreement, whether 55
or not legally enforceable, to make compensation. 56

(D) "Expenditure" means any of the following that is made to, 57
at the request of, for the benefit of, or on behalf of any member 58
of the general assembly, any member of the controlling board, the 59
governor, the director of a department created under section 60
121.02 of the Revised Code, or any member of the staff of any 61
public officer or employee listed in this division: 62

(1) A payment, distribution, loan, advance, deposit, 63
reimbursement, or gift of money, real estate, or anything of 64
value, including, but not limited to, food and beverages, 65
entertainment, lodging, or transportation; 66

(2) A contract, promise, or agreement to make an expenditure, 67
whether or not legally enforceable; 68

(3) The purchase, sale, or gift of services or any other 69
thing of value. 70

"Expenditure" does not include a contribution, gift, or grant to a 71
foundation or other charitable organization that is exempt from 72
federal income taxation under subsection 501(c)(3) of the Internal 73
Revenue Code. "Expenditure" does not include the purchase, sale, 74
or gift of services or any other thing of value that is available 75
to the general public on the same terms as it is available to the 76
persons listed in this division, or an offer or sale of securities 77
to any person listed in this division that is governed by 78
regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, 79
adopted under the authority of the "Securities Act of 1933," 48 80
Stat. 74, 15 U.S.C.A. and following, or that is governed by a 81
comparable provision under state law. 82

(E) "Actively advocate" means to promote, advocate, or oppose 83

the passage, modification, defeat, or executive approval or veto 84
of any legislation by direct communication with any member of the 85
general assembly, any member of the controlling board, the 86
governor, the director of any department listed in section 121.02 87
of the Revised Code, or any member of the staff of any public 88
officer or employee listed in this division. "Actively advocate" 89
does not include the action of any person not engaged by an 90
employer who has a direct interest in legislation if the person, 91
acting under Section 3 of Article I, Ohio Constitution, assembles 92
together with other persons to consult for their common good, 93
instructs a public officer or employee who is listed in this 94
division, or petitions that public officer or employee for the 95
redress of grievances. 96

(F) "Legislative agent" means any individual, except a member 97
of the general assembly, a member of the staff of the general 98
assembly, the governor, lieutenant governor, attorney general, 99
secretary of state, treasurer of state, or auditor of state, who 100
is engaged during at least a portion of ~~his~~ the individual's time 101
to actively advocate as one of ~~his~~ the individual's main purposes. 102
An individual engaged by the Ohio casino control commission, a 103
member of the commission, the executive director of the 104
commission, or an employee or agent of the commission to actively 105
advocate is a "legislative agent" even if the individual does not 106
during at least a portion of the individual's time actively 107
advocate as one of the individual's main purposes. 108

(G) "Employer" means any person who, directly or indirectly, 109
engages a legislative agent. 110

(H) "Engage" means to make any arrangement, and "engagement" 111
means any arrangement, whereby an individual is employed or 112
retained for compensation to act for or on behalf of an employer 113
to actively advocate. 114

(I) "Financial transaction" means a transaction or activity 115

that is conducted or undertaken for profit and arises from the 116
joint ownership or the ownership or part ownership in common of 117
any real or personal property or any commercial or business 118
enterprise of whatever form or nature between the following: 119

(1) A legislative agent, ~~his~~ an employer of a legislative 120
agent, or a member of the immediate family of the legislative 121
agent or ~~his~~ a legislative agent's employer; and 122

(2) Any member of the general assembly, any member of the 123
controlling board, the governor, the director of a department 124
created under section 121.02 of the Revised Code, or any member of 125
the staff of a public officer or employee listed in division 126
(I)(2) of this section. 127

"Financial transaction" does not include any transaction or 128
activity described in division (I) of this section if it is 129
available to the general public on the same terms, or if it is an 130
offer or sale of securities to any person listed in division 131
(I)(2) of this section that is governed by regulation D, 17 C.F.R. 132
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 133
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 134
following, or that is governed by a comparable provision under 135
state law. 136

(J) "Staff" means any state employee whose official duties 137
are to formulate policy and who exercises administrative or 138
supervisory authority or who authorizes the expenditure of state 139
funds. 140

Sec. 102.02. (A) Except as otherwise provided in division (H) 141
of this section, all of the following shall file with the 142
appropriate ethics commission the disclosure statement described 143
in this division on a form prescribed by the appropriate 144
commission: every person who is elected to or is a candidate for a 145
state, county, or city office and every person who is appointed to 146

fill a vacancy for an unexpired term in such an elective office; 147
all members of the state board of education; the director, 148
assistant directors, deputy directors, division chiefs, or persons 149
of equivalent rank of any administrative department of the state; 150
the president or other chief administrative officer of every state 151
institution of higher education as defined in section 3345.011 of 152
the Revised Code; the executive director and the members of the 153
capitol square review and advisory board appointed or employed 154
pursuant to section 105.41 of the Revised Code; all members of the 155
Ohio casino control commission, the executive director of the 156
commission, all professional employees of the commission, and all 157
technical employees of the commission who perform an internal 158
audit function; the chief executive officer and the members of the 159
board of each state retirement system; each employee of a state 160
retirement board who is a state retirement system investment 161
officer licensed pursuant to section 1707.163 of the Revised Code; 162
the members of the Ohio retirement study council appointed 163
pursuant to division (C) of section 171.01 of the Revised Code; 164
employees of the Ohio retirement study council, other than 165
employees who perform purely administrative or clerical functions; 166
the administrator of workers' compensation and each member of the 167
bureau of workers' compensation board of directors; the bureau of 168
workers' compensation director of investments; the chief 169
investment officer of the bureau of workers' compensation; the 170
director appointed by the workers' compensation council; all 171
members of the board of commissioners on grievances and discipline 172
of the supreme court and the ethics commission created under 173
section 102.05 of the Revised Code; every business manager, 174
treasurer, or superintendent of a city, local, exempted village, 175
joint vocational, or cooperative education school district or an 176
educational service center; every person who is elected to or is a 177
candidate for the office of member of a board of education of a 178
city, local, exempted village, joint vocational, or cooperative 179

education school district or of a governing board of an 180
educational service center that has a total student count of 181
twelve thousand or more as most recently determined by the 182
department of education pursuant to section 3317.03 of the Revised 183
Code; every person who is appointed to the board of education of a 184
municipal school district pursuant to division (B) or (F) of 185
section 3311.71 of the Revised Code; all members of the board of 186
directors of a sanitary district that is established under Chapter 187
6115. of the Revised Code and organized wholly for the purpose of 188
providing a water supply for domestic, municipal, and public use, 189
and that includes two municipal corporations in two counties; 190
every public official or employee who is paid a salary or wage in 191
accordance with schedule C of section 124.15 or schedule E-2 of 192
section 124.152 of the Revised Code; members of the board of 193
trustees and the executive director of the southern Ohio 194
agricultural and community development foundation; all members 195
appointed to the Ohio livestock care standards board under section 196
904.02 of the Revised Code; and every other public official or 197
employee who is designated by the appropriate ethics commission 198
pursuant to division (B) of this section. 199

The disclosure statement shall include all of the following: 200

(1) The name of the person filing the statement and each 201
member of the person's immediate family and all names under which 202
the person or members of the person's immediate family do 203
business; 204

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 205
and except as otherwise provided in section 102.022 of the Revised 206
Code, identification of every source of income, other than income 207
from a legislative agent identified in division (A)(2)(b) of this 208
section, received during the preceding calendar year, in the 209
person's own name or by any other person for the person's use or 210
benefit, by the person filing the statement, and a brief 211

description of the nature of the services for which the income was 212
received. If the person filing the statement is a member of the 213
general assembly, the statement shall identify the amount of every 214
source of income received in accordance with the following ranges 215
of amounts: zero or more, but less than one thousand dollars; one 216
thousand dollars or more, but less than ten thousand dollars; ten 217
thousand dollars or more, but less than twenty-five thousand 218
dollars; twenty-five thousand dollars or more, but less than fifty 219
thousand dollars; fifty thousand dollars or more, but less than 220
one hundred thousand dollars; and one hundred thousand dollars or 221
more. Division (A)(2)(a) of this section shall not be construed to 222
require a person filing the statement who derives income from a 223
business or profession to disclose the individual items of income 224
that constitute the gross income of that business or profession, 225
except for those individual items of income that are attributable 226
to the person's or, if the income is shared with the person, the 227
partner's, solicitation of services or goods or performance, 228
arrangement, or facilitation of services or provision of goods on 229
behalf of the business or profession of clients, including 230
corporate clients, who are legislative agents. A person who files 231
the statement under this section shall disclose the identity of 232
and the amount of income received from a person who the public 233
official or employee knows or has reason to know is doing or 234
seeking to do business of any kind with the public official's or 235
employee's agency. 236

(b) If the person filing the statement is a member of the 237
general assembly, the statement shall identify every source of 238
income and the amount of that income that was received from a 239
legislative agent during the preceding calendar year, in the 240
person's own name or by any other person for the person's use or 241
benefit, by the person filing the statement, and a brief 242
description of the nature of the services for which the income was 243
received. Division (A)(2)(b) of this section requires the 244

disclosure of clients of attorneys or persons licensed under 245
section 4732.12 of the Revised Code, or patients of persons 246
certified under section 4731.14 of the Revised Code, if those 247
clients or patients are legislative agents. Division (A)(2)(b) of 248
this section requires a person filing the statement who derives 249
income from a business or profession to disclose those individual 250
items of income that constitute the gross income of that business 251
or profession that are received from legislative agents. 252

(c) Except as otherwise provided in division (A)(2)(c) of 253
this section, division (A)(2)(a) of this section applies to 254
attorneys, physicians, and other persons who engage in the 255
practice of a profession and who, pursuant to a section of the 256
Revised Code, the common law of this state, a code of ethics 257
applicable to the profession, or otherwise, generally are required 258
not to reveal, disclose, or use confidences of clients, patients, 259
or other recipients of professional services except under 260
specified circumstances or generally are required to maintain 261
those types of confidences as privileged communications except 262
under specified circumstances. Division (A)(2)(a) of this section 263
does not require an attorney, physician, or other professional 264
subject to a confidentiality requirement as described in division 265
(A)(2)(c) of this section to disclose the name, other identity, or 266
address of a client, patient, or other recipient of professional 267
services if the disclosure would threaten the client, patient, or 268
other recipient of professional services, would reveal details of 269
the subject matter for which legal, medical, or professional 270
advice or other services were sought, or would reveal an otherwise 271
privileged communication involving the client, patient, or other 272
recipient of professional services. Division (A)(2)(a) of this 273
section does not require an attorney, physician, or other 274
professional subject to a confidentiality requirement as described 275
in division (A)(2)(c) of this section to disclose in the brief 276
description of the nature of services required by division 277

(A)(2)(a) of this section any information pertaining to specific 278
professional services rendered for a client, patient, or other 279
recipient of professional services that would reveal details of 280
the subject matter for which legal, medical, or professional 281
advice was sought or would reveal an otherwise privileged 282
communication involving the client, patient, or other recipient of 283
professional services. 284

(3) The name of every corporation on file with the secretary 285
of state that is incorporated in this state or holds a certificate 286
of compliance authorizing it to do business in this state, trust, 287
business trust, partnership, or association that transacts 288
business in this state in which the person filing the statement or 289
any other person for the person's use and benefit had during the 290
preceding calendar year an investment of over one thousand dollars 291
at fair market value as of the thirty-first day of December of the 292
preceding calendar year, or the date of disposition, whichever is 293
earlier, or in which the person holds any office or has a 294
fiduciary relationship, and a description of the nature of the 295
investment, office, or relationship. Division (A)(3) of this 296
section does not require disclosure of the name of any bank, 297
savings and loan association, credit union, or building and loan 298
association with which the person filing the statement has a 299
deposit or a withdrawable share account. 300

(4) All fee simple and leasehold interests to which the 301
person filing the statement holds legal title to or a beneficial 302
interest in real property located within the state, excluding the 303
person's residence and property used primarily for personal 304
recreation; 305

(5) The names of all persons residing or transacting business 306
in the state to whom the person filing the statement owes, in the 307
person's own name or in the name of any other person, more than 308
one thousand dollars. Division (A)(5) of this section shall not be 309

construed to require the disclosure of debts owed by the person 310
resulting from the ordinary conduct of a business or profession or 311
debts on the person's residence or real property used primarily 312
for personal recreation, except that the superintendent of 313
financial institutions shall disclose the names of all 314
state-chartered savings and loan associations and of all service 315
corporations subject to regulation under division (E)(2) of 316
section 1151.34 of the Revised Code to whom the superintendent in 317
the superintendent's own name or in the name of any other person 318
owes any money, and that the superintendent and any deputy 319
superintendent of banks shall disclose the names of all 320
state-chartered banks and all bank subsidiary corporations subject 321
to regulation under section 1109.44 of the Revised Code to whom 322
the superintendent or deputy superintendent owes any money. 323

(6) The names of all persons residing or transacting business 324
in the state, other than a depository excluded under division 325
(A)(3) of this section, who owe more than one thousand dollars to 326
the person filing the statement, either in the person's own name 327
or to any person for the person's use or benefit. Division (A)(6) 328
of this section shall not be construed to require the disclosure 329
of clients of attorneys or persons licensed under section 4732.12 330
or 4732.15 of the Revised Code, or patients of persons certified 331
under section 4731.14 of the Revised Code, nor the disclosure of 332
debts owed to the person resulting from the ordinary conduct of a 333
business or profession. 334

(7) Except as otherwise provided in section 102.022 of the 335
Revised Code, the source of each gift of over seventy-five 336
dollars, or of each gift of over twenty-five dollars received by a 337
member of the general assembly from a legislative agent, received 338
by the person in the person's own name or by any other person for 339
the person's use or benefit during the preceding calendar year, 340
except gifts received by will or by virtue of section 2105.06 of 341

the Revised Code, or received from spouses, parents, grandparents, 342
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 343
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 344
fathers-in-law, mothers-in-law, or any person to whom the person 345
filing the statement stands in loco parentis, or received by way 346
of distribution from any inter vivos or testamentary trust 347
established by a spouse or by an ancestor; 348

(8) Except as otherwise provided in section 102.022 of the 349
Revised Code, identification of the source and amount of every 350
payment of expenses incurred for travel to destinations inside or 351
outside this state that is received by the person in the person's 352
own name or by any other person for the person's use or benefit 353
and that is incurred in connection with the person's official 354
duties, except for expenses for travel to meetings or conventions 355
of a national or state organization to which any state agency, 356
including, but not limited to, any legislative agency or state 357
institution of higher education as defined in section 3345.011 of 358
the Revised Code, pays membership dues, or any political 359
subdivision or any office or agency of a political subdivision 360
pays membership dues; 361

(9) Except as otherwise provided in section 102.022 of the 362
Revised Code, identification of the source of payment of expenses 363
for meals and other food and beverages, other than for meals and 364
other food and beverages provided at a meeting at which the person 365
participated in a panel, seminar, or speaking engagement or at a 366
meeting or convention of a national or state organization to which 367
any state agency, including, but not limited to, any legislative 368
agency or state institution of higher education as defined in 369
section 3345.011 of the Revised Code, pays membership dues, or any 370
political subdivision or any office or agency of a political 371
subdivision pays membership dues, that are incurred in connection 372
with the person's official duties and that exceed one hundred 373

dollars aggregated per calendar year; 374

(10) If the disclosure statement is filed by a public 375
official or employee described in division (B)(2) of section 376
101.73 of the Revised Code or division (B)(2) of section 121.63 of 377
the Revised Code who receives a statement from a legislative 378
agent, executive agency lobbyist, or employer that contains the 379
information described in division (F)(2) of section 101.73 of the 380
Revised Code or division (G)(2) of section 121.63 of the Revised 381
Code, all of the nondisputed information contained in the 382
statement delivered to that public official or employee by the 383
legislative agent, executive agency lobbyist, or employer under 384
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 385
the Revised Code. 386

A person may file a statement required by this section in 387
person or by mail. A person who is a candidate for elective office 388
shall file the statement no later than the thirtieth day before 389
the primary, special, or general election at which the candidacy 390
is to be voted on, whichever election occurs soonest, except that 391
a person who is a write-in candidate shall file the statement no 392
later than the twentieth day before the earliest election at which 393
the person's candidacy is to be voted on. A person who holds 394
elective office shall file the statement on or before the 395
fifteenth day of April of each year unless the person is a 396
candidate for office. A person who is appointed to fill a vacancy 397
for an unexpired term in an elective office shall file the 398
statement within fifteen days after the person qualifies for 399
office. Other persons shall file an annual statement on or before 400
the fifteenth day of April or, if appointed or employed after that 401
date, within ninety days after appointment or employment. No 402
person shall be required to file with the appropriate ethics 403
commission more than one statement or pay more than one filing fee 404
for any one calendar year. 405

The appropriate ethics commission, for good cause, may extend 406
for a reasonable time the deadline for filing a statement under 407
this section. 408

A statement filed under this section is subject to public 409
inspection at locations designated by the appropriate ethics 410
commission except as otherwise provided in this section. 411

(B) The Ohio ethics commission, the joint legislative ethics 412
committee, and the board of commissioners on grievances and 413
discipline of the supreme court, using the rule-making procedures 414
of Chapter 119. of the Revised Code, may require any class of 415
public officials or employees under its jurisdiction and not 416
specifically excluded by this section whose positions involve a 417
substantial and material exercise of administrative discretion in 418
the formulation of public policy, expenditure of public funds, 419
enforcement of laws and rules of the state or a county or city, or 420
the execution of other public trusts, to file an annual statement 421
on or before the fifteenth day of April under division (A) of this 422
section. The appropriate ethics commission shall send the public 423
officials or employees written notice of the requirement by the 424
fifteenth day of February of each year the filing is required 425
unless the public official or employee is appointed after that 426
date, in which case the notice shall be sent within thirty days 427
after appointment, and the filing shall be made not later than 428
ninety days after appointment. 429

Except for disclosure statements filed by members of the 430
board of trustees and the executive director of the southern Ohio 431
agricultural and community development foundation, disclosure 432
statements filed under this division with the Ohio ethics 433
commission by members of boards, commissions, or bureaus of the 434
state for which no compensation is received other than reasonable 435
and necessary expenses shall be kept confidential. Disclosure 436
statements filed with the Ohio ethics commission under division 437

(A) of this section by business managers, treasurers, and 438
superintendents of city, local, exempted village, joint 439
vocational, or cooperative education school districts or 440
educational service centers shall be kept confidential, except 441
that any person conducting an audit of any such school district or 442
educational service center pursuant to section 115.56 or Chapter 443
117. of the Revised Code may examine the disclosure statement of 444
any business manager, treasurer, or superintendent of that school 445
district or educational service center. The Ohio ethics commission 446
shall examine each disclosure statement required to be kept 447
confidential to determine whether a potential conflict of interest 448
exists for the person who filed the disclosure statement. A 449
potential conflict of interest exists if the private interests of 450
the person, as indicated by the person's disclosure statement, 451
might interfere with the public interests the person is required 452
to serve in the exercise of the person's authority and duties in 453
the person's office or position of employment. If the commission 454
determines that a potential conflict of interest exists, it shall 455
notify the person who filed the disclosure statement and shall 456
make the portions of the disclosure statement that indicate a 457
potential conflict of interest subject to public inspection in the 458
same manner as is provided for other disclosure statements. Any 459
portion of the disclosure statement that the commission determines 460
does not indicate a potential conflict of interest shall be kept 461
confidential by the commission and shall not be made subject to 462
public inspection, except as is necessary for the enforcement of 463
Chapters 102. and 2921. of the Revised Code and except as 464
otherwise provided in this division. 465

(C) No person shall knowingly fail to file, on or before the 466
applicable filing deadline established under this section, a 467
statement that is required by this section. 468

(D) No person shall knowingly file a false statement that is 469

required to be filed under this section. 470

(E)(1) Except as provided in divisions (E)(2) and (3) of this 471
section, the statement required by division (A) or (B) of this 472
section shall be accompanied by a filing fee of forty dollars. 473

(2) The statement required by division (A) of this section 474
shall be accompanied by the following filing fee to be paid by the 475
person who is elected or appointed to, or is a candidate for, any 476
of the following offices: 477

For state office, except member of the		478
state board of education	\$65	479
For office of member of general assembly	\$40	480
For county office	\$40	481
For city office	\$25	482
For office of member of the state board		483
of education	\$25	484
For office of member of the Ohio		485
livestock care standards board	\$25	486
For office of member of a city, local,		487
exempted village, or cooperative		488
education board of		489
education or educational service		490
center governing board	\$20	491
For position of business manager,		492
treasurer, or superintendent of a		493
city, local, exempted village, joint		494
vocational, or cooperative education		495
school district or		496
educational service center	\$20	497

(3) No judge of a court of record or candidate for judge of a 498
court of record, and no referee or magistrate serving a court of 499
record, shall be required to pay the fee required under division 500
(E)(1) or (2) or (F) of this section. 501

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(3) The joint legislative ethics committee shall deposit all receipts it receives from the payment of financial disclosure statement filing fees under divisions (E) and (F) of this section into the joint legislative ethics committee investigative fund.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village

or township officials and employees; any physician or psychiatrist 533
who is paid a salary or wage in accordance with schedule C of 534
section 124.15 or schedule E-2 of section 124.152 of the Revised 535
Code and whose primary duties do not require the exercise of 536
administrative discretion; or any member of a board, commission, 537
or bureau of any county or city who receives less than one 538
thousand dollars per year for serving in that position. 539

(I) A member of the Ohio casino control commission, the 540
executive director of the commission, or an employee of the 541
commission shall not: 542

(1) Accept a gift, gratuity, emolument, or employment from a 543
casino operator, management company, or other person subject to 544
the jurisdiction of the commission, or from an officer, attorney, 545
agent, or employee of a casino operator, management company, or 546
other person subject to the jurisdiction of the commission; 547

(2) Solicit, suggest, request, or recommend, directly or 548
indirectly, to a casino operator, management company, or other 549
person who is subject to the jurisdiction of the commission, or to 550
an officer, attorney, agent, or employee of a casino operator, 551
management company, or other person who is subject to the 552
jurisdiction of the commission, the appointment of a person to an 553
office, place, position, or employment; 554

(3) Participate in casino gaming or any other amusement or 555
activity at a casino facility in this state or at an affiliate 556
gaming facility of a licensed casino operator, wherever located. 557

Whoever violates division (I)(1), (2), or (3) of this section 558
forfeits the individual's office or employment. 559

Sec. 102.03. (A)(1) No present or former public official or 560
employee shall, during public employment or service or for twelve 561
months thereafter, represent a client or act in a representative 562

capacity for any person on any matter in which the public official 563
or employee personally participated as a public official or 564
employee through decision, approval, disapproval, recommendation, 565
the rendering of advice, investigation, or other substantial 566
exercise of administrative discretion. 567

(2) For twenty-four months after the conclusion of service, 568
no former commissioner or attorney examiner of the public 569
utilities commission shall represent a public utility, as defined 570
in section 4905.02 of the Revised Code, or act in a representative 571
capacity on behalf of such a utility before any state board, 572
commission, or agency. 573

(3) For twenty-four months after the conclusion of employment 574
or service, no former public official or employee who personally 575
participated as a public official or employee through decision, 576
approval, disapproval, recommendation, the rendering of advice, 577
the development or adoption of solid waste management plans, 578
investigation, inspection, or other substantial exercise of 579
administrative discretion under Chapter 343. or 3734. of the 580
Revised Code shall represent a person who is the owner or operator 581
of a facility, as defined in section 3734.01 of the Revised Code, 582
or who is an applicant for a permit or license for a facility 583
under that chapter, on any matter in which the public official or 584
employee personally participated as a public official or employee. 585

(4) For a period of one year after the conclusion of 586
employment or service as a member or employee of the general 587
assembly, no former member or employee of the general assembly 588
shall represent, or act in a representative capacity for, any 589
person on any matter before the general assembly, any committee of 590
the general assembly, or the controlling board. Division (A)(4) of 591
this section does not apply to or affect a person who separates 592
from service with the general assembly on or before December 31, 593
1995. As used in division (A)(4) of this section "person" does not 594

include any state agency or political subdivision of the state. 595

(5) As used in divisions (A)(1), (2), and (3) of this 596
section, "matter" includes any case, proceeding, application, 597
determination, issue, or question, but does not include the 598
proposal, consideration, or enactment of statutes, rules, 599
ordinances, resolutions, or charter or constitutional amendments. 600
As used in division (A)(4) of this section, "matter" includes the 601
proposal, consideration, or enactment of statutes, resolutions, or 602
constitutional amendments. As used in division (A) of this 603
section, "represent" includes any formal or informal appearance 604
before, or any written or oral communication with, any public 605
agency on behalf of any person. 606

(6) Nothing contained in division (A) of this section shall 607
prohibit, during such period, a former public official or employee 608
from being retained or employed to represent, assist, or act in a 609
representative capacity for the public agency by which the public 610
official or employee was employed or on which the public official 611
or employee served. 612

(7) Division (A) of this section shall not be construed to 613
prohibit the performance of ministerial functions, including, but 614
not limited to, the filing or amendment of tax returns, 615
applications for permits and licenses, incorporation papers, and 616
other similar documents. 617

(8) No present or former Ohio casino control commission 618
official shall, during public service or for twelve months 619
thereafter, represent a client, be employed or hired by a person 620
regulated by the commission, or act in a representative capacity 621
for any person on any matter before or concerning the commission. 622

No present or former commission employee shall, during public 623
employment or for twelve months thereafter, represent a client or 624
act in a representative capacity on any matter in which the 625

employee personally participated as a commission employee through 626
decision, approval, disapproval, recommendation, the rendering of 627
advice, investigation, or other substantial exercise of 628
administrative discretion. 629

(B) No present or former public official or employee shall 630
disclose or use, without appropriate authorization, any 631
information acquired by the public official or employee in the 632
course of the public official's or employee's official duties that 633
is confidential because of statutory provisions, or that has been 634
clearly designated to the public official or employee as 635
confidential when that confidential designation is warranted 636
because of the status of the proceedings or the circumstances 637
under which the information was received and preserving its 638
confidentiality is necessary to the proper conduct of government 639
business. 640

(C) No public official or employee shall participate within 641
the scope of duties as a public official or employee, except 642
through ministerial functions as defined in division (A) of this 643
section, in any license or rate-making proceeding that directly 644
affects the license or rates of any person, partnership, trust, 645
business trust, corporation, or association in which the public 646
official or employee or immediate family owns or controls more 647
than five per cent. No public official or employee shall 648
participate within the scope of duties as a public official or 649
employee, except through ministerial functions as defined in 650
division (A) of this section, in any license or rate-making 651
proceeding that directly affects the license or rates of any 652
person to whom the public official or employee or immediate 653
family, or a partnership, trust, business trust, corporation, or 654
association of which the public official or employee or the public 655
official's or employee's immediate family owns or controls more 656
than five per cent, has sold goods or services totaling more than 657

one thousand dollars during the preceding year, unless the public 658
official or employee has filed a written statement acknowledging 659
that sale with the clerk or secretary of the public agency and the 660
statement is entered in any public record of the agency's 661
proceedings. This division shall not be construed to require the 662
disclosure of clients of attorneys or persons licensed under 663
section 4732.12 or 4732.15 of the Revised Code, or patients of 664
persons certified under section 4731.14 of the Revised Code. 665

(D) No public official or employee shall use or authorize the 666
use of the authority or influence of office or employment to 667
secure anything of value or the promise or offer of anything of 668
value that is of such a character as to manifest a substantial and 669
improper influence upon the public official or employee with 670
respect to that person's duties. 671

(E) No public official or employee shall solicit or accept 672
anything of value that is of such a character as to manifest a 673
substantial and improper influence upon the public official or 674
employee with respect to that person's duties. 675

(F) No person shall promise or give to a public official or 676
employee anything of value that is of such a character as to 677
manifest a substantial and improper influence upon the public 678
official or employee with respect to that person's duties. 679

(G) In the absence of bribery or another offense under the 680
Revised Code or a purpose to defraud, contributions made to a 681
campaign committee, political party, legislative campaign fund, 682
political action committee, or political contributing entity on 683
behalf of an elected public officer or other public official or 684
employee who seeks elective office shall be considered to accrue 685
ordinarily to the public official or employee for the purposes of 686
divisions (D), (E), and (F) of this section. 687

As used in this division, "contributions," "campaign 688

committee," "political party," "legislative campaign fund," 689
"political action committee," and "political contributing entity" 690
have the same meanings as in section 3517.01 of the Revised Code. 691

(H)(1) No public official or employee, except for the 692
president or other chief administrative officer of or a member of 693
a board of trustees of a state institution of higher education as 694
defined in section 3345.011 of the Revised Code, who is required 695
to file a financial disclosure statement under section 102.02 of 696
the Revised Code shall solicit or accept, and no person shall give 697
to that public official or employee, an honorarium. Except as 698
provided in division (H)(2) of this section, this division and 699
divisions (D), (E), and (F) of this section do not prohibit a 700
public official or employee who is required to file a financial 701
disclosure statement under section 102.02 of the Revised Code from 702
accepting and do not prohibit a person from giving to that public 703
official or employee the payment of actual travel expenses, 704
including any expenses incurred in connection with the travel for 705
lodging, and meals, food, and beverages provided to the public 706
official or employee at a meeting at which the public official or 707
employee participates in a panel, seminar, or speaking engagement 708
or provided to the public official or employee at a meeting or 709
convention of a national organization to which any state agency, 710
including, but not limited to, any state legislative agency or 711
state institution of higher education as defined in section 712
3345.011 of the Revised Code, pays membership dues. Except as 713
provided in division (H)(2) of this section, this division and 714
divisions (D), (E), and (F) of this section do not prohibit a 715
public official or employee who is not required to file a 716
financial disclosure statement under section 102.02 of the Revised 717
Code from accepting and do not prohibit a person from promising or 718
giving to that public official or employee an honorarium or the 719
payment of travel, meal, and lodging expenses if the honorarium, 720
expenses, or both were paid in recognition of demonstrable 721

business, professional, or esthetic interests of the public 722
official or employee that exist apart from public office or 723
employment, including, but not limited to, such a demonstrable 724
interest in public speaking and were not paid by any person or 725
other entity, or by any representative or association of those 726
persons or entities, that is regulated by, doing business with, or 727
seeking to do business with the department, division, institution, 728
board, commission, authority, bureau, or other instrumentality of 729
the governmental entity with which the public official or employee 730
serves. 731

(2) No person who is a member of the board of a state 732
retirement system, a state retirement system investment officer, 733
or an employee of a state retirement system whose position 734
involves substantial and material exercise of discretion in the 735
investment of retirement system funds shall solicit or accept, and 736
no person shall give to that board member, officer, or employee, 737
payment of actual travel expenses, including expenses incurred 738
with the travel for lodging, meals, food, and beverages. 739

(I) A public official or employee may accept travel, meals, 740
and lodging or expenses or reimbursement of expenses for travel, 741
meals, and lodging in connection with conferences, seminars, and 742
similar events related to official duties if the travel, meals, 743
and lodging, expenses, or reimbursement is not of such a character 744
as to manifest a substantial and improper influence upon the 745
public official or employee with respect to that person's duties. 746
The house of representatives and senate, in their code of ethics, 747
and the Ohio ethics commission, under section 111.15 of the 748
Revised Code, may adopt rules setting standards and conditions for 749
the furnishing and acceptance of such travel, meals, and lodging, 750
expenses, or reimbursement. 751

A person who acts in compliance with this division and any 752
applicable rules adopted under it, or any applicable, similar 753

rules adopted by the supreme court governing judicial officers and 754
employees, does not violate division (D), (E), or (F) of this 755
section. This division does not preclude any person from seeking 756
an advisory opinion from the appropriate ethics commission under 757
section 102.08 of the Revised Code. 758

(J) For purposes of divisions (D), (E), and (F) of this 759
section, the membership of a public official or employee in an 760
organization shall not be considered, in and of itself, to be of 761
such a character as to manifest a substantial and improper 762
influence on the public official or employee with respect to that 763
person's duties. As used in this division, "organization" means a 764
church or a religious, benevolent, fraternal, or professional 765
organization that is tax exempt under subsection 501(a) and 766
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 767
"Internal Revenue Code of 1986." This division does not apply to a 768
public official or employee who is an employee of an organization, 769
serves as a trustee, director, or officer of an organization, or 770
otherwise holds a fiduciary relationship with an organization. 771
This division does not allow a public official or employee who is 772
a member of an organization to participate, formally or 773
informally, in deliberations, discussions, or voting on a matter 774
or to use his official position with regard to the interests of 775
the organization on the matter if the public official or employee 776
has assumed a particular responsibility in the organization with 777
respect to the matter or if the matter would affect that person's 778
personal, pecuniary interests. 779

(K) It is not a violation of this section for a prosecuting 780
attorney to appoint assistants and employees in accordance with 781
division (B) of section 309.06 and section 2921.421 of the Revised 782
Code, for a chief legal officer of a municipal corporation or an 783
official designated as prosecutor in a municipal corporation to 784
appoint assistants and employees in accordance with sections 785

733.621 and 2921.421 of the Revised Code, for a township law 786
director appointed under section 504.15 of the Revised Code to 787
appoint assistants and employees in accordance with sections 788
504.151 and 2921.421 of the Revised Code, or for a coroner to 789
appoint assistants and employees in accordance with division (B) 790
of section 313.05 of the Revised Code. 791

As used in this division, "chief legal officer" has the same 792
meaning as in section 733.621 of the Revised Code. 793

(L) No present public official or employee with a casino 794
gaming regulatory function shall indirectly invest, by way of an 795
entity the public official or employee has an ownership interest 796
or control in, or directly invest in a casino operator, management 797
company, holding company, casino facility, or gaming-related 798
vendor. No present public official or employee with a casino 799
gaming regulatory function shall directly or indirectly have a 800
financial interest in, have an ownership interest in, be the 801
creditor or hold a debt instrument issued by, or have an interest 802
in a contractual or service relationship with a casino operator, 803
management company, holding company, casino facility, or 804
gaming-related vendor. This section does not prohibit or limit 805
permitted passive investing by the public official or employee. 806

As used in this division, "passive investing" means 807
investment by the public official or employee by means of a mutual 808
fund or blind trust in which the public official or employee has 809
no control of the investments or investment decisions. "Casino 810
operator," "holding company," "management company," "casino 811
facility," and "gaming-related vendor" have the same meanings as 812
in section 3772.01 of the Revised Code. 813

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 814
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 815
a completed form prescribed pursuant to division (C)(1) of this 816

section, and a set of fingerprint impressions obtained in the 817
manner described in division (C)(2) of this section, the 818
superintendent of the bureau of criminal identification and 819
investigation shall conduct a criminal records check in the manner 820
described in division (B) of this section to determine whether any 821
information exists that indicates that the person who is the 822
subject of the request previously has been convicted of or pleaded 823
guilty to any of the following: 824

(a) A violation of section 2903.01, 2903.02, 2903.03, 825
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 826
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 827
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 828
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 829
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 830
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 831
2925.06, or 3716.11 of the Revised Code, felonious sexual 832
penetration in violation of former section 2907.12 of the Revised 833
Code, a violation of section 2905.04 of the Revised Code as it 834
existed prior to July 1, 1996, a violation of section 2919.23 of 835
the Revised Code that would have been a violation of section 836
2905.04 of the Revised Code as it existed prior to July 1, 1996, 837
had the violation been committed prior to that date, or a 838
violation of section 2925.11 of the Revised Code that is not a 839
minor drug possession offense; 840

(b) A violation of an existing or former law of this state, 841
any other state, or the United States that is substantially 842
equivalent to any of the offenses listed in division (A)(1)(a) of 843
this section. 844

(2) On receipt of a request pursuant to section 5123.081 of 845
the Revised Code with respect to an applicant for employment in 846
any position with the department of developmental disabilities, 847
pursuant to section 5126.28 of the Revised Code with respect to an 848

applicant for employment in any position with a county board of 849
developmental disabilities, or pursuant to section 5126.281 of the 850
Revised Code with respect to an applicant for employment in a 851
direct services position with an entity contracting with a county 852
board for employment, a completed form prescribed pursuant to 853
division (C)(1) of this section, and a set of fingerprint 854
impressions obtained in the manner described in division (C)(2) of 855
this section, the superintendent of the bureau of criminal 856
identification and investigation shall conduct a criminal records 857
check. The superintendent shall conduct the criminal records check 858
in the manner described in division (B) of this section to 859
determine whether any information exists that indicates that the 860
person who is the subject of the request has been convicted of or 861
pleaded guilty to any of the following: 862

(a) A violation of section 2903.01, 2903.02, 2903.03, 863
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 864
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 865
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 866
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 867
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 868
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 869
2925.03, or 3716.11 of the Revised Code; 870

(b) An existing or former municipal ordinance or law of this 871
state, any other state, or the United States that is substantially 872
equivalent to any of the offenses listed in division (A)(2)(a) of 873
this section. 874

(3) On receipt of a request pursuant to section 173.27, 875
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 876
completed form prescribed pursuant to division (C)(1) of this 877
section, and a set of fingerprint impressions obtained in the 878
manner described in division (C)(2) of this section, the 879
superintendent of the bureau of criminal identification and 880

investigation shall conduct a criminal records check with respect 881
to any person who has applied for employment in a position for 882
which a criminal records check is required by those sections. The 883
superintendent shall conduct the criminal records check in the 884
manner described in division (B) of this section to determine 885
whether any information exists that indicates that the person who 886
is the subject of the request previously has been convicted of or 887
pleaded guilty to any of the following: 888

(a) A violation of section 2903.01, 2903.02, 2903.03, 889
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 890
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 891
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 892
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 893
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 894
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 895
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 896
2925.22, 2925.23, or 3716.11 of the Revised Code; 897

(b) An existing or former law of this state, any other state, 898
or the United States that is substantially equivalent to any of 899
the offenses listed in division (A)(3)(a) of this section. 900

(4) On receipt of a request pursuant to section 3701.881 of 901
the Revised Code with respect to an applicant for employment with 902
a home health agency as a person responsible for the care, 903
custody, or control of a child, a completed form prescribed 904
pursuant to division (C)(1) of this section, and a set of 905
fingerprint impressions obtained in the manner described in 906
division (C)(2) of this section, the superintendent of the bureau 907
of criminal identification and investigation shall conduct a 908
criminal records check. The superintendent shall conduct the 909
criminal records check in the manner described in division (B) of 910
this section to determine whether any information exists that 911
indicates that the person who is the subject of the request 912

previously has been convicted of or pleaded guilty to any of the 913
following: 914

(a) A violation of section 2903.01, 2903.02, 2903.03, 915
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 916
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 917
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 918
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 919
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 920
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 921
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 922
violation of section 2925.11 of the Revised Code that is not a 923
minor drug possession offense; 924

(b) An existing or former law of this state, any other state, 925
or the United States that is substantially equivalent to any of 926
the offenses listed in division (A)(4)(a) of this section. 927

(5) On receipt of a request pursuant to section 5111.032, 928
5111.033, or 5111.034 of the Revised Code, a completed form 929
prescribed pursuant to division (C)(1) of this section, and a set 930
of fingerprint impressions obtained in the manner described in 931
division (C)(2) of this section, the superintendent of the bureau 932
of criminal identification and investigation shall conduct a 933
criminal records check. The superintendent shall conduct the 934
criminal records check in the manner described in division (B) of 935
this section to determine whether any information exists that 936
indicates that the person who is the subject of the request 937
previously has been convicted of, has pleaded guilty to, or has 938
been found eligible for intervention in lieu of conviction for any 939
of the following, regardless of the date of the conviction, the 940
date of entry of the guilty plea, or the date the person was found 941
eligible for intervention in lieu of conviction: 942

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 943
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 944

2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 945
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 946
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 947
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 948
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 949
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 950
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 951
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 952
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 953
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 954
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 955
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 956
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 957
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 958
penetration in violation of former section 2907.12 of the Revised 959
Code, a violation of section 2905.04 of the Revised Code as it 960
existed prior to July 1, 1996, a violation of section 2919.23 of 961
the Revised Code that would have been a violation of section 962
2905.04 of the Revised Code as it existed prior to July 1, 1996, 963
had the violation been committed prior to that date; 964

(b) A violation of an existing or former municipal ordinance 965
or law of this state, any other state, or the United States that 966
is substantially equivalent to any of the offenses listed in 967
division (A)(5)(a) of this section. 968

(6) On receipt of a request pursuant to section 3701.881 of 969
the Revised Code with respect to an applicant for employment with 970
a home health agency in a position that involves providing direct 971
care to an older adult, a completed form prescribed pursuant to 972
division (C)(1) of this section, and a set of fingerprint 973
impressions obtained in the manner described in division (C)(2) of 974
this section, the superintendent of the bureau of criminal 975
identification and investigation shall conduct a criminal records 976

check. The superintendent shall conduct the criminal records check 977
in the manner described in division (B) of this section to 978
determine whether any information exists that indicates that the 979
person who is the subject of the request previously has been 980
convicted of or pleaded guilty to any of the following: 981

(a) A violation of section 2903.01, 2903.02, 2903.03, 982
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 983
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 984
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 985
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 986
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 987
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 988
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 989
2925.22, 2925.23, or 3716.11 of the Revised Code; 990

(b) An existing or former law of this state, any other state, 991
or the United States that is substantially equivalent to any of 992
the offenses listed in division (A)(6)(a) of this section. 993

(7) When conducting a criminal records check upon a request 994
pursuant to section 3319.39 of the Revised Code for an applicant 995
who is a teacher, in addition to the determination made under 996
division (A)(1) of this section, the superintendent shall 997
determine whether any information exists that indicates that the 998
person who is the subject of the request previously has been 999
convicted of or pleaded guilty to any offense specified in section 1000
3319.31 of the Revised Code. 1001

(8) On receipt of a request pursuant to section 2151.86 of 1002
the Revised Code, a completed form prescribed pursuant to division 1003
(C)(1) of this section, and a set of fingerprint impressions 1004
obtained in the manner described in division (C)(2) of this 1005
section, the superintendent of the bureau of criminal 1006
identification and investigation shall conduct a criminal records 1007
check in the manner described in division (B) of this section to 1008

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(8)(a) of this section.

(9) Upon receipt of a request pursuant to section 5104.012 or 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal

identification and investigation shall conduct a criminal records 1041
check in the manner described in division (B) of this section to 1042
determine whether any information exists that indicates that the 1043
person who is the subject of the request has been convicted of or 1044
pleaded guilty to any of the following: 1045

(a) A violation of section 2903.01, 2903.02, 2903.03, 1046
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1047
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1048
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1049
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1050
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1051
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1052
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1053
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1054
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1055
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1056
3716.11 of the Revised Code, felonious sexual penetration in 1057
violation of former section 2907.12 of the Revised Code, a 1058
violation of section 2905.04 of the Revised Code as it existed 1059
prior to July 1, 1996, a violation of section 2919.23 of the 1060
Revised Code that would have been a violation of section 2905.04 1061
of the Revised Code as it existed prior to July 1, 1996, had the 1062
violation been committed prior to that date, a violation of 1063
section 2925.11 of the Revised Code that is not a minor drug 1064
possession offense, a violation of section 2923.02 or 2923.03 of 1065
the Revised Code that relates to a crime specified in this 1066
division, or a second violation of section 4511.19 of the Revised 1067
Code within five years of the date of application for licensure or 1068
certification. 1069

(b) A violation of an existing or former law of this state, 1070
any other state, or the United States that is substantially 1071
equivalent to any of the offenses or violations described in 1072

division (A)(9)(a) of this section. 1073

(10) Upon receipt of a request pursuant to section 5153.111 1074
of the Revised Code, a completed form prescribed pursuant to 1075
division (C)(1) of this section, and a set of fingerprint 1076
impressions obtained in the manner described in division (C)(2) of 1077
this section, the superintendent of the bureau of criminal 1078
identification and investigation shall conduct a criminal records 1079
check in the manner described in division (B) of this section to 1080
determine whether any information exists that indicates that the 1081
person who is the subject of the request previously has been 1082
convicted of or pleaded guilty to any of the following: 1083

(a) A violation of section 2903.01, 2903.02, 2903.03, 1084
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1085
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1086
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1087
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1088
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1089
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1090
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1091
felonious sexual penetration in violation of former section 1092
2907.12 of the Revised Code, a violation of section 2905.04 of the 1093
Revised Code as it existed prior to July 1, 1996, a violation of 1094
section 2919.23 of the Revised Code that would have been a 1095
violation of section 2905.04 of the Revised Code as it existed 1096
prior to July 1, 1996, had the violation been committed prior to 1097
that date, or a violation of section 2925.11 of the Revised Code 1098
that is not a minor drug possession offense; 1099

(b) A violation of an existing or former law of this state, 1100
any other state, or the United States that is substantially 1101
equivalent to any of the offenses listed in division (A)(10)(a) of 1102
this section. 1103

(11) On receipt of a request for a criminal records check 1104

from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(12) On receipt of a request pursuant to section 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving

theft, receiving stolen property, embezzlement, forgery, fraud, 1138
passing bad checks, money laundering, or drug trafficking, or any 1139
criminal offense involving money or securities, as set forth in 1140
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1141
the Revised Code; or any existing or former law of this state, any 1142
other state, or the United States that is substantially equivalent 1143
to those offenses. 1144

(13) On receipt of a request for a criminal records check 1145
from the treasurer of state under section 113.041 of the Revised 1146
Code or from an individual under section 4701.08, 4715.101, 1147
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1148
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1149
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1150
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1151
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1152
a completed form prescribed under division (C)(1) of this section 1153
and a set of fingerprint impressions obtained in the manner 1154
described in division (C)(2) of this section, the superintendent 1155
of the bureau of criminal identification and investigation shall 1156
conduct a criminal records check in the manner described in 1157
division (B) of this section to determine whether any information 1158
exists that indicates that the person who is the subject of the 1159
request has been convicted of or pleaded guilty to any criminal 1160
offense in this state or any other state. The superintendent shall 1161
send the results of a check requested under section 113.041 of the 1162
Revised Code to the treasurer of state and shall send the results 1163
of a check requested under any of the other listed sections to the 1164
licensing board specified by the individual in the request. 1165

(14) On receipt of a request pursuant to section 1121.23, 1166
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1167
Code, a completed form prescribed pursuant to division (C)(1) of 1168
this section, and a set of fingerprint impressions obtained in the 1169

manner described in division (C)(2) of this section, the 1170
superintendent of the bureau of criminal identification and 1171
investigation shall conduct a criminal records check in the manner 1172
described in division (B) of this section to determine whether any 1173
information exists that indicates that the person who is the 1174
subject of the request previously has been convicted of or pleaded 1175
guilty to any criminal offense under any existing or former law of 1176
this state, any other state, or the United States. 1177

(15) On receipt of a request for a criminal records check 1178
from an appointing or licensing authority under section 3772.07 of 1179
the Revised Code, a completed form prescribed under division 1180
(C)(1) of this section, and a set of fingerprint impressions 1181
obtained in the manner prescribed in division (C)(2) of this 1182
section, the superintendent of the bureau of criminal 1183
identification and investigation shall conduct a criminal records 1184
check in the manner described in division (B) of this section to 1185
determine whether any information exists that indicates that the 1186
person who is the subject of the request previously has been 1187
convicted of or pleaded guilty or no contest to any offense under 1188
any existing or former law of this state, any other state, or the 1189
United States that is a disqualifying offense as defined in 1190
section 3772.07 of the Revised Code or substantially equivalent to 1191
such an offense. 1192

(16) Not later than thirty days after the date the 1193
superintendent receives a request of a type described in division 1194
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 1195
~~or~~ (14), or (15) of this section, the completed form, and the 1196
fingerprint impressions, the superintendent shall send the person, 1197
board, or entity that made the request any information, other than 1198
information the dissemination of which is prohibited by federal 1199
law, the superintendent determines exists with respect to the 1200
person who is the subject of the request that indicates that the 1201

person previously has been convicted of or pleaded guilty to any 1202
offense listed or described in division (A)(1), (2), (3), (4), 1203
(5), (6), (7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of 1204
this section, as appropriate. The superintendent shall send the 1205
person, board, or entity that made the request a copy of the list 1206
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 1207
(7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of this section, 1208
as appropriate. If the request was made under section 3701.881 of 1209
the Revised Code with regard to an applicant who may be both 1210
responsible for the care, custody, or control of a child and 1211
involved in providing direct care to an older adult, the 1212
superintendent shall provide a list of the offenses specified in 1213
divisions (A)(4) and (6) of this section. 1214

Not later than thirty days after the superintendent receives 1215
a request for a criminal records check pursuant to section 113.041 1216
of the Revised Code, the completed form, and the fingerprint 1217
impressions, the superintendent shall send the treasurer of state 1218
any information, other than information the dissemination of which 1219
is prohibited by federal law, the superintendent determines exist 1220
with respect to the person who is the subject of the request that 1221
indicates that the person previously has been convicted of or 1222
pleaded guilty to any criminal offense in this state or any other 1223
state. 1224

(B) The superintendent shall conduct any criminal records 1225
check requested under section 113.041, 121.08, 173.27, 173.394, 1226
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1227
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1228
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 1229
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1230
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1231
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1232
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1233

4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1234
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1235
5126.281, or 5153.111 of the Revised Code as follows: 1236

(1) The superintendent shall review or cause to be reviewed 1237
any relevant information gathered and compiled by the bureau under 1238
division (A) of section 109.57 of the Revised Code that relates to 1239
the person who is the subject of the request, including, if the 1240
criminal records check was requested under section 113.041, 1241
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1242
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1243
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1244
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1245
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1246
5153.111 of the Revised Code, any relevant information contained 1247
in records that have been sealed under section 2953.32 of the 1248
Revised Code; 1249

(2) If the request received by the superintendent asks for 1250
information from the federal bureau of investigation, the 1251
superintendent shall request from the federal bureau of 1252
investigation any information it has with respect to the person 1253
who is the subject of the request, including fingerprint-based 1254
checks of national crime information databases as described in 42 1255
U.S.C. 671 if the request is made pursuant to section 2151.86, 1256
5104.012, or 5104.013 of the Revised Code or if any other Revised 1257
Code section requires fingerprint-based checks of that nature, and 1258
shall review or cause to be reviewed any information the 1259
superintendent receives from that bureau. If a request under 1260
section 3319.39 of the Revised Code asks only for information from 1261
the federal bureau of investigation, the superintendent shall not 1262
conduct the review prescribed by division (B)(1) of this section. 1263

(3) The superintendent or the superintendent's designee may 1264
request criminal history records from other states or the federal 1265

government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. 1266
1267

(C)(1) The superintendent shall prescribe a form to obtain 1268
the information necessary to conduct a criminal records check from 1269
any person for whom a criminal records check is requested under 1270
section 113.041 of the Revised Code or required by section 121.08, 1271
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1272
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1273
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 1274
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 1275
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1276
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 1277
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 1278
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1279
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1280
5126.281, or 5153.111 of the Revised Code. The form that the 1281
superintendent prescribes pursuant to this division may be in a 1282
tangible format, in an electronic format, or in both tangible and 1283
electronic formats. 1284

(2) The superintendent shall prescribe standard impression 1285
sheets to obtain the fingerprint impressions of any person for 1286
whom a criminal records check is requested under section 113.041 1287
of the Revised Code or required by section 121.08, 173.27, 1288
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1289
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1290
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 1291
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1292
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1293
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1294
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1295
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1296
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1297

5126.281, or 5153.111 of the Revised Code. Any person for whom a records check is requested under or required by any of those sections shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The person making a criminal records request under any of those sections shall pay the fee prescribed pursuant to this division. A person making a request under section 3701.881 of the Revised Code for a criminal records check for an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult shall pay one fee for the request. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 of the Revised Code, the fee shall be paid in the manner specified

in that section. 1331

(4) The superintendent of the bureau of criminal 1332
identification and investigation may prescribe methods of 1333
forwarding fingerprint impressions and information necessary to 1334
conduct a criminal records check, which methods shall include, but 1335
not be limited to, an electronic method. 1336

(D) A determination whether any information exists that 1337
indicates that a person previously has been convicted of or 1338
pleaded guilty to any offense listed or described in division 1339
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1340
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1341
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), ~~or~~ (A)(14), or 1342
(A)(15) of this section, or that indicates that a person 1343
previously has been convicted of or pleaded guilty to any criminal 1344
offense in this state or any other state regarding a criminal 1345
records check of a type described in division (A)(13) of this 1346
section, and that is made by the superintendent with respect to 1347
information considered in a criminal records check in accordance 1348
with this section is valid for the person who is the subject of 1349
the criminal records check for a period of one year from the date 1350
upon which the superintendent makes the determination. During the 1351
period in which the determination in regard to a person is valid, 1352
if another request under this section is made for a criminal 1353
records check for that person, the superintendent shall provide 1354
the information that is the basis for the superintendent's initial 1355
determination at a lower fee than the fee prescribed for the 1356
initial criminal records check. 1357

(E) As used in this section: 1358

(1) "Criminal records check" means any criminal records check 1359
conducted by the superintendent of the bureau of criminal 1360
identification and investigation in accordance with division (B) 1361
of this section. 1362

(2) "Minor drug possession offense" has the same meaning as 1363
in section 2925.01 of the Revised Code. 1364

(3) "Older adult" means a person age sixty or older. 1365

(4) "OVI or OVUAC violation" means a violation of section 1366
4511.19 of the Revised Code or a violation of an existing or 1367
former law of this state, any other state, or the United States 1368
that is substantially equivalent to section 4511.19 of the Revised 1369
Code. 1370

Sec. 109.71. There is hereby created in the office of the 1371
attorney general the Ohio peace officer training commission. The 1372
commission shall consist of nine members appointed by the governor 1373
with the advice and consent of the senate and selected as follows: 1374
one member representing the public; two members who are incumbent 1375
sheriffs; two members who are incumbent chiefs of police; one 1376
member from the bureau of criminal identification and 1377
investigation; one member from the state highway patrol; one 1378
member who is the special agent in charge of a field office of the 1379
federal bureau of investigation in this state; and one member from 1380
the department of education, trade and industrial education 1381
services, law enforcement training. 1382

This section does not confer any arrest authority or any 1383
ability or authority to detain a person, write or issue any 1384
citation, or provide any disposition alternative, as granted under 1385
Chapter 2935. of the Revised Code. 1386

As used in sections 109.71 to 109.801 of the Revised Code: 1387

(A) "Peace officer" means: 1388

(1) A deputy sheriff, marshal, deputy marshal, member of the 1389
organized police department of a township or municipal 1390
corporation, member of a township police district or joint 1391
township police district police force, member of a police force 1392

employed by a metropolitan housing authority under division (D) of 1393
section 3735.31 of the Revised Code, or township constable, who is 1394
commissioned and employed as a peace officer by a political 1395
subdivision of this state or by a metropolitan housing authority, 1396
and whose primary duties are to preserve the peace, to protect 1397
life and property, and to enforce the laws of this state, 1398
ordinances of a municipal corporation, resolutions of a township, 1399
or regulations of a board of county commissioners or board of 1400
township trustees, or any of those laws, ordinances, resolutions, 1401
or regulations; 1402

(2) A police officer who is employed by a railroad company 1403
and appointed and commissioned by the secretary of state pursuant 1404
to sections 4973.17 to 4973.22 of the Revised Code; 1405

(3) Employees of the department of taxation engaged in the 1406
enforcement of Chapter 5743. of the Revised Code and designated by 1407
the tax commissioner for peace officer training for purposes of 1408
the delegation of investigation powers under section 5743.45 of 1409
the Revised Code; 1410

(4) An undercover drug agent; 1411

(5) Enforcement agents of the department of public safety 1412
whom the director of public safety designates under section 1413
5502.14 of the Revised Code; 1414

(6) An employee of the department of natural resources who is 1415
a natural resources law enforcement staff officer designated 1416
pursuant to section 1501.013, a park officer designated pursuant 1417
to section 1541.10, a forest officer designated pursuant to 1418
section 1503.29, a preserve officer designated pursuant to section 1419
1517.10, a wildlife officer designated pursuant to section 1420
1531.13, or a state watercraft officer designated pursuant to 1421
section 1547.521 of the Revised Code; 1422

(7) An employee of a park district who is designated pursuant 1423

to section 511.232 or 1545.13 of the Revised Code;	1424
(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1425 1426
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	1427 1428 1429 1430 1431
(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;	1432 1433
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	1434 1435 1436
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	1437 1438 1439 1440 1441 1442 1443 1444
(13) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	1445 1446 1447 1448
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	1449 1450
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	1451 1452 1453

(16) Investigators appointed by the auditor of state pursuant 1454
to section 117.091 of the Revised Code and engaged in the 1455
enforcement of Chapter 117. of the Revised Code; 1456

(17) A special police officer designated by the 1457
superintendent of the state highway patrol pursuant to section 1458
5503.09 of the Revised Code or a person who was serving as a 1459
special police officer pursuant to that section on a permanent 1460
basis on October 21, 1997, and who has been awarded a certificate 1461
by the executive director of the Ohio peace officer training 1462
commission attesting to the person's satisfactory completion of an 1463
approved state, county, municipal, or department of natural 1464
resources peace officer basic training program; 1465

(18) A special police officer employed by a port authority 1466
under section 4582.04 or 4582.28 of the Revised Code or a person 1467
serving as a special police officer employed by a port authority 1468
on a permanent basis on May 17, 2000, who has been awarded a 1469
certificate by the executive director of the Ohio peace officer 1470
training commission attesting to the person's satisfactory 1471
completion of an approved state, county, municipal, or department 1472
of natural resources peace officer basic training program; 1473

(19) A special police officer employed by a municipal 1474
corporation who has been awarded a certificate by the executive 1475
director of the Ohio peace officer training commission for 1476
satisfactory completion of an approved peace officer basic 1477
training program and who is employed on a permanent basis on or 1478
after March 19, 2003, at a municipal airport, or other municipal 1479
air navigation facility, that has scheduled operations, as defined 1480
in section 119.3 of Title 14 of the Code of Federal Regulations, 1481
14 C.F.R. 119.3, as amended, and that is required to be under a 1482
security program and is governed by aviation security rules of the 1483
transportation security administration of the United States 1484
department of transportation as provided in Parts 1542. and 1544. 1485

of Title 49 of the Code of Federal Regulations, as amended; 1486

(20) A police officer who is employed by an owner or operator 1487
of an amusement park that has an average yearly attendance in 1488
excess of six hundred thousand guests and that employs and 1489
maintains its own proprietary police department or security 1490
department, and who is appointed and commissioned by a judge of 1491
the appropriate municipal court or county court pursuant to 1492
section 4973.17 of the Revised Code; 1493

(21) A police officer who is employed by a bank, savings and 1494
loan association, savings bank, credit union, or association of 1495
banks, savings and loan associations, savings banks, or credit 1496
unions, who has been appointed and commissioned by the secretary 1497
of state pursuant to sections 4973.17 to 4973.22 of the Revised 1498
Code, and who has been awarded a certificate by the executive 1499
director of the Ohio peace officer training commission attesting 1500
to the person's satisfactory completion of a state, county, 1501
municipal, or department of natural resources peace officer basic 1502
training program; 1503

(22) An investigator, as defined in section 109.541 of the 1504
Revised Code, of the bureau of criminal identification and 1505
investigation who is commissioned by the superintendent of the 1506
bureau as a special agent for the purpose of assisting law 1507
enforcement officers or providing emergency assistance to peace 1508
officers pursuant to authority granted under that section; 1509

(23) A state fire marshal law enforcement officer appointed 1510
under section 3737.22 of the Revised Code or a person serving as a 1511
state fire marshal law enforcement officer on a permanent basis on 1512
or after July 1, 1982, who has been awarded a certificate by the 1513
executive director of the Ohio peace officer training commission 1514
attesting to the person's satisfactory completion of an approved 1515
state, county, municipal, or department of natural resources peace 1516
officer basic training program; 1517

(24) A gaming agent employed under section 3772.03 of the 1518
Revised Code. 1519

(B) "Undercover drug agent" has the same meaning as in 1520
division (B)(2) of section 109.79 of the Revised Code. 1521

(C) "Crisis intervention training" means training in the use 1522
of interpersonal and communication skills to most effectively and 1523
sensitively interview victims of rape. 1524

(D) "Missing children" has the same meaning as in section 1525
2901.30 of the Revised Code. 1526

Sec. 109.77. (A) As used in this section, "felony" has the 1527
same meaning as in section 109.511 of the Revised Code. 1528

(B)(1) Notwithstanding any general, special, or local law or 1529
charter to the contrary, and except as otherwise provided in this 1530
section, no person shall receive an original appointment on a 1531
permanent basis as any of the following unless the person 1532
previously has been awarded a certificate by the executive 1533
director of the Ohio peace officer training commission attesting 1534
to the person's satisfactory completion of an approved state, 1535
county, municipal, or department of natural resources peace 1536
officer basic training program: 1537

(a) A peace officer of any county, township, municipal 1538
corporation, regional transit authority, or metropolitan housing 1539
authority; 1540

(b) A natural resources law enforcement staff officer, park 1541
officer, forest officer, preserve officer, wildlife officer, or 1542
state watercraft officer of the department of natural resources; 1543

(c) An employee of a park district under section 511.232 or 1544
1545.13 of the Revised Code; 1545

(d) An employee of a conservancy district who is designated 1546
pursuant to section 6101.75 of the Revised Code; 1547

- (e) A state university law enforcement officer; 1548
- (f) A special police officer employed by the department of 1549
mental health pursuant to section 5119.14 of the Revised Code or 1550
the department of developmental disabilities pursuant to section 1551
5123.13 of the Revised Code; 1552
- (g) An enforcement agent of the department of public safety 1553
whom the director of public safety designates under section 1554
5502.14 of the Revised Code; 1555
- (h) A special police officer employed by a port authority 1556
under section 4582.04 or 4582.28 of the Revised Code; 1557
- (i) A special police officer employed by a municipal 1558
corporation at a municipal airport, or other municipal air 1559
navigation facility, that has scheduled operations, as defined in 1560
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1561
C.F.R. 119.3, as amended, and that is required to be under a 1562
security program and is governed by aviation security rules of the 1563
transportation security administration of the United States 1564
department of transportation as provided in Parts 1542. and 1544. 1565
of Title 49 of the Code of Federal Regulations, as amended; 1566
- (j) A gaming agent employed under section 3772.03 of the 1567
Revised Code. 1568
- (2) Every person who is appointed on a temporary basis or for 1569
a probationary term or on other than a permanent basis as any of 1570
the following shall forfeit the appointed position unless the 1571
person previously has completed satisfactorily or, within the time 1572
prescribed by rules adopted by the attorney general pursuant to 1573
section 109.74 of the Revised Code, satisfactorily completes a 1574
state, county, municipal, or department of natural resources peace 1575
officer basic training program for temporary or probationary 1576
officers and is awarded a certificate by the director attesting to 1577
the satisfactory completion of the program: 1578

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	1579 1580 1581
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	1582 1583 1584
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	1585 1586
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1587 1588
(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	1589 1590 1591 1592
(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1593 1594 1595
(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	1596 1597
(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	1598 1599 1600 1601 1602 1603 1604 1605 1606
(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace	1607 1608

officer basic training program, regardless of whether the program 1609
is to be completed by peace officers appointed on a permanent or 1610
temporary, probationary, or other nonpermanent basis, shall 1611
include training in the handling of the offense of domestic 1612
violence, other types of domestic violence-related offenses and 1613
incidents, and protection orders and consent agreements issued or 1614
approved under section 2919.26 or 3113.31 of the Revised Code and 1615
crisis intervention training. The requirement to complete training 1616
in the handling of the offense of domestic violence, other types 1617
of domestic violence-related offenses and incidents, and 1618
protection orders and consent agreements issued or approved under 1619
section 2919.26 or 3113.31 of the Revised Code does not apply to 1620
any person serving as a peace officer on March 27, 1979, and the 1621
requirement to complete training in crisis intervention does not 1622
apply to any person serving as a peace officer on April 4, 1985. 1623
Any person who is serving as a peace officer on April 4, 1985, who 1624
terminates that employment after that date, and who subsequently 1625
is hired as a peace officer by the same or another law enforcement 1626
agency shall complete training in crisis intervention as 1627
prescribed by rules adopted by the attorney general pursuant to 1628
section 109.742 of the Revised Code. No peace officer shall have 1629
employment as a peace officer terminated and then be reinstated 1630
with intent to circumvent this section. 1631

(4) Division (B) of this section does not apply to any person 1632
serving on a permanent basis on March 28, 1985, as a park officer, 1633
forest officer, preserve officer, wildlife officer, or state 1634
watercraft officer of the department of natural resources or as an 1635
employee of a park district under section 511.232 or 1545.13 of 1636
the Revised Code, to any person serving on a permanent basis on 1637
March 6, 1986, as an employee of a conservancy district designated 1638
pursuant to section 6101.75 of the Revised Code, to any person 1639
serving on a permanent basis on January 10, 1991, as a preserve 1640
officer of the department of natural resources, to any person 1641

employed on a permanent basis on July 2, 1992, as a special police 1642
officer by the department of mental health pursuant to section 1643
5119.14 of the Revised Code or by the department of developmental 1644
disabilities pursuant to section 5123.13 of the Revised Code, to 1645
any person serving on a permanent basis on May 17, 2000, as a 1646
special police officer employed by a port authority under section 1647
4582.04 or 4582.28 of the Revised Code, to any person serving on a 1648
permanent basis on March 19, 2003, as a special police officer 1649
employed by a municipal corporation at a municipal airport or 1650
other municipal air navigation facility described in division 1651
(A)(19) of section 109.71 of the Revised Code, to any person 1652
serving on a permanent basis on June 19, 1978, as a state 1653
university law enforcement officer pursuant to section 3345.04 of 1654
the Revised Code and who, immediately prior to June 19, 1978, was 1655
serving as a special police officer designated under authority of 1656
that section, or to any person serving on a permanent basis on 1657
September 20, 1984, as a liquor control investigator, known after 1658
June 30, 1999, as an enforcement agent of the department of public 1659
safety, engaged in the enforcement of Chapters 4301. and 4303. of 1660
the Revised Code. 1661

(5) Division (B) of this section does not apply to any person 1662
who is appointed as a regional transit authority police officer 1663
pursuant to division (Y) of section 306.35 of the Revised Code if, 1664
on or before July 1, 1996, the person has completed satisfactorily 1665
an approved state, county, municipal, or department of natural 1666
resources peace officer basic training program and has been 1667
awarded a certificate by the executive director of the Ohio peace 1668
officer training commission attesting to the person's satisfactory 1669
completion of such an approved program and if, on July 1, 1996, 1670
the person is performing peace officer functions for a regional 1671
transit authority. 1672

(C) No person, after September 20, 1984, shall receive an 1673

original appointment on a permanent basis as a veterans' home 1674
police officer designated under section 5907.02 of the Revised 1675
Code unless the person previously has been awarded a certificate 1676
by the executive director of the Ohio peace officer training 1677
commission attesting to the person's satisfactory completion of an 1678
approved police officer basic training program. Every person who 1679
is appointed on a temporary basis or for a probationary term or on 1680
other than a permanent basis as a veterans' home police officer 1681
designated under section 5907.02 of the Revised Code shall forfeit 1682
that position unless the person previously has completed 1683
satisfactorily or, within one year from the time of appointment, 1684
satisfactorily completes an approved police officer basic training 1685
program. 1686

(D) No bailiff or deputy bailiff of a court of record of this 1687
state and no criminal investigator who is employed by the state 1688
public defender shall carry a firearm, as defined in section 1689
2923.11 of the Revised Code, while on duty unless the bailiff, 1690
deputy bailiff, or criminal investigator has done or received one 1691
of the following: 1692

(1) Has been awarded a certificate by the executive director 1693
of the Ohio peace officer training commission, which certificate 1694
attests to satisfactory completion of an approved state, county, 1695
or municipal basic training program for bailiffs and deputy 1696
bailiffs of courts of record and for criminal investigators 1697
employed by the state public defender that has been recommended by 1698
the Ohio peace officer training commission; 1699

(2) Has successfully completed a firearms training program 1700
approved by the Ohio peace officer training commission prior to 1701
employment as a bailiff, deputy bailiff, or criminal investigator; 1702

(3) Prior to June 6, 1986, was authorized to carry a firearm 1703
by the court that employed the bailiff or deputy bailiff or, in 1704
the case of a criminal investigator, by the state public defender 1705

and has received training in the use of firearms that the Ohio
peace officer training commission determines is equivalent to the
training that otherwise is required by division (D) of this
section.

(E)(1) Before a person seeking a certificate completes an
approved peace officer basic training program, the executive
director of the Ohio peace officer training commission shall
request the person to disclose, and the person shall disclose, any
previous criminal conviction of or plea of guilty of that person
to a felony.

(2) Before a person seeking a certificate completes an
approved peace officer basic training program, the executive
director shall request a criminal history records check on the
person. The executive director shall submit the person's
fingerprints to the bureau of criminal identification and
investigation, which shall submit the fingerprints to the federal
bureau of investigation for a national criminal history records
check.

Upon receipt of the executive director's request, the bureau
of criminal identification and investigation and the federal
bureau of investigation shall conduct a criminal history records
check on the person and, upon completion of the check, shall
provide a copy of the criminal history records check to the
executive director. The executive director shall not award any
certificate prescribed in this section unless the executive
director has received a copy of the criminal history records check
on the person to whom the certificate is to be awarded.

(3) The executive director of the commission shall not award
a certificate prescribed in this section to a person who has been
convicted of or has pleaded guilty to a felony or who fails to
disclose any previous criminal conviction of or plea of guilty to
a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, before completion of an approved peace officer basic training program, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997;

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the

executive director shall reinstate the certificate awarded to the 1770
person under this section. If the person files an appeal from that 1771
person's conviction of the felony and the conviction is upheld by 1772
the highest court to which the appeal is taken or if the person 1773
does not file a timely appeal, the executive director shall revoke 1774
the certificate awarded to the person under this section. 1775

(G)(1) If a person is awarded a certificate under this 1776
section and the certificate is revoked pursuant to division (E)(4) 1777
or (F) of this section, the person shall not be eligible to 1778
receive, at any time, a certificate attesting to the person's 1779
satisfactory completion of a peace officer basic training program. 1780

(2) The revocation or suspension of a certificate under 1781
division (E)(4) or (F) of this section shall be in accordance with 1782
Chapter 119. of the Revised Code. 1783

(H)(1) A person who was employed as a peace officer of a 1784
county, township, or municipal corporation of the state on January 1785
1, 1966, and who has completed at least sixteen years of full-time 1786
active service as such a peace officer, or equivalent service as 1787
determined by the executive director of the Ohio peace officer 1788
training commission, may receive an original appointment on a 1789
permanent basis and serve as a peace officer of a county, 1790
township, or municipal corporation, or as a state university law 1791
enforcement officer, without complying with the requirements of 1792
division (B) of this section. 1793

(2) Any person who held an appointment as a state highway 1794
trooper on January 1, 1966, may receive an original appointment on 1795
a permanent basis and serve as a peace officer of a county, 1796
township, or municipal corporation, or as a state university law 1797
enforcement officer, without complying with the requirements of 1798
division (B) of this section. 1799

(I) No person who is appointed as a peace officer of a 1800

county, township, or municipal corporation on or after April 9, 1801
1985, shall serve as a peace officer of that county, township, or 1802
municipal corporation unless the person has received training in 1803
the handling of missing children and child abuse and neglect cases 1804
from an approved state, county, township, or municipal police 1805
officer basic training program or receives the training within the 1806
time prescribed by rules adopted by the attorney general pursuant 1807
to section 109.741 of the Revised Code. 1808

(J) No part of any approved state, county, or municipal basic 1809
training program for bailiffs and deputy bailiffs of courts of 1810
record and no part of any approved state, county, or municipal 1811
basic training program for criminal investigators employed by the 1812
state public defender shall be used as credit toward the 1813
completion by a peace officer of any part of the approved state, 1814
county, or municipal peace officer basic training program that the 1815
peace officer is required by this section to complete 1816
satisfactorily. 1817

(K) This section does not apply to any member of the police 1818
department of a municipal corporation in an adjoining state 1819
serving in this state under a contract pursuant to section 737.04 1820
of the Revised Code. 1821

Sec. 109.79. (A) The Ohio peace officer training commission 1822
shall establish and conduct a training school for law enforcement 1823
officers of any political subdivision of the state or of the state 1824
public defender's office. The school shall be known as the Ohio 1825
peace officer training academy. No bailiff or deputy bailiff of a 1826
court of record of this state and no criminal investigator 1827
employed by the state public defender shall be permitted to attend 1828
the academy for training unless the employing court of the bailiff 1829
or deputy bailiff or the state public defender, whichever is 1830
applicable, has authorized the bailiff, deputy bailiff, or 1831

investigator to attend the academy. 1832

The Ohio peace officer training commission shall develop the 1833
training program, which shall include courses in both the civil 1834
and criminal functions of law enforcement officers, a course in 1835
crisis intervention with six or more hours of training, and 1836
training in the handling of missing children and child abuse and 1837
neglect cases, and shall establish rules governing qualifications 1838
for admission to the academy. The commission may require 1839
competitive examinations to determine fitness of prospective 1840
trainees, so long as the examinations or other criteria for 1841
admission to the academy are consistent with the provisions of 1842
Chapter 124. of the Revised Code. 1843

The Ohio peace officer training commission shall determine 1844
tuition costs sufficient in the aggregate to pay the costs of 1845
operating the academy. The costs of acquiring and equipping the 1846
academy shall be paid from appropriations made by the general 1847
assembly to the Ohio peace officer training commission for that 1848
purpose, from gifts or grants received for that purpose, or from 1849
fees for goods related to the academy. 1850

The Ohio peace officer training commission shall create a 1851
gaming-related curriculum for gaming agents. The Ohio peace 1852
officer training commission shall use money distributed to the 1853
Ohio peace officer training academy from the Ohio law enforcement 1854
training fund to first support the academy's training programs for 1855
gaming agents and gaming-related curriculum. 1856

The law enforcement officers, during the period of their 1857
training, shall receive compensation as determined by the 1858
political subdivision that sponsors them or, if the officer is a 1859
criminal investigator employed by the state public defender, as 1860
determined by the state public defender. The political subdivision 1861
may pay the tuition costs of the law enforcement officers they 1862
sponsor and the state public defender may pay the tuition costs of 1863

criminal investigators of that office who attend the academy. 1864

If trainee vacancies exist, the academy may train and issue 1865
certificates of satisfactory completion to peace officers who are 1866
employed by a campus police department pursuant to section 1713.50 1867
of the Revised Code, by a qualified nonprofit corporation police 1868
department pursuant to section 1702.80 of the Revised Code, or by 1869
a railroad company, who are amusement park police officers 1870
appointed and commissioned by a judge of the appropriate municipal 1871
court or county court pursuant to section 4973.17 of the Revised 1872
Code, or who are bank, savings and loan association, savings bank, 1873
credit union, or association of banks, savings and loan 1874
associations, savings banks, or credit unions, or hospital police 1875
officers appointed and commissioned by the secretary of state 1876
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 1877
provided that no such officer shall be trained at the academy 1878
unless the officer meets the qualifications established for 1879
admission to the academy and the qualified nonprofit corporation 1880
police department; bank, savings and loan association, savings 1881
bank, credit union, or association of banks, savings and loan 1882
associations, savings banks, or credit unions; railroad company; 1883
hospital; or amusement park or the private college or university 1884
that established the campus police department prepays the entire 1885
cost of the training. A qualified nonprofit corporation police 1886
department; bank, savings and loan association, savings bank, 1887
credit union, or association of banks, savings and loan 1888
associations, savings banks, or credit unions; railroad company; 1889
hospital; or amusement park or a private college or university 1890
that has established a campus police department is not entitled to 1891
reimbursement from the state for any amount paid for the cost of 1892
training the bank, savings and loan association, savings bank, 1893
credit union, or association of banks, savings and loan 1894
associations, savings banks, or credit unions peace officers; the 1895
railroad company's peace officers; or the peace officers of the 1896

qualified nonprofit corporation police department, campus police 1897
department, hospital, or amusement park. 1898

The academy shall permit investigators employed by the state 1899
medical board to take selected courses that the board determines 1900
are consistent with its responsibilities for initial and 1901
continuing training of investigators as required under sections 1902
4730.26 and 4731.05 of the Revised Code. The board shall pay the 1903
entire cost of training that investigators receive at the academy. 1904

(B) As used in this section: 1905

(1) "Law enforcement officers" include any undercover drug 1906
agent, any bailiff or deputy bailiff of a court of record, and any 1907
criminal investigator who is employed by the state public 1908
defender. 1909

(2) "Undercover drug agent" means any person who: 1910

(a) Is employed by a county, township, or municipal 1911
corporation for the purposes set forth in division (B)(2)(b) of 1912
this section but who is not an employee of a county sheriff's 1913
department, of a township constable, or of the police department 1914
of a municipal corporation or township; 1915

(b) In the course of the person's employment by a county, 1916
township, or municipal corporation, investigates and gathers 1917
information pertaining to persons who are suspected of violating 1918
Chapter 2925. or 3719. of the Revised Code, and generally does not 1919
wear a uniform in the performance of the person's duties. 1920

(3) "Crisis intervention training" has the same meaning as in 1921
section 109.71 of the Revised Code. 1922

(4) "Missing children" has the same meaning as in section 1923
2901.30 of the Revised Code. 1924

Sec. 121.54. As it relates in any way to state funds or 1925
public officials subject to the investigatory authority of the 1926

inspector general, the inspector general may investigate all 1927
wrongful acts or omissions that have been committed by or are 1928
being committed by any member of the Ohio casino control 1929
commission or its employees. 1930

The inspector general shall conduct a program of random 1931
review of the processing of contracts associated with the 1932
commission. The random review program shall be designed by the 1933
inspector general. The program shall be confidential and may be 1934
altered by the inspector general at any time. 1935

The inspector general shall take care to preserve the 1936
confidentiality of information contained in responses to questions 1937
or in books, records, or papers that are made confidential by law. 1938
In performing any investigation, the inspector general shall avoid 1939
interfering with the ongoing operations of the entities being 1940
investigated, except insofar as is reasonably necessary to 1941
successfully complete the investigation. 1942

At the conclusion of an investigation conducted by the 1943
inspector general, the inspector general shall deliver to the 1944
executive director of the commission, depending on the subject of 1945
the investigation, and to the governor, any case for which 1946
remedial action is necessary. The inspector general shall maintain 1947
a public record of the activities of the inspector general to the 1948
extent permitted under this section, ensuring that the rights of 1949
the parties involved in each case are protected. The inspector 1950
general shall include in the annual report required under section 1951
121.48 of the Revised Code a summary of the activities of the 1952
inspector general under this section during the previous year. 1953

No person shall disclose any information that is designated 1954
as confidential in accordance with section 121.44 of the Revised 1955
Code or any confidential information that is acquired in the 1956
course of an investigation conducted under this section to any 1957
person who is not legally entitled to disclosure of that 1958

<u>information.</u>	1959
<u>As used in this section, "state agency" and "state employee"</u>	1960
<u>have the same meanings as in section 121.41 of the Revised Code.</u>	1961
Sec. 121.60. As used in sections 121.60 to 121.69 of the	1962
Revised Code:	1963
(A) "Person" and "compensation" have the same meanings as in	1964
section 101.70 of the Revised Code.	1965
(B) "Expenditure" means any of the following that is made to,	1966
at the request of, for the benefit of, or on behalf of an elected	1967
executive official, the director of a department created under	1968
section 121.02 of the Revised Code, an executive agency official,	1969
or a member of the staff of any public officer or employee listed	1970
in this division:	1971
(1) A payment, distribution, loan, advance, deposit,	1972
reimbursement, or gift of money, real estate, or anything of	1973
value, including, but not limited to, food and beverages,	1974
entertainment, lodging, transportation, or honorariums;	1975
(2) A contract, promise, or agreement to make an expenditure,	1976
whether or not legally enforceable;	1977
(3) The purchase, sale, or gift of services or any other	1978
thing of value. "Expenditure" does not include a contribution,	1979
gift, or grant to a foundation or other charitable organization	1980
that is exempt from federal income taxation under subsection	1981
501(c)(3) of the Internal Revenue Code. "Expenditure" does not	1982
include the purchase, sale, or gift of services or any other thing	1983
of value that is available to the general public on the same terms	1984
as it is available to the persons listed in this division, or an	1985
offer or sale of securities to any person listed in this division	1986
that is governed by regulation D, 17 C.F.R. 2301.501 <u>230.501</u> to	1987
2301.508 <u>230.508</u> , adopted under the authority of the "Securities	1988

Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is 1989
governed by a comparable provision under state law. 1990

(C) "Employer" means any person who, directly or indirectly, 1991
engages an executive agency lobbyist. 1992

(D) "Engage" means to make any arrangement, and "engagement" 1993
means arrangement, whereby an individual is employed or retained 1994
for compensation to act for or on behalf of an employer to 1995
influence executive agency decisions or to conduct any executive 1996
agency lobbying activity. 1997

(E) "Financial transaction" means a transaction or activity 1998
that is conducted or undertaken for profit and arises from the 1999
joint ownership or the ownership or part ownership in common of 2000
any real or personal property or any commercial or business 2001
enterprise of whatever form or nature between the following: 2002

(1) An executive agency lobbyist, ~~his~~ the executive agency 2003
lobbyist's employer, or a member of the immediate family of the 2004
executive agency lobbyist or ~~his~~ the executive agency lobbyist's 2005
employer; and 2006

(2) Any elected executive official, the director of a 2007
department created under section 121.02 of the Revised Code, an 2008
executive agency official, or any member of the staff of a public 2009
officer or employee listed in division (E)(2) of this section. 2010

"Financial transaction" does not include any transaction or 2011
activity described in division (E) of this section if it is 2012
available to the general public on the same terms, or if it is an 2013
offer or sale of securities to any person listed in division 2014
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 2015
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 2016
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 2017
following, or that is governed by a comparable provision under 2018
state law. 2019

(F) "Executive agency" means the office of an elected executive official, a department created under section 121.02 of the Revised Code, or any other state agency, department, board, or commission controlled or directed by an elected executive official or otherwise subject to ~~his~~ an elected executive official's authority. "Executive agency" does not include any court, the general assembly, or the controlling board.

(G) "Executive agency decision" means a decision of an executive agency regarding the expenditure of funds of the state or of an executive agency with respect to the award of a contract, grant, lease, or other financial arrangement under which such funds are distributed or allocated, or a regulatory decision of an executive agency or any board or commission of the state. "Executive agency decision" does not include either of the following:

(1) A purchasing decision for which a vendor has filed a statement certifying that ~~he~~ the vendor has not made campaign contributions in an amount such that section 3517.13 of the Revised Code would invalidate the decision, if that vendor has not engaged an executive agency lobbyist;

(2) The award of a competitively bid contract for which bid specifications were prepared and for which at least three eligible competitive bids were received by the executive agency.

(H) "Executive agency lobbyist" means any person engaged to influence executive agency decisions or to conduct executive agency lobbying activity as one of ~~his~~ the person's main purposes on a regular and substantial basis. "Executive agency lobbyist" does not include an elected or appointed officer or employee of a federal or state agency, state college, state university, or political subdivision who attempts to influence or affect executive agency decisions in ~~his~~ a fiduciary capacity as a representative of ~~his~~ the officer's or employee's agency, college,

university, or political subdivision. 2052

(I) "Executive agency lobbying activity" means contacts made 2053
to promote, oppose, or otherwise influence the outcome of an 2054
executive agency decision by direct communication with an elected 2055
executive official, the director of any department listed in 2056
section 121.02 of the Revised Code, any executive agency official, 2057
~~or~~ a member of the staff of any public officer or employee listed 2058
in this division, or the Ohio casino control commission. "Lobbying 2059
activity" does not include any of the following: 2060

(1) The action of any person having a direct interest in 2061
executive agency decisions who, under Section 3 of Article I, Ohio 2062
Constitution, assembles together with other persons to consult for 2063
their common good, instructs a person listed in the first 2064
paragraph of division (I) of this section, or petitions such a 2065
person for the redress of grievances; 2066

(2) Contacts made for the sole purpose of gathering 2067
information contained in a public record; 2068

(3) Appearances before an executive agency to give testimony. 2069

(J) "Executive agency official" means an officer or employee 2070
of an executive agency whose principal duties are to formulate 2071
policy or to participate directly or indirectly in the 2072
preparation, review, or award of contracts, grants, leases, or 2073
other financial arrangements with an executive agency. 2074

(K) "Aggrieved party" means a party entitled to resort to a 2075
remedy. 2076

(L) "Elected executive official" means the governor, 2077
lieutenant governor, secretary of state, auditor of state, 2078
treasurer of state, and the attorney general. 2079

(M) "Staff" means any officer or employee of an executive 2080
agency whose official duties are to formulate policy and who 2081

exercises administrative or supervisory authority or who 2082
authorizes the expenditure of state funds. 2083

Sec. 122.045. The director of development shall establish, 2084
and thereafter shall maintain and improve, an urban workforce 2085
development initiative. The director shall use money in the urban 2086
workforce development fund to establish and administer a 2087
competitive process for making grants under the initiative to one 2088
or more entities that meet criteria determined by the director. 2089
The director shall enter into contracts with grantees under which 2090
the grantees develop and administer programs that reimburse 2091
eligible employers for qualified wage expenditures incurred in 2092
connection with the hiring of eligible employees. The director 2093
shall determine what constitutes qualified wage expenditures. 2094

An individual is an "eligible employee" if the individual has 2095
been hired by an eligible employer who is eligible to receive 2096
reimbursements under the workforce development initiative, the 2097
individual, at the time of hiring, resides in the city in which 2098
the eligible employer's business is located, and the individual 2099
either: (1) was unemployed immediately before being hired by the 2100
eligible employer and, during the period of employment with the 2101
eligible employer, engages in a skills training program that has 2102
been approved by the director or (2) recently graduated from an 2103
educational program relevant to the employment that, upon 2104
completion of the program, granted a degree or certificate to the 2105
individual. The degree or certificate shall have been issued by a 2106
state institution of higher education as defined in section 2107
3345.011 of the Revised Code or otherwise approved by the 2108
director. 2109

An employer is an "eligible employer" if the employer 2110
operates a business that is located in an Ohio city having more 2111
than thirty thousand individuals whose incomes are below one 2112

hundred eighty-five per cent of the poverty rate determined by the 2113
United States bureau of the census in the 2006-2008 American 2114
community survey. 2115

The contracts between the director and the grantees shall 2116
obligate the grantees to encourage eligible employers to enter 2117
into partnerships with cooperative education programs and 2118
internship programs under section 3333.71 of the Revised Code in 2119
conjunction with participation in the urban workforce development 2120
initiative. 2121

The director shall adopt, and may amend and rescind, rules 2122
under Chapter 119. of the Revised Code as are necessary to carry 2123
out the urban workforce development initiative. 2124

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of the 2125
Revised Code, "state agency" means the administrative departments 2126
listed in section 121.02 of the Revised Code, the department of 2127
taxation, ~~and~~ the bureau of workers' compensation, and the Ohio 2128
casino control commission. 2129

(B) The office of internal auditing is hereby created in the 2130
office of budget and management to conduct internal audits of 2131
state agencies or divisions of state agencies to improve their 2132
operations in the areas of risk management, internal controls, and 2133
governance. The director of budget and management, with the 2134
approval of the governor, shall appoint for the office of internal 2135
auditing a chief internal auditor who meets the qualifications 2136
specified in division (C) of this section. The chief internal 2137
auditor shall serve at the director's pleasure and be responsible 2138
for the administration of the office of internal auditing 2139
consistent with sections 126.45 to 126.48 of the Revised Code. 2140

The office of internal auditing shall conduct programs for 2141
the internal auditing of state agencies. The programs shall 2142
include an annual internal audit plan, reviewed by the state audit 2143

committee, that utilizes risk assessment techniques and identifies 2144
the specific audits to be conducted during the year. The programs 2145
also shall include periodic audits of each state agency's major 2146
systems and controls, including those systems and controls 2147
pertaining to accounting, administration, and electronic data 2148
processing. Upon the request of the office of internal auditing, 2149
each state agency shall provide office employees access to all 2150
records and documents necessary for the performance of an internal 2151
audit. 2152

The director of budget and management shall assess a charge 2153
against each state agency for which the office of internal 2154
auditing conducts internal auditing programs under sections 126.45 2155
to 126.48 of the Revised Code so that the total amount of these 2156
charges is sufficient to cover the costs of the operation of the 2157
office of internal auditing. 2158

(C) The chief internal auditor of the office of internal 2159
auditing shall hold at least a bachelor's degree and be one of the 2160
following: 2161

(1) A certified internal auditor, a certified government 2162
auditing professional, or a certified public accountant, who also 2163
has held a PA registration or a CPA certificate authorized by 2164
Chapter 4701. of the Revised Code for at least four years and has 2165
at least six years of auditing experience; 2166

(2) An auditor who has held a PA registration or a CPA 2167
certificate authorized by Chapter 4701. of the Revised Code for at 2168
least four years and has at least ten years of auditing 2169
experience. 2170

(D) The chief internal auditor, subject to the direction and 2171
control of the director of budget and management, may appoint and 2172
maintain any staff necessary to carry out the duties assigned by 2173
sections 126.45 to 126.48 of the Revised Code to the office of 2174

internal auditing or to the chief internal auditor. 2175

Sec. 1705.48. Except as otherwise provided by this chapter or 2176
any other provision of the Revised Code, including, but not 2177
limited to, sections 3734.908, 5739.33, 5743.57, 5747.07, and 2178
~~5753.09~~ 5753.02 of the Revised Code, all of the following apply: 2179

(A) The debts, obligations, and liabilities of a limited 2180
liability company, whether arising in contract, tort, or 2181
otherwise, are solely the debts, obligations, and liabilities of 2182
the limited liability company. 2183

(B) Neither the members of the limited liability company nor 2184
any managers of the limited liability company are personally 2185
liable to satisfy any judgment, decree, or order of a court for, 2186
or are personally liable to satisfy in any other manner, a debt, 2187
obligation, or liability of the company solely by reason of being 2188
a member or manager of the limited liability company. 2189

(C) Nothing in this chapter affects any personal liability of 2190
a member of a limited liability company or any manager of a 2191
limited liability company for the member's or manager's own 2192
actions or omissions. 2193

(D) This chapter does not affect any statutory or common law 2194
of this or another state that pertains to the relationship between 2195
an individual who renders a professional service and a recipient 2196
of that service, including, but not limited to, any contract or 2197
tort liability arising out of acts or omissions committed or 2198
omitted during the course of rendering the professional service. 2199

Sec. 2915.01. As used in this chapter: 2200

(A) "Bookmaking" means the business of receiving or paying 2201
off bets. 2202

(B) "Bet" means the hazarding of anything of value upon the 2203

result of an event, undertaking, or contingency, but does not 2204
include a bona fide business risk. 2205

(C) "Scheme of chance" means a slot machine, lottery, numbers 2206
game, pool conducted for profit, or other scheme in which a 2207
participant gives a valuable consideration for a chance to win a 2208
prize, but does not include bingo, a skill-based amusement 2209
machine, or a pool not conducted for profit. 2210

(D) "Game of chance" means poker, craps, roulette, or other 2211
game in which a player gives anything of value in the hope of 2212
gain, the outcome of which is determined largely by chance, but 2213
does not include bingo. 2214

(E) "Game of chance conducted for profit" means any game of 2215
chance designed to produce income for the person who conducts or 2216
operates the game of chance, but does not include bingo. 2217

(F) "Gambling device" means any of the following: 2218

(1) A book, totalizer, or other equipment for recording bets; 2219

(2) A ticket, token, or other device representing a chance, 2220
share, or interest in a scheme of chance or evidencing a bet; 2221

(3) A deck of cards, dice, gaming table, roulette wheel, slot 2222
machine, or other apparatus designed for use in connection with a 2223
game of chance; 2224

(4) Any equipment, device, apparatus, or paraphernalia 2225
specially designed for gambling purposes; 2226

(5) Bingo supplies sold or otherwise provided, or used, in 2227
violation of this chapter. 2228

(G) "Gambling offense" means any of the following: 2229

(1) A violation of section 2915.02, 2915.03, 2915.04, 2230
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2231
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code; 2232

(2) A violation of an existing or former municipal ordinance 2233
or law of this or any other state or the United States 2234
substantially equivalent to any section listed in division (G)(1) 2235
of this section or a violation of section 2915.06 of the Revised 2236
Code as it existed prior to July 1, 1996; 2237

(3) An offense under an existing or former municipal 2238
ordinance or law of this or any other state or the United States, 2239
of which gambling is an element; 2240

(4) A conspiracy or attempt to commit, or complicity in 2241
committing, any offense under division (G)(1), (2), or (3) of this 2242
section. 2243

(H) Except as otherwise provided in this chapter, "charitable 2244
organization" means any tax exempt religious, educational, 2245
veteran's, fraternal, sporting, service, nonprofit medical, 2246
volunteer rescue service, volunteer firefighter's, senior 2247
citizen's, historic railroad educational, youth athletic, amateur 2248
athletic, or youth athletic park organization. An organization is 2249
tax exempt if the organization is, and has received from the 2250
internal revenue service a determination letter that currently is 2251
in effect stating that the organization is, exempt from federal 2252
income taxation under subsection 501(a) and described in 2253
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 2254
501(c)(19) of the Internal Revenue Code, or if the organization is 2255
a sporting organization that is exempt from federal income 2256
taxation under subsection 501(a) and is described in subsection 2257
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 2258
organization, an organization, except a volunteer rescue service 2259
~~or~~, volunteer firefighter's, veteran's, or fraternal organization, 2260
shall have been in continuous existence as such in this state for 2261
a period of two years immediately preceding either the making of 2262
an application for a bingo license under section 2915.08 of the 2263
Revised Code or the conducting of any game of chance as provided 2264

in division (D) of section 2915.02 or in section 2915.14 of the 2265
Revised Code. A charitable organization that is exempt from 2266
federal income taxation under subsection 501(a) and described in 2267
subsection 501(c)(3) of the Internal Revenue Code and that is 2268
created by a veteran's organization, a fraternal organization, or 2269
a sporting organization does not have to have been in continuous 2270
existence as such in this state for a period of two years 2271
immediately preceding either the making of an application for a 2272
bingo license under section 2915.08 of the Revised Code or the 2273
conducting of any game of chance as provided in division (D) of 2274
section 2915.02 or in section 2915.14 of the Revised Code. 2275

(I) "Religious organization" means any church, body of 2276
communicants, or group that is not organized or operated for 2277
profit and that gathers in common membership for regular worship 2278
and religious observances. 2279

(J) "Educational organization" means any organization within 2280
this state that is not organized for profit, the primary purpose 2281
of which is to educate and develop the capabilities of individuals 2282
through instruction by means of operating or contributing to the 2283
support of a school, academy, college, or university. 2284

(K) "Veteran's organization" means any individual post or 2285
state headquarters of a national veteran's association or an 2286
auxiliary unit of any individual post of a national veteran's 2287
association, which post, state headquarters, or auxiliary unit ~~has~~ 2288
~~been in continuous existence in this state for at least two years~~ 2289
~~and is~~ incorporated as a nonprofit corporation and either has 2290
received a letter from the state headquarters of the national 2291
veteran's association indicating that the individual post or 2292
auxiliary unit is in good standing with the national veteran's 2293
association or has received a letter from the national veteran's 2294
association indicating that the state headquarters is in good 2295
standing with the national veteran's association. As used in this 2296

division, "national veteran's association" means any veteran's 2297
association that has been in continuous existence as such for a 2298
period of at least five years and either is incorporated by an act 2299
of the United States congress or has a national dues-paying 2300
membership of at least five thousand persons. 2301

(L) "Volunteer firefighter's organization" means any 2302
organization of volunteer firefighters, as defined in section 2303
146.01 of the Revised Code, that is organized and operated 2304
exclusively to provide financial support for a volunteer fire 2305
department or a volunteer fire company and that is recognized or 2306
ratified by a county, municipal corporation, or township. 2307

(M) "Fraternal organization" means any society, order, state 2308
headquarters, or association within this state, except a college 2309
or high school fraternity, that is not organized for profit, that 2310
is a branch, lodge, or chapter of a national or state 2311
organization, that exists exclusively for the common business or 2312
sodality of its members, ~~and that has been in continuous existence~~ 2313
~~in this state for a period of five years.~~ 2314

(N) "Volunteer rescue service organization" means any 2315
organization of volunteers organized to function as an emergency 2316
medical service organization, as defined in section 4765.01 of the 2317
Revised Code. 2318

(O) "Service organization" means either of the following: 2319

(1) Any organization, not organized for profit, that is 2320
organized and operated exclusively to provide, or to contribute to 2321
the support of organizations or institutions organized and 2322
operated exclusively to provide, medical and therapeutic services 2323
for persons who are crippled, born with birth defects, or have any 2324
other mental or physical defect or those organized and operated 2325
exclusively to protect, or to contribute to the support of 2326
organizations or institutions organized and operated exclusively 2327

to protect, animals from inhumane treatment or provide immediate 2328
shelter to victims of domestic violence; 2329

(2) Any organization that is described in subsection 2330
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2331
and is either a governmental unit or an organization that is tax 2332
exempt under subsection 501(a) and described in subsection 2333
501(c)(3) of the Internal Revenue Code and that is an 2334
organization, not organized for profit, that is organized and 2335
operated primarily to provide, or to contribute to the support of 2336
organizations or institutions organized and operated primarily to 2337
provide, medical and therapeutic services for persons who are 2338
crippled, born with birth defects, or have any other mental or 2339
physical defect. 2340

(P) "Nonprofit medical organization" means either of the 2341
following: 2342

(1) Any organization that has been incorporated as a 2343
nonprofit corporation for at least five years and that has 2344
continuously operated and will be operated exclusively to provide, 2345
or to contribute to the support of organizations or institutions 2346
organized and operated exclusively to provide, hospital, medical, 2347
research, or therapeutic services for the public; 2348

(2) Any organization that is described and qualified under 2349
subsection 501(c)(3) of the Internal Revenue Code, that has been 2350
incorporated as a nonprofit corporation for at least five years, 2351
and that has continuously operated and will be operated primarily 2352
to provide, or to contribute to the support of organizations or 2353
institutions organized and operated primarily to provide, 2354
hospital, medical, research, or therapeutic services for the 2355
public. 2356

(Q) "Senior citizen's organization" means any private 2357
organization, not organized for profit, that is organized and 2358

operated exclusively to provide recreational or social services 2359
for persons who are fifty-five years of age or older and that is 2360
described and qualified under subsection 501(c)(3) of the Internal 2361
Revenue Code. 2362

(R) "Charitable bingo game" means any bingo game described in 2363
division (S)(1) or (2) of this section that is conducted by a 2364
charitable organization that has obtained a license pursuant to 2365
section 2915.08 of the Revised Code and the proceeds of which are 2366
used for a charitable purpose. 2367

(S) "Bingo" means either of the following: 2368

(1) A game with all of the following characteristics: 2369

(a) The participants use bingo cards or sheets, including 2370
paper formats and electronic representation or image formats, that 2371
are divided into twenty-five spaces arranged in five horizontal 2372
and five vertical rows of spaces, with each space, except the 2373
central space, being designated by a combination of a letter and a 2374
number and with the central space being designated as a free 2375
space. 2376

(b) The participants cover the spaces on the bingo cards or 2377
sheets that correspond to combinations of letters and numbers that 2378
are announced by a bingo game operator. 2379

(c) A bingo game operator announces combinations of letters 2380
and numbers that appear on objects that a bingo game operator 2381
selects by chance, either manually or mechanically, from a 2382
receptacle that contains seventy-five objects at the beginning of 2383
each game, each object marked by a different combination of a 2384
letter and a number that corresponds to one of the seventy-five 2385
possible combinations of a letter and a number that can appear on 2386
the bingo cards or sheets. 2387

(d) The winner of the bingo game includes any participant who 2388
properly announces during the interval between the announcements 2389

of letters and numbers as described in division (S)(1)(c) of this 2390
section, that a predetermined and preannounced pattern of spaces 2391
has been covered on a bingo card or sheet being used by the 2392
participant. 2393

(2) Instant bingo, punch boards, and raffles. 2394

(T) "Conduct" means to back, promote, organize, manage, carry 2395
on, sponsor, or prepare for the operation of bingo or a game of 2396
chance. 2397

(U) "Bingo game operator" means any person, except security 2398
personnel, who performs work or labor at the site of bingo, 2399
including, but not limited to, collecting money from participants, 2400
handing out bingo cards or sheets or objects to cover spaces on 2401
bingo cards or sheets, selecting from a receptacle the objects 2402
that contain the combination of letters and numbers that appear on 2403
bingo cards or sheets, calling out the combinations of letters and 2404
numbers, distributing prizes, selling or redeeming instant bingo 2405
tickets or cards, supervising the operation of a punch board, 2406
selling raffle tickets, selecting raffle tickets from a receptacle 2407
and announcing the winning numbers in a raffle, and preparing, 2408
selling, and serving food or beverages. 2409

(V) "Participant" means any person who plays bingo. 2410

(W) "Bingo session" means a period that includes both of the 2411
following: 2412

(1) Not to exceed five continuous hours for the conduct of 2413
one or more games described in division (S)(1) of this section, 2414
instant bingo, and seal cards; 2415

(2) A period for the conduct of instant bingo and seal cards 2416
for not more than two hours before and not more than two hours 2417
after the period described in division (W)(1) of this section. 2418

(X) "Gross receipts" means all money or assets, including 2419

admission fees, that a person receives from bingo without the 2420
deduction of any amounts for prizes paid out or for the expenses 2421
of conducting bingo. "Gross receipts" does not include any money 2422
directly taken in from the sale of food or beverages by a 2423
charitable organization conducting bingo, or by a bona fide 2424
auxiliary unit or society of a charitable organization conducting 2425
bingo, provided ~~all~~ both of the following apply: 2426

~~(1) The auxiliary unit or society has been in existence as a 2427
bona fide auxiliary unit or society of the charitable organization 2428
for at least two years prior to conducting bingo. 2429~~

~~(2)~~ The person who purchases the food or beverage receives 2430
nothing of value except the food or beverage and items customarily 2431
received with the purchase of that food or beverage. 2432

~~(3)~~ (2) The food and beverages are sold at customary and 2433
reasonable prices. 2434

(Y) "Security personnel" includes any person who either is a 2435
sheriff, deputy sheriff, marshal, deputy marshal, township 2436
constable, or member of an organized police department of a 2437
municipal corporation or has successfully completed a peace 2438
officer's training course pursuant to sections 109.71 to 109.79 of 2439
the Revised Code and who is hired to provide security for the 2440
premises on which bingo is conducted. 2441

(Z) "Charitable purpose" means that the net profit of bingo, 2442
other than instant bingo, is used by, or is given, donated, or 2443
otherwise transferred to, any of the following: 2444

(1) Any organization that is described in subsection 2445
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2446
and is either a governmental unit or an organization that is tax 2447
exempt under subsection 501(a) and described in subsection 2448
501(c)(3) of the Internal Revenue Code; 2449

(2) A veteran's organization that is a post, chapter, or 2450

organization of veterans, or an auxiliary unit or society of, or a 2451
trust or foundation for, any such post, chapter, or organization 2452
organized in the United States or any of its possessions, at least 2453
seventy-five per cent of the members of which are veterans and 2454
substantially all of the other members of which are individuals 2455
who are spouses, widows, or widowers of veterans, or such 2456
individuals, provided that no part of the net earnings of such 2457
post, chapter, or organization inures to the benefit of any 2458
private shareholder or individual, and further provided that the 2459
net profit is used by the post, chapter, or organization for the 2460
charitable purposes set forth in division (B)(12) of section 2461
5739.02 of the Revised Code, is used for awarding scholarships to 2462
or for attendance at an institution mentioned in division (B)(12) 2463
of section 5739.02 of the Revised Code, is donated to a 2464
governmental agency, or is used for nonprofit youth activities, 2465
the purchase of United States or Ohio flags that are donated to 2466
schools, youth groups, or other bona fide nonprofit organizations, 2467
promotion of patriotism, or disaster relief; 2468

(3) A fraternal organization that has been in continuous 2469
existence in this state for fifteen years and that uses the net 2470
profit exclusively for religious, charitable, scientific, 2471
literary, or educational purposes, or for the prevention of 2472
cruelty to children or animals, if contributions for such use 2473
would qualify as a deductible charitable contribution under 2474
subsection 170 of the Internal Revenue Code; 2475

(4) A volunteer firefighter's organization that uses the net 2476
profit for the purposes set forth in division (L) of this section. 2477

(AA) "Internal Revenue Code" means the "Internal Revenue Code 2478
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 2479
amended. 2480

(BB) "Youth athletic organization" means any organization, 2481
not organized for profit, that is organized and operated 2482

exclusively to provide financial support to, or to operate, 2483
athletic activities for persons who are twenty-one years of age or 2484
younger by means of sponsoring, organizing, operating, or 2485
contributing to the support of an athletic team, club, league, or 2486
association. 2487

(CC) "Youth athletic park organization" means any 2488
organization, not organized for profit, that satisfies both of the 2489
following: 2490

(1) It owns, operates, and maintains playing fields that 2491
satisfy both of the following: 2492

(a) The playing fields are used at least one hundred days per 2493
year for athletic activities by one or more organizations, not 2494
organized for profit, each of which is organized and operated 2495
exclusively to provide financial support to, or to operate, 2496
athletic activities for persons who are eighteen years of age or 2497
younger by means of sponsoring, organizing, operating, or 2498
contributing to the support of an athletic team, club, league, or 2499
association. 2500

(b) The playing fields are not used for any profit-making 2501
activity at any time during the year. 2502

(2) It uses the proceeds of bingo it conducts exclusively for 2503
the operation, maintenance, and improvement of its playing fields 2504
of the type described in division (CC)(1) of this section. 2505

(DD) "Amateur athletic organization" means any organization, 2506
not organized for profit, that is organized and operated 2507
exclusively to provide financial support to, or to operate, 2508
athletic activities for persons who are training for amateur 2509
athletic competition that is sanctioned by a national governing 2510
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 2511
3045, 36 U.S.C.A. 373. 2512

(EE) "Bingo supplies" means bingo cards or sheets; instant 2513

bingo tickets or cards; electronic bingo aids; raffle tickets; 2514
punch boards; seal cards; instant bingo ticket dispensers; ~~and~~ 2515
devices for selecting or displaying the combination of bingo 2516
letters and numbers or raffle tickets; and durable bingo 2517
equipment. Items that are "bingo supplies" are not gambling 2518
devices if sold or otherwise provided, and used, in accordance 2519
with this chapter. For purposes of this chapter, "bingo supplies" 2520
are not to be considered equipment, such as tables and chairs, 2521
used to conduct a bingo game. 2522

(FF) "Instant bingo" means a form of bingo that uses folded 2523
or banded tickets or paper cards with perforated break-open tabs, 2524
a face of which is covered or otherwise hidden from view to 2525
conceal a number, letter, or symbol, or set of numbers, letters, 2526
or symbols, some of which have been designated in advance as prize 2527
winners, and games in which winners are determined by the random 2528
selection of one or more bingo numbers, by the use of a seal card 2529
or bingo blower. "Instant bingo" includes seal cards. "Instant 2530
bingo" does not include any device that is activated by the 2531
insertion of a coin, currency, token, or an equivalent, and that 2532
contains as one of its components a video display monitor that is 2533
capable of displaying numbers, letters, symbols, or characters in 2534
winning or losing combinations. 2535

(GG) "Seal card" means a form of instant bingo that uses 2536
instant bingo tickets in conjunction with a board or placard that 2537
contains one or more seals that, when removed or opened, reveal 2538
predesignated winning numbers, letters, or symbols. 2539

(HH) "Raffle" means a form of bingo in which the one or more 2540
prizes are won by one or more persons who have purchased a raffle 2541
ticket. The one or more winners of the raffle are determined by 2542
drawing a ticket stub or other detachable section from a 2543
receptacle containing ticket stubs or detachable sections 2544
corresponding to all tickets sold for the raffle. 2545

(II) "Punch board" means a board containing a number of holes 2546
or receptacles of uniform size in which are placed, mechanically 2547
and randomly, serially numbered slips of paper that may be punched 2548
or drawn from the hole or receptacle when used in conjunction with 2549
instant bingo. A player may punch or draw the numbered slips of 2550
paper from the holes or receptacles and obtain the prize 2551
established for the game if the number drawn corresponds to a 2552
winning number or, if the punch board includes the use of a seal 2553
card, a potential winning number. 2554

(JJ) "Gross profit" means gross receipts minus the amount 2555
actually expended for the payment of prize awards. 2556

(KK) "Net profit" means gross profit minus expenses. 2557

(LL) "Expenses" means the reasonable amount of gross profit 2558
actually expended for all of the following: 2559

(1) The purchase or lease of bingo supplies; 2560

(2) The annual license fee required under section 2915.08 of 2561
the Revised Code; 2562

(3) Bank fees and service charges for a bingo session or game 2563
account described in section 2915.10 of the Revised Code; 2564

(4) Audits and accounting services; 2565

(5) Safes; 2566

(6) Cash registers; 2567

(7) Hiring security personnel; 2568

(8) Advertising bingo; 2569

(9) Renting premises in which to conduct a bingo session; 2570

(10) Tables and chairs; 2571

(11) Expenses for maintaining and operating a charitable 2572
organization's facilities, including, but not limited to, a post 2573
home, club house, lounge, tavern, or canteen and any grounds 2574

attached to the post home, club house, lounge, tavern, or canteen;	2575
(12) <u>Payment of real property taxes and assessments that are</u>	2576
<u>levied on a premises on which bingo is conducted;</u>	2577
(13) Any other product or service directly related to the	2578
conduct of bingo that is authorized in rules adopted by the	2579
attorney general under division (B)(1) of section 2915.08 of the	2580
Revised Code.	2581
(MM) "Person" has the same meaning as in section 1.59 of the	2582
Revised Code and includes any firm or any other legal entity,	2583
however organized.	2584
(NN) "Revoke" means to void permanently all rights and	2585
privileges of the holder of a license issued under section	2586
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable	2587
gaming license issued by another jurisdiction.	2588
(OO) "Suspend" means to interrupt temporarily all rights and	2589
privileges of the holder of a license issued under section	2590
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable	2591
gaming license issued by another jurisdiction.	2592
(PP) "Distributor" means any person who purchases or obtains	2593
bingo supplies and who does either of the following:	2594
(1) Sells, offers for sale, or otherwise provides or offers	2595
to provide the bingo supplies to another person for use in this	2596
state;	2597
(2) Modifies, converts, adds to, or removes parts from the	2598
bingo supplies to further their promotion or sale for use in this	2599
state.	2600
(QQ) "Manufacturer" means any person who assembles completed	2601
bingo supplies from raw materials, other items, or subparts or who	2602
modifies, converts, adds to, or removes parts from bingo supplies	2603
to further their promotion or sale.	2604

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

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

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

(2) It performs no gaming functions.

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

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

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

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

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

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

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

(a) It provides a means for a participant to input numbers

and letters announced by a bingo caller. 2635

(b) It compares the numbers and letters entered by the 2636
participant to the bingo faces previously stored in the memory of 2637
the device. 2638

(c) It identifies a winning bingo pattern. 2639

(2) "Electronic bingo aid" does not include any device into 2640
which a coin, currency, token, or an equivalent is inserted to 2641
activate play. 2642

(UU) "Deal of instant bingo tickets" means a single game of 2643
instant bingo tickets all with the same serial number. 2644

(VV)(1) "Slot machine" means either of the following: 2645

(a) Any mechanical, electronic, video, or digital device that 2646
is capable of accepting anything of value, directly or indirectly, 2647
from or on behalf of a player who gives the thing of value in the 2648
hope of gain; 2649

(b) Any mechanical, electronic, video, or digital device that 2650
is capable of accepting anything of value, directly or indirectly, 2651
from or on behalf of a player to conduct ~~or dispense~~ bingo or a 2652
scheme or game of chance. 2653

(2) "Slot machine" does not include a skill-based amusement 2654
machine or an instant bingo ticket dispenser. 2655

(WW) "Net profit from the proceeds of the sale of instant 2656
bingo" means gross profit minus the ordinary, necessary, and 2657
reasonable expense expended for the purchase of instant bingo 2658
supplies and in the case of instant bingo conducted by a 2659
veteran's, fraternal, or sporting organization, the payment by a 2660
veteran's, fraternal, or sporting organization of real property 2661
taxes and assessments levied on the premises in which instant 2662
bingo is conducted. 2663

(XX) "Charitable instant bingo organization" means an 2664

organization that is exempt from federal income taxation under 2665
subsection 501(a) and described in subsection 501(c)(3) of the 2666
Internal Revenue Code and is a charitable organization as defined 2667
in this section. A "charitable instant bingo organization" does 2668
not include a charitable organization that is exempt from federal 2669
income taxation under subsection 501(a) and described in 2670
subsection 501(c)(3) of the Internal Revenue Code and that is 2671
created by a veteran's organization, a fraternal organization, or 2672
a sporting organization in regards to bingo conducted or assisted 2673
by a veteran's organization, a fraternal organization, or a 2674
sporting organization pursuant to section 2915.13 of the Revised 2675
Code. 2676

(YY) "Game flare" means the board or placard that accompanies 2677
each deal of instant bingo tickets and that has printed on or 2678
affixed to it the following information for the game: 2679

(1) The name of the game; 2680

(2) The manufacturer's name or distinctive logo; 2681

(3) The form number; 2682

(4) The ticket count; 2683

(5) The prize structure, including the number of winning 2684
instant bingo tickets by denomination and the respective winning 2685
symbol or number combinations for the winning instant bingo 2686
tickets; 2687

(6) The cost per play; 2688

(7) The serial number of the game. 2689

(ZZ) "Historic railroad educational organization" means an 2690
organization that is exempt from federal income taxation under 2691
subsection 501(a) and described in subsection 501(c)(3) of the 2692
Internal Revenue Code, that owns in fee simple the tracks and the 2693
right of way of a historic railroad that the organization restores 2694

or maintains and on which the organization provides excursions as 2695
part of a program to promote tourism and educate visitors 2696
regarding the role of railroad transportation in Ohio history, and 2697
that received as donations from a charitable organization that 2698
holds a license to conduct bingo under this chapter an amount 2699
equal to at least fifty per cent of that licensed charitable 2700
organization's net proceeds from the conduct of bingo during each 2701
of the five years preceding June 30, 2003. "Historic railroad" 2702
means all or a portion of the tracks and right-of-way of a 2703
railroad that was owned and operated by a for-profit common 2704
carrier in this state at any time prior to January 1, 1950. 2705

(AAA)(1) "Skill-based amusement machine" means a mechanical, 2706
video, digital, or electronic device that rewards the player or 2707
players, if at all, only with merchandise prizes or with 2708
redeemable vouchers redeemable only for merchandise prizes, 2709
provided that with respect to rewards for playing the game all of 2710
the following apply: 2711

(a) The wholesale value of a merchandise prize awarded as a 2712
result of the single play of a machine does not exceed ten 2713
dollars; 2714

(b) Redeemable vouchers awarded for any single play of a 2715
machine are not redeemable for a merchandise prize with a 2716
wholesale value of more than ten dollars; 2717

(c) Redeemable vouchers are not redeemable for a merchandise 2718
prize that has a wholesale value of more than ten dollars times 2719
the fewest number of single plays necessary to accrue the 2720
redeemable vouchers required to obtain that prize; and 2721

(d) Any redeemable vouchers or merchandise prizes are 2722
distributed at the site of the skill-based amusement machine at 2723
the time of play. 2724

(2) A device shall not be considered a skill-based amusement 2725

machine and shall be considered a slot machine if it pays cash or 2726
one or more of the following apply: 2727

(a) The ability of a player to succeed at the game is 2728
impacted by the number or ratio of prior wins to prior losses of 2729
players playing the game. 2730

(b) Any reward of redeemable vouchers is not based solely on 2731
the player achieving the object of the game or the player's score; 2732

(c) The outcome of the game, or the value of the redeemable 2733
voucher or merchandise prize awarded for winning the game, can be 2734
controlled by a source other than any player playing the game. 2735

(d) The success of any player is or may be determined by a 2736
chance event that cannot be altered by player actions. 2737

(e) The ability of any player to succeed at the game is 2738
determined by game features not visible or known to the player. 2739

(f) The ability of the player to succeed at the game is 2740
impacted by the exercise of a skill that no reasonable player 2741
could exercise. 2742

(3) All of the following apply to any machine that is 2743
operated as described in division (AAA)(1) of this section: 2744

(a) As used in this section, "game" and "play" mean one event 2745
from the initial activation of the machine until the results of 2746
play are determined without payment of additional consideration. 2747
An individual utilizing a machine that involves a single game, 2748
play, contest, competition, or tournament may be awarded 2749
redeemable vouchers or merchandise prizes based on the results of 2750
play. 2751

(b) Advance play for a single game, play, contest, 2752
competition, or tournament participation may be purchased. The 2753
cost of the contest, competition, or tournament participation may 2754
be greater than a single noncontest, competition, or tournament 2755

play. 2756

(c) To the extent that the machine is used in a contest, 2757
competition, or tournament, that contest, competition, or 2758
tournament has a defined starting and ending date and is open to 2759
participants in competition for scoring and ranking results toward 2760
the awarding of redeemable vouchers or merchandise prizes that are 2761
stated prior to the start of the contest, competition, or 2762
tournament. 2763

(4) For purposes of division (AAA)(1) of this section, the 2764
mere presence of a device, such as a pin-setting, ball-releasing, 2765
or scoring mechanism, that does not contribute to or affect the 2766
outcome of the play of the game does not make the device a 2767
skill-based amusement machine. 2768

(BBB) "Merchandise prize" means any item of value, but shall 2769
not include any of the following: 2770

(1) Cash, gift cards, or any equivalent thereof; 2771

(2) Plays on games of chance, state lottery tickets, bingo, 2772
or instant bingo; 2773

(3) Firearms, tobacco, or alcoholic beverages; or 2774

(4) A redeemable voucher that is redeemable for any of the 2775
items listed in division (BBB)(1), (2), or (3) of this section. 2776

(CCC) "Redeemable voucher" means any ticket, token, coupon, 2777
receipt, or other noncash representation of value. 2778

(DDD) "Pool not conducted for profit" means a scheme in which 2779
a participant gives a valuable consideration for a chance to win a 2780
prize and the total amount of consideration wagered is distributed 2781
to a participant or participants. 2782

(EEE) "Sporting organization" means a hunting, fishing, or 2783
trapping organization, other than a college or high school 2784
fraternity or sorority, that is not organized for profit, that is 2785

affiliated with a state or national sporting organization, 2786
including but not limited to, the Ohio league of sportsmen, and 2787
that has been in continuous existence in this state for a period 2788
of three years. 2789

(FFF) "Community action agency" has the same meaning as in 2790
section 122.66 of the Revised Code. 2791

(GGG) "Durable bingo equipment" means the following: 2792

(1) A bingo ball, which is a ball imprinted with numbers and 2793
letters used in the selection process of a bingo game; 2794

(2) A bingo or flash board, which are display boards, usually 2795
electronic, that display numbers and letters after the numbers and 2796
letters are called; 2797

(3) A bingo machine, which is a type of selection device with 2798
a receptacle, or hopper, for the unselected bingo balls, a blower 2799
for selecting the balls, and a ball tray that contains 2800
seventy-five holes in which to place the ball once it is called; 2801

(4) A bingo blower, which is a forced-air device that mixes 2802
the bingo balls and dispenses them to the bingo game operator; 2803

(5) Card minding device, which is a mechanical, electronic, 2804
electromechanical, or computerized device that is interfaced with 2805
or connected to equipment used to conduct a bingo game and that 2806
allows a player to store, display, and mark a bingo card face; 2807

(6) Audio-visual equipment, which is electronic equipment 2808
used to play bingo, such as a display monitor. 2809

(HHH) "Permitted location" means a facility with a charity 2810
card room in which a person holds a permit to conduct pari-mutuel 2811
wagering on horse racing and is authorized by section 3769.08 of 2812
the Revised Code to conduct and supervise the pari-mutuel system 2813
of wagering by patrons of legal age on the live racing programs 2814
and simulcast racing programs conducted by the permit holder. 2815

(III) "Charity card room" means a facility at a permitted location that offers games of chance conducted by a charitable organization.

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

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

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

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

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

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

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

(C) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(D) This section does not apply to any of the following: 2846

(1) Games of chance, if all of the following apply: 2847

(a) The games of chance are not craps for money or roulette 2848
for money. 2849

(b) The games of chance are conducted by a charitable 2850
organization that is, and has received from the internal revenue 2851
service a determination letter that is currently in effect, 2852
stating that the organization is, exempt from federal income 2853
taxation under subsection 501(a) and described in subsection 2854
501(c)(3) of the Internal Revenue Code. 2855

(c) The games of chance are conducted at festivals of the 2856
charitable organization that are conducted either for a period of 2857
four consecutive days or less and not more than twice a year or 2858
for a period of five consecutive days not more than once a year, 2859
and are conducted on premises owned by the charitable organization 2860
for a period of no less than one year immediately preceding the 2861
conducting of the games of chance, on premises leased from a 2862
governmental unit, or on premises that are leased from a veteran's 2863
or fraternal organization and that have been owned by the lessor 2864
veteran's or fraternal organization for a period of no less than 2865
one year immediately preceding the conducting of the games of 2866
chance. 2867

A charitable organization shall not lease premises from a 2868
veteran's or fraternal organization to conduct a festival 2869
described in division (D)(1)(c) of this section if the veteran's 2870
or fraternal organization already has leased the premises ~~four~~ 2871
twelve times during the preceding year to charitable organizations 2872
for that purpose. If a charitable organization leases premises 2873
from a veteran's or fraternal organization to conduct a festival 2874
described in division (D)(1)(c) of this section, the charitable 2875
organization shall not pay a rental rate for the premises per day 2876

of the festival that exceeds the rental rate per bingo session 2877
that a charitable organization may pay under division (B)(1) of 2878
section 2915.09 of the Revised Code when it leases premises from 2879
another charitable organization to conduct bingo games. 2880

(d) All of the money or assets received from the games of 2881
chance after deduction only of prizes paid out during the conduct 2882
of the games of chance are used by, or given, donated, or 2883
otherwise transferred to, any organization that is described in 2884
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 2885
Revenue Code and is either a governmental unit or an organization 2886
that is tax exempt under subsection 501(a) and described in 2887
subsection 501(c)(3) of the Internal Revenue Code; 2888

(e) The games of chance are not conducted during, or within 2889
ten hours of, a bingo game conducted for amusement purposes only 2890
pursuant to section 2915.12 of the Revised Code. 2891

No person shall receive any commission, wage, salary, reward, 2892
tip, donation, gratuity, or other form of compensation, directly 2893
or indirectly, for operating or assisting in the operation of any 2894
game of chance. 2895

(2) Any tag fishing tournament operated under a permit issued 2896
under section 1533.92 of the Revised Code, as "tag fishing 2897
tournament" is defined in section 1531.01 of the Revised Code; 2898

(3) Bingo conducted by a charitable organization that holds a 2899
license issued under section 2915.08 of the Revised Code. 2900

(E) Division (D) of this section shall not be construed to 2901
authorize the sale, lease, or other temporary or permanent 2902
transfer of the right to conduct games of chance, as granted by 2903
that division, by any charitable organization that is granted that 2904
right. 2905

(F) Whoever violates this section is guilty of gambling, a 2906
misdemeanor of the first degree. If the offender previously has 2907

been convicted of any gambling offense, gambling is a felony of 2908
the fifth degree. 2909

Sec. 2915.08. (A)(1) Annually before the first day of 2910
January, a charitable organization that desires to conduct bingo, 2911
instant bingo at a bingo session, or instant bingo other than at a 2912
bingo session shall make out, upon a form to be furnished by the 2913
attorney general for that purpose, an application for a license to 2914
conduct bingo, instant bingo at a bingo session, or instant bingo 2915
other than at a bingo session and deliver that application to the 2916
attorney general together with a license fee as follows: 2917

(a) Except as otherwise provided in this division, for a 2918
license for the conduct of bingo, two hundred dollars; 2919

(b) For a license for the conduct of instant bingo at a bingo 2920
session or instant bingo other than at a bingo session for a 2921
charitable organization that previously has not been licensed 2922
under this chapter to conduct instant bingo at a bingo session or 2923
instant bingo other than at a bingo session, a license fee of five 2924
hundred dollars, and for any other charitable organization, a 2925
license fee that is based upon the gross profits received by the 2926
charitable organization from the operation of instant bingo at a 2927
bingo session or instant bingo other than at a bingo session, 2928
during the one-year period ending on the thirty-first day of 2929
October of the year immediately preceding the year for which the 2930
license is sought, and that is one of the following: 2931

(i) Five hundred dollars, if the total is fifty thousand 2932
dollars or less; 2933

(ii) One thousand two hundred fifty dollars plus one-fourth 2934
per cent of the gross profit, if the total is more than fifty 2935
thousand dollars but less than two hundred fifty thousand one 2936
dollars; 2937

(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than two hundred fifty thousand dollars but less than five hundred thousand one dollars;	2938 2939 2940 2941
(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;	2942 2943 2944
(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;	2945 2946
(c) A reduced license fee established by the attorney general pursuant to division (G) of this section.	2947 2948
(d) For a license to conduct bingo for a charitable organization that prior to the effective date of this amendment <u>July 1, 2003</u> , has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, a license fee established by rule by the attorney general in accordance with division (H) of this section.	2949 2950 2951 2952 2953 2954
(2) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:	2955 2956 2957
(a) The name and post-office address of the applicant;	2958
(b) A statement that the applicant is a charitable organization and that, <u>if applicable</u> , it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application or for five years in the case of a fraternal organization or a nonprofit medical organization;	2959 2960 2961 2962 2963 2964
(c) The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days	2965 2966 2967

of the week and the times on each of those days when bingo will be 2968
conducted, whether the organization owns, leases, or subleases the 2969
premises, and a copy of the rental agreement if it leases or 2970
subleases the premises; 2971

(d) A statement of the applicant's previous history, record, 2972
and association that is sufficient to establish that the applicant 2973
is a charitable organization, and a copy of a determination letter 2974
that is issued by the Internal Revenue Service and states that the 2975
organization is tax exempt under subsection 501(a) and described 2976
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 2977
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 2978

(e) A statement as to whether the applicant has ever had any 2979
previous application refused, whether it previously has had a 2980
license revoked or suspended, and the reason stated by the 2981
attorney general for the refusal, revocation, or suspension; 2982

(f) A statement of the charitable purposes for which the net 2983
profit derived from bingo, other than instant bingo, will be used, 2984
and a statement of how the net profit derived from instant bingo 2985
will be distributed in accordance with section 2915.101 of the 2986
Revised Code; 2987

(g) Other necessary and reasonable information that the 2988
attorney general may require by rule adopted pursuant to section 2989
111.15 of the Revised Code; 2990

(h) If the applicant is a charitable trust as defined in 2991
section 109.23 of the Revised Code, a statement as to whether it 2992
has registered with the attorney general pursuant to section 2993
109.26 of the Revised Code or filed annual reports pursuant to 2994
section 109.31 of the Revised Code, and, if it is not required to 2995
do either, the exemption in section 109.26 or 109.31 of the 2996
Revised Code that applies to it; 2997

(i) If the applicant is a charitable organization as defined 2998

in section 1716.01 of the Revised Code, a statement as to whether 2999
it has filed with the attorney general a registration statement 3000
pursuant to section 1716.02 of the Revised Code and a financial 3001
report pursuant to section 1716.04 of the Revised Code, and, if it 3002
is not required to do both, the exemption in section 1716.03 of 3003
the Revised Code that applies to it; 3004

(j) In the case of an applicant seeking to qualify as a youth 3005
athletic park organization, a statement issued by a board or body 3006
vested with authority under Chapter 755. of the Revised Code for 3007
the supervision and maintenance of recreation facilities in the 3008
territory in which the organization is located, certifying that 3009
the playing fields owned by the organization were used for at 3010
least one hundred days during the year in which the statement is 3011
issued, and were open for use to all residents of that territory, 3012
regardless of race, color, creed, religion, sex, or national 3013
origin, for athletic activities by youth athletic organizations 3014
that do not discriminate on the basis of race, color, creed, 3015
religion, sex, or national origin, and that the fields were not 3016
used for any profit-making activity at any time during the year. 3017
That type of board or body is authorized to issue the statement 3018
upon request and shall issue the statement if it finds that the 3019
applicant's playing fields were so used. 3020

(3) The attorney general, within thirty days after receiving 3021
a timely filed application from a charitable organization that has 3022
been issued a license under this section that has not expired and 3023
has not been revoked or suspended, shall send a temporary permit 3024
to the applicant specifying the date on which the application was 3025
filed with the attorney general and stating that, pursuant to 3026
section 119.06 of the Revised Code, the applicant may continue to 3027
conduct bingo until a new license is granted or, if the 3028
application is rejected, until fifteen days after notice of the 3029
rejection is mailed to the applicant. The temporary permit does 3030

not affect the validity of the applicant's application and does 3031
not grant any rights to the applicant except those rights 3032
specifically granted in section 119.06 of the Revised Code. The 3033
issuance of a temporary permit by the attorney general pursuant to 3034
this division does not prohibit the attorney general from 3035
rejecting the applicant's application because of acts that the 3036
applicant committed, or actions that the applicant failed to take, 3037
before or after the issuance of the temporary permit. 3038

(4) Within thirty days after receiving an initial license 3039
application from a charitable organization to conduct bingo, 3040
instant bingo at a bingo session, or instant bingo other than at a 3041
bingo session, the attorney general shall conduct a preliminary 3042
review of the application and notify the applicant regarding any 3043
deficiencies. Once an application is deemed complete, or beginning 3044
on the thirtieth day after the application is filed, if the 3045
attorney general failed to notify the applicant of any 3046
deficiencies, the attorney general shall have an additional sixty 3047
days to conduct an investigation and either grant or deny the 3048
application based on findings established and communicated in 3049
accordance with divisions (B) and (E) of this section. As an 3050
option to granting or denying an initial license application, the 3051
attorney general may grant a temporary license and request 3052
additional time to conduct the investigation if the attorney 3053
general has cause to believe that additional time is necessary to 3054
complete the investigation and has notified the applicant in 3055
writing about the specific concerns raised during the 3056
investigation. 3057

(B)(1) The attorney general shall adopt rules to enforce 3058
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 3059
Code to ensure that bingo or instant bingo is conducted in 3060
accordance with those sections and to maintain proper control over 3061
the conduct of bingo or instant bingo. The rules, except rules 3062

adopted pursuant to divisions (A)(2)(g) and (G) of this section, 3063
shall be adopted pursuant to Chapter 119. of the Revised Code. The 3064
attorney general shall license charitable organizations to conduct 3065
bingo, instant bingo at a bingo session, or instant bingo other 3066
than at a bingo session in conformance with this chapter and with 3067
the licensing provisions of Chapter 119. of the Revised Code. 3068

(2) The attorney general may refuse to grant a license to any 3069
organization, or revoke or suspend the license of any 3070
organization, that does any of the following or to which any of 3071
the following applies: 3072

(a) Fails or has failed at any time to meet any requirement 3073
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 3074
2915.11 of the Revised Code, or violates or has violated any 3075
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 3076
Code or any rule adopted by the attorney general pursuant to this 3077
section; 3078

(b) Makes or has made an incorrect or false statement that is 3079
material to the granting of the license in an application filed 3080
pursuant to division (A) of this section; 3081

(c) Submits or has submitted any incorrect or false 3082
information relating to an application if the information is 3083
material to the granting of the license; 3084

(d) Maintains or has maintained any incorrect or false 3085
information that is material to the granting of the license in the 3086
records required to be kept pursuant to divisions (A) and (C) of 3087
section 2915.10 of the Revised Code, if applicable; 3088

(e) The attorney general has good cause to believe that the 3089
organization will not conduct bingo, instant bingo at a bingo 3090
session, or instant bingo other than at a bingo session in 3091
accordance with sections 2915.07 to 2915.13 of the Revised Code or 3092
with any rule adopted by the attorney general pursuant to this 3093

section. 3094

(3) For the purposes of division (B) of this section, any 3095
action of an officer, trustee, agent, representative, or bingo 3096
game operator of an organization is an action of the organization. 3097

(C) The attorney general may grant licenses to charitable 3098
organizations that are branches, lodges, or chapters of national 3099
charitable organizations. 3100

(D) The attorney general shall send notice in writing to the 3101
prosecuting attorney and sheriff of the county in which the 3102
organization will conduct bingo, instant bingo at a bingo session, 3103
or instant bingo other than at a bingo session, as stated in its 3104
application for a license or amended license, and to any other law 3105
enforcement agency in that county that so requests, of all of the 3106
following: 3107

(1) The issuance of the license; 3108

(2) The issuance of the amended license; 3109

(3) The rejection of an application for and refusal to grant 3110
a license; 3111

(4) The revocation of any license previously issued; 3112

(5) The suspension of any license previously issued. 3113

(E) A license issued by the attorney general shall set forth 3114
the information contained on the application of the charitable 3115
organization that the attorney general determines is relevant, 3116
including, but not limited to, the location at which the 3117
organization will conduct bingo, instant bingo at a bingo session, 3118
or instant bingo other than at a bingo session and the days of the 3119
week and the times on each of those days when bingo will be 3120
conducted. If the attorney general refuses to grant or revokes or 3121
suspends a license, the attorney general shall notify the 3122
applicant in writing and specifically identify the reason for the 3123

refusal, revocation, or suspension in narrative form and, if 3124
applicable, by identifying the section of the Revised Code 3125
violated. The failure of the attorney general to give the written 3126
notice of the reasons for the refusal, revocation, or suspension 3127
or a mistake in the written notice does not affect the validity of 3128
the attorney general's refusal to grant, or the revocation or 3129
suspension of, a license. If the attorney general fails to give 3130
the written notice or if there is a mistake in the written notice, 3131
the applicant may bring an action to compel the attorney general 3132
to comply with this division or to correct the mistake, but the 3133
attorney general's order refusing to grant, or revoking or 3134
suspending, a license shall not be enjoined during the pendency of 3135
the action. 3136

(F) A charitable organization that has been issued a license 3137
pursuant to division (B) of this section but that cannot conduct 3138
bingo or instant bingo at the location, or on the day of the week 3139
or at the time, specified on the license due to circumstances that 3140
make it impractical to do so may apply in writing, together with 3141
an application fee of two hundred fifty dollars, to the attorney 3142
general, at least thirty days prior to a change in location, day 3143
of the week, or time, and request an amended license. The 3144
application shall describe the causes making it impractical for 3145
the organization to conduct bingo or instant bingo in conformity 3146
with its license and shall indicate the location, days of the 3147
week, and times on each of those days when it desires to conduct 3148
bingo or instant bingo. Except as otherwise provided in this 3149
division, the attorney general shall issue the amended license in 3150
accordance with division (E) of this section, and the organization 3151
shall surrender its original license to the attorney general. The 3152
attorney general may refuse to grant an amended license according 3153
to the terms of division (B) of this section. 3154

(G) The attorney general, by rule adopted pursuant to section 3155

111.15 of the Revised Code, shall establish a schedule of reduced 3156
license fees for charitable organizations that desire to conduct 3157
bingo or instant bingo during fewer than twenty-six weeks in any 3158
calendar year. 3159

(H) The attorney general, by rule adopted pursuant to section 3160
111.15 of the Revised Code, shall establish license fees for the 3161
conduct of bingo, instant bingo at a bingo session, or instant 3162
bingo other than at a bingo session for charitable organizations 3163
that prior to ~~the effective date of this amendment~~ July 1, 2003, 3164
have not been licensed to conduct bingo, instant bingo at a bingo 3165
session, or instant bingo other than at a bingo session under this 3166
chapter. 3167

(I) The attorney general may enter into a written contract 3168
with any other state agency to delegate to that state agency the 3169
powers prescribed to the attorney general under Chapter 2915. of 3170
the Revised Code. 3171

(J) The attorney general, by rule adopted pursuant to section 3172
111.15 of the Revised Code, may adopt rules to determine the 3173
requirements for a charitable organization that is exempt from 3174
federal income taxation under subsection 501(a) and described in 3175
subsection 501(c)(3) of the Internal Revenue Code to be in good 3176
standing in the state. 3177

Sec. 2915.09. (A) No charitable organization that conducts 3178
bingo shall fail to do any of the following: 3179

(1) Own all of the equipment used to conduct bingo or lease 3180
that equipment from a charitable organization that is licensed to 3181
conduct bingo, or, for durable bingo equipment, from the landlord 3182
of a premises where bingo is conducted, for a rental rate that is 3183
not more than is customary and reasonable for that equipment; 3184

(2) Except as otherwise provided in division (A)(3) of this 3185

section, use all of the gross receipts from bingo for paying 3186
prizes, for reimbursement of expenses for or for renting premises 3187
in which to conduct a bingo session, for reimbursement of expenses 3188
for or for purchasing or leasing bingo supplies used in conducting 3189
bingo, for reimbursement of expenses for or for hiring security 3190
personnel, for reimbursement of expenses for or for advertising 3191
bingo, or for reimbursement of other expenses or for other 3192
expenses listed in division (LL) of section 2915.01 of the Revised 3193
Code, provided that the amount of the receipts so spent is not 3194
more than is customary and reasonable for a similar purchase, 3195
lease, hiring, advertising, or expense. If the building in which 3196
bingo is conducted is owned by the charitable organization 3197
conducting bingo and the bingo conducted includes a form of bingo 3198
described in division (S)(1) of section 2915.01 of the Revised 3199
Code, the charitable organization may deduct from the total amount 3200
of the gross receipts from each session a sum equal to the lesser 3201
of six hundred dollars or forty-five per cent of the gross 3202
receipts from the bingo described in that division as 3203
consideration for the use of the premises. 3204

(3) Use, or give, donate, or otherwise transfer, all of the 3205
net profit derived from bingo, other than instant bingo, for a 3206
charitable purpose listed in its license application and described 3207
in division (Z) of section 2915.01 of the Revised Code, or 3208
distribute all of the net profit from the proceeds of the sale of 3209
instant bingo as stated in its license application and in 3210
accordance with section 2915.101 of the Revised Code. 3211

(B) No charitable organization that conducts a bingo game 3212
described in division (S)(1) of section 2915.01 of the Revised 3213
Code shall fail to do any of the following: 3214

(1) Conduct the bingo game on premises that are owned by the 3215
charitable organization, on premises that are owned by another 3216
charitable organization and leased from that charitable 3217

organization for a rental rate not in excess of the lesser of six 3218
hundred dollars per bingo session or forty-five per cent of the 3219
gross receipts of the bingo session, on premises that are leased 3220
from a person other than a charitable organization for a rental 3221
rate that is not more than is customary and reasonable for 3222
premises that are similar in location, size, and quality but not 3223
in excess of four hundred fifty dollars per bingo session, or on 3224
premises that are owned by a person other than a charitable 3225
organization, that are leased from that person by another 3226
charitable organization, and that are subleased from that other 3227
charitable organization by the charitable organization for a 3228
rental rate not in excess of four hundred fifty dollars per bingo 3229
session. In no case shall a charitable organization pay property 3230
taxes or assessments on premises that the charitable organization 3231
leases from another person to conduct bingo. If the charitable 3232
organization leases from a person other than a charitable 3233
organization the premises on which it conducts bingo sessions, the 3234
lessor of the premises shall provide ~~only~~ the premises to the 3235
organization and shall not provide the organization with bingo 3236
game operators, security personnel, concessions or concession 3237
operators, bingo supplies, or any other type of service ~~or~~ 3238
~~equipment.~~ A charitable organization shall not lease or sublease 3239
premises that it owns or leases to more than one other charitable 3240
organization per calendar week for the purpose of conducting bingo 3241
sessions on the premises. A person that is not a charitable 3242
organization shall not lease premises that it owns, leases, or 3243
otherwise is empowered to lease to more than ~~one~~ three charitable 3244
~~organization~~ organizations per calendar week for conducting bingo 3245
sessions on the premises. In no case shall more than ~~two~~ nine 3246
bingo sessions be conducted on any premises in any calendar week. 3247

(2) Display its license conspicuously at the premises where 3248
the bingo session is conducted; 3249

(3) Conduct the bingo session in accordance with the 3250
definition of bingo set forth in division (S)(1) of section 3251
2915.01 of the Revised Code. 3252

(C) No charitable organization that conducts a bingo game 3253
described in division (S)(1) of section 2915.01 of the Revised 3254
Code shall do any of the following: 3255

(1) Pay any compensation to a bingo game operator for 3256
operating a bingo session that is conducted by the charitable 3257
organization or for preparing, selling, or serving food or 3258
beverages at the site of the bingo session, permit any auxiliary 3259
unit or society of the charitable organization to pay compensation 3260
to any bingo game operator who prepares, sells, or serves food or 3261
beverages at a bingo session conducted by the charitable 3262
organization, or permit any auxiliary unit or society of the 3263
charitable organization to prepare, sell, or serve food or 3264
beverages at a bingo session conducted by the charitable 3265
organization, if the auxiliary unit or society pays any 3266
compensation to the bingo game operators who prepare, sell, or 3267
serve the food or beverages; 3268

(2) Pay consulting fees to any person for any services 3269
performed in relation to the bingo session; 3270

(3) Pay concession fees to any person who provides 3271
refreshments to the participants in the bingo session; 3272

(4) Except as otherwise provided in division (C)(4) of this 3273
section, conduct more than ~~two~~ three bingo sessions in any 3274
seven-day period. A volunteer firefighter's organization or a 3275
volunteer rescue service organization that conducts not more than 3276
five bingo sessions in a calendar year may conduct more than ~~two~~ 3277
three bingo sessions in a seven-day period after notifying the 3278
attorney general when it will conduct the sessions. 3279

(5) Pay out more than ~~three~~ six thousand ~~five-hundred~~ dollars 3280

in prizes for bingo games described in division (S)(1) of section 3281
2915.01 of the Revised Code during any bingo session that is 3282
conducted by the charitable organization. "Prizes" does not 3283
include awards from the conduct of instant bingo. 3284

(6) Conduct a bingo session at any time during the ten-hour 3285
period between midnight and ten a.m., at any time during, or 3286
within ten hours of, a bingo game conducted for amusement only 3287
pursuant to section 2915.12 of the Revised Code, at any premises 3288
not specified on its license, or on any day of the week or during 3289
any time period not specified on its license. Division (A)(6) of 3290
this section does not prohibit the sale of instant bingo tickets 3291
beginning at nine a.m. for a bingo session that begins at ten a.m. 3292
If circumstances make it impractical for the charitable 3293
organization to conduct a bingo session at the premises, or on the 3294
day of the week or at the time, specified on its license or if a 3295
charitable organization wants to conduct bingo sessions on a day 3296
of the week or at a time other than the day or time specified on 3297
its license, the charitable organization may apply in writing to 3298
the attorney general for an amended license pursuant to division 3299
(F) of section 2915.08 of the Revised Code. A charitable 3300
organization may apply twice in each calendar year for an amended 3301
license to conduct bingo sessions on a day of the week or at a 3302
time other than the day or time specified on its license. If the 3303
amended license is granted, the organization may conduct bingo 3304
sessions at the premises, on the day of the week, and at the time 3305
specified on its amended license. 3306

(7) Permit any person whom the charitable organization knows, 3307
or should have known, is under the age of eighteen to work as a 3308
bingo game operator; 3309

(8) Permit any person whom the charitable organization knows, 3310
or should have known, has been convicted of a felony or gambling 3311
offense in any jurisdiction to be a bingo game operator; 3312

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

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

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

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

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

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

(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 3343
at the location at which the bingo session is conducted and at 3344
which the electronic bingo aid is used. 3345

(b) The attorney general may adopt rules in accordance with 3346
Chapter 119. of the Revised Code that govern the use of electronic 3347
bingo aids. The rules may include a requirement that an electronic 3348
bingo aid be capable of being audited by the attorney general to 3349
verify the number of bingo cards or sheets played during each 3350
bingo session. 3351

(12) Permit any person the charitable organization knows, or 3352
should have known, to be under eighteen years of age to play bingo 3353
described in division (S)(1) of section 2915.01 of the Revised 3354
Code. 3355

(D)(1) Except as otherwise provided in division (D)(3) of 3356
this section, no charitable organization shall provide to a bingo 3357
game operator, and no bingo game operator shall receive or accept, 3358
any commission, wage, salary, reward, tip, donation, gratuity, or 3359
other form of compensation, directly or indirectly, regardless of 3360
the source, for conducting bingo or providing other work or labor 3361
at the site of bingo during a bingo session. 3362

(2) Except as otherwise provided in division (D)(3) of this 3363
section, no charitable organization shall provide to a bingo game 3364
operator any commission, wage, salary, reward, tip, donation, 3365
gratuity, or other form of compensation, directly or indirectly, 3366
regardless of the source, for conducting instant bingo other than 3367
at a bingo session at the site of instant bingo other than at a 3368
bingo session. 3369

(3) Nothing in division (D) of this section prohibits an 3370
employee of a fraternal organization, veteran's organization, or 3371
sporting organization from selling instant bingo tickets or cards 3372
to the organization's members or invited guests, as long as no 3373

portion of the employee's compensation is paid from any receipts 3374
of bingo. 3375

(E) Notwithstanding division (B)(1) of this section, a 3376
charitable organization that, prior to December 6, 1977, has 3377
entered into written agreements for the lease of premises it owns 3378
to another charitable organization or other charitable 3379
organizations for the conducting of bingo sessions so that more 3380
than two bingo sessions are conducted per calendar week on the 3381
premises, and a person that is not a charitable organization and 3382
that, prior to December 6, 1977, has entered into written 3383
agreements for the lease of premises it owns to charitable 3384
organizations for the conducting of more than two bingo sessions 3385
per calendar week on the premises, may continue to lease the 3386
premises to those charitable organizations, provided that no more 3387
than four sessions are conducted per calendar week, that the 3388
lessor organization or person has notified the attorney general in 3389
writing of the organizations that will conduct the sessions and 3390
the days of the week and the times of the day on which the 3391
sessions will be conducted, that the initial lease entered into 3392
with each organization that will conduct the sessions was filed 3393
with the attorney general prior to December 6, 1977, and that each 3394
organization that will conduct the sessions was issued a license 3395
to conduct bingo games by the attorney general prior to December 3396
6, 1977. 3397

(F) This section does not prohibit a bingo licensed 3398
charitable organization or a game operator from giving any person 3399
an instant bingo ticket as a prize. 3400

(G) Whoever violates division (A)(2) of this section is 3401
guilty of illegally conducting a bingo game, a felony of the 3402
fourth degree. Except as otherwise provided in this division, 3403
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 3404
(C)(1) to (12), or (D) of this section is guilty of a minor 3405

misdemeanor. If the offender previously has been convicted of a 3406
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 3407
to (11), or (D) of this section, a violation of division (A)(1) 3408
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 3409
misdemeanor of the first degree. Whoever violates division (C)(12) 3410
of this section is guilty of a misdemeanor of the first degree, if 3411
the offender previously has been convicted of a violation of 3412
division (C)(12) of this section, a felony of the fourth degree. 3413

Sec. 2915.091. (A) No charitable organization that conducts 3414
instant bingo shall do any of the following: 3415

(1) Fail to comply with the requirements of divisions (A)(1), 3416
(2), and (3) of section 2915.09 of the Revised Code; 3417

(2) Conduct instant bingo unless either of the following 3418
~~apply~~ applies: 3419

(a) That organization is, and has received from the internal 3420
revenue service a determination letter that is currently in effect 3421
stating that the organization is, exempt from federal income 3422
taxation under subsection 501(a), is described in subsection 3423
501(c)(3) of the Internal Revenue Code, is a charitable 3424
organization as defined in section 2915.01 of the Revised Code, is 3425
in good standing in the state pursuant to section 2915.08 of the 3426
Revised Code, and is in compliance with Chapter 1716. of the 3427
Revised Code; 3428

(b) That organization is, and has received from the internal 3429
revenue service a determination letter that is currently in effect 3430
stating that the organization is, exempt from federal income 3431
taxation under subsection 501(a), is described in subsection 3432
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 3433
organization described in subsection 501(c)(4) of the Internal 3434
Revenue Code, and conducts instant bingo under section 2915.13 of 3435
the Revised Code. 3436

- (3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to section 2915.08 of the Revised Code;
- (4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;
- (5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under section 2915.081 of the Revised Code;
- (6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;
- (7) Sell an instant bingo ticket or card to a person under eighteen years of age;
- (8) Fail to keep unsold instant bingo tickets or cards for less than three years;
- (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;
- (10) Pay fees to any person for any services performed in relation to an instant bingo game;

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

(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;

(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.

(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;

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

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

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

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

(B)(1) A charitable organization may conduct instant bingo other than at a bingo session at not more than five separate locations. A charitable organization that is exempt from federal

taxation under subsection 501(a) and described in subsection 3498
501(c)(3) of the Internal Revenue Code and that is created by a 3499
veteran's organization or a fraternal organization is not limited 3500
in the number of separate locations the charitable organization 3501
may conduct instant bingo other than at a bingo session. 3502

(2) A charitable organization may purchase, lease, or use 3503
instant bingo ticket dispensers to sell instant bingo tickets or 3504
cards. 3505

(C) The attorney general may adopt rules in accordance with 3506
Chapter 119. of the Revised Code that govern the conduct of 3507
instant bingo by charitable organizations. Before those rules are 3508
adopted, the attorney general shall reference the recommended 3509
standards for opacity, randomization, minimum information, winner 3510
protection, color, and cutting for instant bingo tickets or cards, 3511
seal cards, and punch boards established by the North American 3512
gaming regulators association. 3513

(D) Whoever violates division (A) of this section or a rule 3514
adopted under division (C) of this section is guilty of illegal 3515
instant bingo conduct. Except as otherwise provided in this 3516
division, illegal instant bingo conduct is a misdemeanor of the 3517
first degree. If the offender previously has been convicted of a 3518
violation of division (A) of this section or of such a rule, 3519
illegal instant bingo conduct is a felony of the fifth degree. 3520

Sec. 2915.101. Except as otherwise provided by law, a 3521
charitable organization that conducts instant bingo shall 3522
distribute the net profit from the proceeds of the sale of instant 3523
bingo as follows: 3524

(A)(1) If a veteran's organization, a fraternal organization, 3525
or a sporting organization conducted the instant bingo, the 3526
organization shall distribute the net profit from the proceeds of 3527
the sale of instant bingo, as follows: 3528

(a) For the first ~~one~~ two hundred fifty thousand dollars, or 3529
a greater amount prescribed by the attorney general to adjust for 3530
changes in prices as measured by the consumer price index as 3531
defined in section 325.18 of the Revised Code and other factors 3532
affecting the organization's expenses as defined in division (LL) 3533
of section 2915.01 of the Revised Code, or less of net profit from 3534
the proceeds of the sale of instant bingo generated in a calendar 3535
year: 3536

(i) At least twenty-five per cent shall be distributed to an 3537
organization described in division (Z)(1) of section 2915.01 of 3538
the Revised Code or to a department or agency of the federal 3539
government, the state, or any political subdivision. 3540

(ii) Not more than seventy-five per cent may be deducted and 3541
retained by the organization for reimbursement of or for the 3542
organization's expenses, as defined in division (LL) of section 3543
2915.01 of the Revised Code, in conducting the instant bingo game. 3544

(b) For any net profit from the proceeds of the sale of 3545
instant bingo of more than ~~one~~ two hundred fifty thousand dollars 3546
or an adjusted amount generated in a calendar year: 3547

(i) A minimum of fifty per cent shall be distributed to an 3548
organization described in division (Z)(1) of section 2915.01 of 3549
the Revised Code or to a department or agency of the federal 3550
government, the state, or any political subdivision. 3551

(ii) Five per cent may be distributed for the organization's 3552
own charitable purposes or to a community action agency. 3553

(iii) Forty-five per cent may be deducted and retained by the 3554
organization for reimbursement of or for the organization's 3555
expenses, as defined in division (LL) of section 2915.01 of the 3556
Revised Code, in conducting the instant bingo game. 3557

(2) If a veteran's organization, a fraternal organization, or 3558
a sporting organization does not distribute the full percentages 3559

specified in divisions (A)(1)(a) and (b) of this section for the 3560
purposes specified in those divisions, the organization shall 3561
distribute the balance of the net profit from the proceeds of the 3562
sale of instant bingo not distributed or retained for those 3563
purposes to an organization described in division (Z)(1) of 3564
section 2915.01 of the Revised Code. 3565

(B) If a charitable organization other than a veteran's 3566
organization, a fraternal organization, or a sporting organization 3567
conducted the instant bingo, the organization shall distribute one 3568
hundred per cent of the net profit from the proceeds of the sale 3569
of instant bingo to an organization described in division (Z)(1) 3570
of section 2915.01 of the Revised Code or to a department or 3571
agency of the federal government, the state, or any political 3572
subdivision. 3573

(C) Nothing in this section prohibits a veteran's 3574
organization, a fraternal organization, or a sporting organization 3575
from distributing any net profit from the proceeds of the sale of 3576
instant bingo to an organization that is described in subsection 3577
501(c)(3) of the Internal Revenue Code when the organization that 3578
is described in subsection 501(c)(3) of the Internal Revenue Code 3579
is one that makes donations to other organizations and permits 3580
donors to advise or direct such donations so long as the donations 3581
comply with requirements established in or pursuant to subsection 3582
501(c)(3) of the Internal Revenue Code. 3583

Sec. 2915.14. (A) The permit holder of a permitted location 3584
may establish a charity card room on the premises of the permitted 3585
location. The permit holder shall provide necessary game tables, 3586
chairs, surveillance, and other equipment in the charity card 3587
room. 3588

(B) A charitable organization may conduct games of chance in 3589
a charity card room for up to one hundred twenty-eight hours 3590

annually. Such hours need not be on consecutive days. More than 3591
one charitable organization may conduct games of chance in a 3592
charity card room simultaneously. 3593

(C)(1) The charitable organization shall pay rent to the 3594
permit holder of the permitted location in the amount of fifteen 3595
per cent of the revenue made from conducting the games of chance 3596
in the charity card room. 3597

(2) A charitable organization shall pay expenses for 3598
conducting games of chance in a charity card room, including 3599
expenses for the following: dealers, payroll administration, 3600
security, accounting, auditing, shuffle machine rental, marketing, 3601
advertising, utilities, cleanup, maintenance, and repair. A 3602
charitable organization may pay these expenses from its share of 3603
the revenue made from conducting games of chance in the charity 3604
card room. 3605

(3) Charitable organizations may pool revenue and expenses 3606
when applicable. 3607

(4) One hundred per cent of the net revenue remaining after 3608
payment of expenses and rent shall be paid to each charitable 3609
organization on a pro rata basis, based on volunteer hours of each 3610
charitable organization. 3611

(D) Notwithstanding division (D) of section 2915.02, a 3612
charitable organization may compensate dealers, dealer 3613
supervisors, human resource personnel, and other related personnel 3614
for operating games of chance in a charity card room. Dealers may 3615
also accept tips from games of chance players. 3616

(E) For the purposes of division (D)(1)(c) of section 2915.02 3617
of the Revised Code, a charitable organization may conduct games 3618
of chance at a permitted location and conducting those games of 3619
chance in a charity card room is considered a festival if the 3620
charitable organization provides a display booth about the 3621

charitable organization in the charity card room at all times when 3622
it is conducting games of chance. 3623

Sec. 3517.1015. Each person licensed under Chapter 3772. of 3624
the Revised Code shall disclose quarterly to the secretary of 3625
state any contribution of one hundred dollars or more made to the 3626
holder of or any candidate for a statewide office, a member of the 3627
general assembly, a local government official of a jurisdiction 3628
where a casino facility is located, or to any ballot issue. 3629

Sec. 3769.081. The state racing commission shall administer 3630
the Ohio state racing commission fund. The commission shall use 3631
the money in the fund to support purses, breeding programs, race 3632
track operations, and commission operations. The commission, 3633
considering the relative importance of these purposes in light of 3634
prevailing circumstances in the horse racing industry, shall 3635
determine the percentage of the money in the fund that is to be 3636
applied to each of these purposes. 3637

Sec. 3772.01. As used in this chapter: 3638

(A) "Applicant" means any person who applies to the 3639
commission for a license under this chapter. 3640

(B) "Casino control commission fund" means the casino control 3641
commission fund described in Section 6(C)(3)(d) of Article XV, 3642
Ohio Constitution, the money in which shall be used to fund the 3643
commission and its related affairs. 3644

(C) "Casino facility" means casino facility as defined in 3645
Section 6(C)(9) of Article XV, Ohio Constitution. 3646

(D) "Casino gaming" means any type of slot machine or table 3647
game wagering, using money, casino credit, or any representative 3648
of value, authorized in any of the states of Indiana, Michigan, 3649
Pennsylvania, and West Virginia as of January 1, 2009, and 3650

includes slot machine and table game wagering subsequently 3651
authorized by, but shall not be limited by, subsequent 3652
restrictions placed on such wagering in such states. "Casino 3653
gaming" does not include bingo, as authorized in Section 6 of 3654
Article XV, Ohio Constitution and conducted as of January 1, 2009, 3655
or horse racing where the pari-mutuel system of wagering is 3656
conducted, as authorized under the laws of this state as of 3657
January 1, 2009. 3658

(E) "Casino gaming employee" means any employee of a casino 3659
operator or management company, but not a key employee, and as 3660
further defined in section 3772.131 of the Revised Code. 3661

(F) "Casino operator" means any person, trust, corporation, 3662
partnership, limited partnership, association, limited liability 3663
company, or other business enterprise that directly holds an 3664
ownership or leasehold interest in a casino facility. "Casino 3665
operator" does not include an agency of the state, any political 3666
subdivision of the state, any person, trust, corporation, 3667
partnership, limited partnership, association, limited liability 3668
company, or other business enterprise that may have an interest in 3669
a casino facility, but who is legally or contractually restricted 3670
from conducting casino gaming. 3671

(G) "Central system" means a computer system that provides 3672
the following functions related to casino gaming equipment used in 3673
connection with casino gaming authorized under this chapter: 3674
security, auditing, data and information retrieval, and other 3675
purposes deemed necessary and authorized by the commission. 3676

(H) "Commission" means the Ohio casino control commission. 3677

(I) "Economic development programs fund" consists of the 3678
proceeds from the upfront license fee to be paid by each initial 3679
licensed casino operator described in Section 6(C)(4) of Article 3680
XV, Ohio Constitution, the money in which shall be used to fund 3681

state economic development programs that support regional job 3682
training efforts to equip the workforce of this state with 3683
additional skills and to grow the economy. 3684

(J) "Gaming agent" means a peace officer employed by the 3685
commission that is vested with duties to enforce this chapter and 3686
conduct other investigations into the conduct of the casino gaming 3687
and the maintenance of the equipment that the commission considers 3688
necessary and proper and is in compliance with section 109.77 of 3689
the Revised Code. 3690

(K) "Gaming-related vendor" means any individual, 3691
partnership, corporation, association, trust, or any other group 3692
of individuals, however organized, who supplies equipment, goods, 3693
or services to a casino operator or management company, that are 3694
directly related to or affect casino gaming authorized under this 3695
chapter, including the manufacture, sale, distribution, testing, 3696
or repair of slot machines and table game equipment. 3697

(L) "Goods and services" does not include the following: 3698
utilities; taxes; financing costs, mortgages, loans, or other 3699
debt; medical insurance; fees and payments to a parent or 3700
affiliated company of a casino operator, other than fees and 3701
payments for goods and services supplied by nonaffiliated persons 3702
through an affiliated company for use or benefit of the casino 3703
operator; and rents for real property or payments constituting the 3704
price of an interest in real property as a result of a real estate 3705
transaction. 3706

(M) "Holding company" means any corporation, firm, 3707
partnership, limited partnership, limited liability company, 3708
trust, or other form of business organization not a natural person 3709
which directly owns, has the power or right to control, or holds 3710
with power to vote, any part of an applicant, casino operator, 3711
management company, or gaming-related vendor license. 3712

(N) "Initial investment" includes costs related to 3713
engineering, architecture, design, site preparation, construction, 3714
infrastructure improvements, and leasehold improvements. "Initial 3715
investment" does not include costs related to land acquisition, 3716
fixtures and equipment, inventory, insurance, working capital, and 3717
any state incentives. 3718

(O) "Institutional investor" means any of the following 3719
entities owning five per cent or less, or a percentage between 3720
five and ten per cent as approved by the commission for a waiver 3721
on a case-by-case basis, ownership interest in a casino facility, 3722
casino operator, management company, or holding company: a 3723
corporation, bank, insurance company, pension fund or pension fund 3724
trust, retirement fund, including funds administered by a public 3725
agency, employees' profit-sharing fund or employees' 3726
profit-sharing trust, any association engaged, as a substantial 3727
part of its business or operations, in purchasing or holding 3728
securities, or any trust in respect of which a bank is trustee or 3729
cotrustee, investment company registered under the "Investment 3730
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 3731
investment trust organized by banks under Part Nine of the Rules 3732
of the Comptroller of the Currency, closed-end investment trust, 3733
chartered or licensed life insurance company or property and 3734
casualty insurance company, investment advisor registered under 3735
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 3736
and such other persons as the commission may reasonably determine 3737
to qualify as an institutional investor for reasons consistent 3738
with this chapter. 3739

(P) "Key employee" means any executive, employee, or agent of 3740
a casino operator or management company licensee having the power 3741
to exercise significant influence over decisions concerning any 3742
part of the operation of such licensee, including: 3743

(1) An officer, director, trustee, or partner of a person 3744

that has applied for or holds a casino operator, management company, or gaming-related vendor license or of a holding company that has control of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license; 3745
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(2) A person that holds a direct ownership interest of more than five per cent in a person that has applied for or holds a casino operator, management company, or gaming-related vendor license or holding company that has control of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license; 3750
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(3) A managerial employee of a person that has applied for or holds a casino operator or gaming-related vendor license in Ohio, or a managerial employee of a holding company that has control of a person that has applied for or holds a casino operator or gaming-related vendor license in Ohio, who performs the function of principal executive officer, principal operating officer, principal accounting officer, or an equivalent officer. 3756
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The commission shall determine whether an individual whose duties or status varies from those described in this division also is considered a key employee. 3763
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(Q) "Licensed casino operator" means a casino operator that has been issued a license by the commission and that has been certified annually by the commission to have paid all applicable fees, taxes, and debts to the state. 3766
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(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive 3770
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ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 3776
in effect on January 1, 2009. 3777

(S) "Management company" means an organization retained by a 3778
casino operator to manage a casino facility and provide services 3779
such as accounting, general administration, maintenance, 3780
recruitment, and other operational services. 3781

(T) "Ohio law enforcement training fund" means the state law 3782
enforcement training fund described in Section 6(C)(3)(f) of 3783
Article XV, Ohio Constitution, the money in which shall be used to 3784
enhance public safety by providing additional training 3785
opportunities to the law enforcement community. 3786

(U) "Person" includes, but is not limited to, an individual 3787
or a combination of individuals; a sole proprietorship, a firm, a 3788
company, a joint venture, a partnership of any type, a joint-stock 3789
company, a corporation of any type, a corporate subsidiary of any 3790
type, a limited liability company, a business trust, or any other 3791
business entity or organization; an assignee; a receiver; a 3792
trustee in bankruptcy; an unincorporated association, club, 3793
society, or other unincorporated entity or organization; entities 3794
that are disregarded for federal income tax purposes; and any 3795
other nongovernmental, artificial, legal entity that is capable of 3796
engaging in business. 3797

(V) "Problem casino gambling and addictions fund" means the 3798
state problem gambling and addictions fund described in Section 3799
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 3800
shall be used for treatment of problem gambling and substance 3801
abuse, and for related research. 3802

(W) "Slot machine" means any mechanical, electrical, or other 3803
device or machine which, upon insertion of a coin, token, ticket, 3804
or similar object, or upon payment of any consideration, is 3805
available to play or operate, the play or operation of which, 3806

whether by reason of the skill of the operator or application of 3807
the element of chance, or both, makes individual prize 3808
determinations for individual participants in cash, premiums, 3809
merchandise, tokens, or any thing of value, whether the payoff is 3810
made automatically from the machine or in any other manner. 3811

(X) "Table game" means any game played with cards, dice, or 3812
any mechanical, electromechanical, or electronic device or machine 3813
for money, casino credit, or any representative of value. "Table 3814
game" does not include slot machines. 3815

(Y) "Upfront license" means the first plenary license issued 3816
to a casino operator. 3817

(Z) "Voluntary exclusion program" means a program provided by 3818
the commission that allows persons to voluntarily exclude 3819
themselves from the gaming areas of facilities under the 3820
jurisdiction of the commission by placing their name on a 3821
voluntary exclusion list and following the procedures set forth by 3822
the commission. 3823

Sec. 3772.02. (A) There is hereby created the Ohio casino 3824
control commission described in Section 6(C)(1) of Article XV, 3825
Ohio Constitution. 3826

(B) The commission shall consist of seven members appointed 3827
within one month of the effective date of this section by the 3828
governor with the advice and consent of the senate. 3829

(1) Each commission member is eligible for reappointment at 3830
the discretion of the governor. No commission member shall be 3831
appointed for more than three terms in total. 3832

(2) Each commission member shall be a resident of Ohio. 3833

(3) At least one commission member shall be experienced in 3834
law enforcement and criminal investigation. 3835

(4) At least one commission member shall be a certified 3836

public accountant experienced in accounting and auditing. 3837

(5) At least one commission member shall be an attorney 3838
admitted to the practice of law in Ohio. 3839

(6) At least one commission member shall be a resident of a 3840
county where one of the casino facilities is located. 3841

(7) Not more than four commission members shall be of the 3842
same political party. 3843

(8) No commission member shall have any affiliation with an 3844
Ohio casino operator or facility. 3845

(C) Commission members shall serve four-year terms, except 3846
that when the governor makes initial appointments to the 3847
commission under this chapter, the governor shall appoint three 3848
members to serve four-year terms with not more than two such 3849
members from the same political party, two members to serve 3850
three-year terms with such members not being from the same 3851
political party, and two members to serve two-year terms with such 3852
members not being from the same political party. 3853

(D) Each commission member shall hold office from the date of 3854
appointment until the end of the term for which the member was 3855
appointed. Any member appointed to fill a vacancy occurring before 3856
the expiration of the term for which the member's predecessor was 3857
appointed shall hold office for the remainder of the unexpired 3858
term. Any member shall continue in office after the expiration 3859
date of the member's term until the member's successor takes 3860
office, or until a period of sixty days has elapsed, whichever 3861
occurs first. A vacancy in the commission membership shall be 3862
filled in the same manner as the original appointment. 3863

(E) The governor shall select one member to serve as 3864
chairperson and the commission members shall select one member 3865
from a different party than the chairperson to serve as 3866
vice-chairperson. The governor may remove and replace the 3867

chairperson at any time. No such member shall serve as chairperson 3868
for more than six successive years. The vice-chairperson shall 3869
assume the duties of the chairperson in the absence of the 3870
chairperson. The chairperson and vice-chairperson shall perform 3871
but shall not be limited to additional duties as are prescribed by 3872
commission rule. 3873

(F) A commission member is not required to devote the 3874
member's full time to membership on the commission. Each member of 3875
the commission shall receive compensation of sixty thousand 3876
dollars per year, payable in monthly installments for the first 3877
four years of the commission's existence. Each member shall 3878
receive the member's actual and necessary expenses incurred in the 3879
discharge of the member's official duties. 3880

(G) The governor shall not appoint an individual to the 3881
commission, and an individual shall not serve on the commission, 3882
if the individual has been convicted of or pleaded guilty or no 3883
contest to a disqualifying offense as defined in section 3772.07 3884
of the Revised Code. Members coming under indictment or bill of 3885
information of a disqualifying offense shall resign from the 3886
commission immediately upon indictment. 3887

(H) At least five commission members shall be present for the 3888
commission to meet. The concurrence of four members is necessary 3889
for the commission to take any action. All members shall vote on 3890
the adoption of rules, and the approval of, and the suspension or 3891
revocation of, the licenses of casino operators or management 3892
companies, unless a member has a written leave of absence filed 3893
with and approved by the chairperson. 3894

(I) A commission member may be removed or suspended from 3895
office in accordance with section 3.04 of the Revised Code. 3896

(J) Each commission member, before entering upon the 3897
discharge of the member's official duties, shall make an oath to 3898

uphold the Ohio Constitution and laws of the state of Ohio and 3899
shall give a bond, payable by the commission, to the treasurer of 3900
state, in the sum of ten thousand dollars with sufficient sureties 3901
to be approved by the treasurer of state, which bond shall be 3902
filed with the secretary of state. 3903

(K) The commission shall hold one regular meeting each month 3904
and shall convene other meetings at the request of the chairperson 3905
or a majority of the members. A member who fails to attend at 3906
least three-fifths of the regular and special meetings of the 3907
commission during any two-year period forfeits membership on the 3908
commission. All meetings of the commission shall be open meetings 3909
under section 121.22 of the Revised Code except as otherwise 3910
allowed by law. 3911

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 3912
the commission shall have authority to complete the functions of 3913
licensing, regulating, investigating, and penalizing casino 3914
operators, management companies, holding companies, key employees, 3915
casino gaming employees, and gaming-related vendors. The 3916
commission also shall have jurisdiction over all persons 3917
participating in casino gaming authorized by Section 6(C) of 3918
Article XV, Ohio Constitution, and this chapter. 3919

(B) All rules adopted by the commission under this chapter 3920
shall be adopted under procedures established in Chapter 119. of 3921
the Revised Code. 3922

(C) Within six months of the effective date of this section, 3923
the commission shall adopt initial rules as are necessary for 3924
completing the functions stated in division (A) of this section 3925
and for addressing the subjects enumerated in division (D) of this 3926
section. 3927

(D) The commission shall adopt, and as advisable and 3928
necessary shall amend or repeal, rules that include all of the 3929

<u>following:</u>	3930
<u>(1) The prevention of practices detrimental to the public interest, and providing for the best interests of casino gaming;</u>	3931 3932
<u>(2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;</u>	3933 3934 3935
<u>(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;</u>	3936 3937 3938
<u>(4) Describing the duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;</u>	3939 3940 3941 3942
<u>(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;</u>	3943 3944 3945
<u>(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;</u>	3946 3947 3948
<u>(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;</u>	3949 3950
<u>(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code;</u>	3951 3952 3953 3954 3955 3956
<u>(9) Tournament play in any casino facility;</u>	3957
<u>(10) Establishing and implementing a voluntary exclusion program that provides all of the following:</u>	3958 3959

(a) Except as provided by commission rule, a person who 3960
participates in the program shall agree to refrain from entering a 3961
casino facility. 3962

(b) The name of a person participating in the program shall 3963
be included on a list of persons excluded from all casino 3964
facilities. 3965

(c) Except as provided by commission rule, no person who 3966
participates in the program shall petition the commission for 3967
admittance into a casino facility. 3968

(d) The list of persons participating in the program and the 3969
personal information of those persons shall be confidential and 3970
shall only be disseminated by the commission to a casino operator 3971
for purposes of enforcement and to other entities, upon request of 3972
the participant and agreement by the commission. 3973

(e) A casino operator shall make all reasonable attempts as 3974
determined by the commission to cease all direct marketing efforts 3975
to a person participating in the program. 3976

(f) A casino operator shall not cash the check of a person 3977
participating in the program or extend credit to the person in any 3978
manner. However, the program shall not exclude a casino operator 3979
from seeking the payment of a debt accrued by a person before 3980
participating in the program. 3981

(g) Any and all locations at which a person may register as a 3982
participant in the program shall be published. 3983

(11) Requiring a licensed casino operator to provide the 3984
commission with any marketing materials for the commission's 3985
review and approval before the licensed casino operator may use 3986
the materials; 3987

(12) Requiring that the records, including financial 3988
statements, of any casino operator, management company, holding 3989

company, and gaming-related vendor be maintained in the manner 3990
prescribed by the commission and made available for inspection 3991
upon demand by the commission; 3992

(13) Permitting a licensed casino operator, management 3993
company, key employee, or casino gaming employee to question a 3994
person suspected of violating this chapter; 3995

(14) The chips, tokens, tickets, electronic cards, or similar 3996
objects that may be purchased by means of an agreement under which 3997
credit is extended to a wagerer by a casino operator; 3998

(15) Establishing standards for provisional key employee 3999
licenses for a person who is required to be licensed as a key 4000
employee and is in exigent circumstances. A provisional license 4001
shall be valid not longer than six months. 4002

(16) Establishing approval procedures for third-party 4003
engineering or accounting firms, as described in section 3772.09 4004
of the Revised Code; 4005

(17) Prescribing the manner in which winnings, compensation 4006
from casino gaming, and gross revenue must be computed and 4007
reported by a licensee as described in Chapter 5753. of the 4008
Revised Code; 4009

(18) Prescribing conditions under which a licensee's license 4010
may be suspended or revoked as described in section 3772.04 of the 4011
Revised Code; 4012

(19) Prescribing the manner and procedure of all hearings to 4013
be conducted by the commission or by any hearing examiner; 4014

(20) Prescribing technical standards and requirements that 4015
are to be met by security and surveillance equipment that is used 4016
at and standards and requirements to be met by personnel who are 4017
employed at casino facilities, and standards and requirements for 4018
the provision of security at and surveillance of casino 4019

<u>facilities;</u>	4020
<u>(21) Prescribing requirements for a casino operator to</u>	4021
<u>provide unarmed security services at a casino facility by licensed</u>	4022
<u>casino employees, and the training that shall be completed by</u>	4023
<u>these employees;</u>	4024
<u>(22) Prescribing standards according to which casino</u>	4025
<u>operators shall keep accounts and standards according to which</u>	4026
<u>casino accounts shall be audited, and establish means of assisting</u>	4027
<u>the tax commissioner in levying and collecting the gross casino</u>	4028
<u>revenue tax levied under section 5753.02 of the Revised Code;</u>	4029
<u>(23) Defining a schedule of penalties for violation of</u>	4030
<u>commission rules and a process for imposing such penalties subject</u>	4031
<u>to the approval of the joint committee on gaming and wagering;</u>	4032
<u>(24) Regulating the conduct and playing of all skill-based</u>	4033
<u>amusement machines, as defined in section 2915.01 of the Revised</u>	4034
<u>Code, in this state, including setting payouts, establishing game</u>	4035
<u>parameters for the methods and media allowable, including all</u>	4036
<u>internet-based playing, establishing licensing procedures,</u>	4037
<u>criteria, fees for entities and locations, and permissible methods</u>	4038
<u>for the procurement of skill-based amusement machines;</u>	4039
<u>(25) Establishing standards for decertifying contractors that</u>	4040
<u>violate statutes or rules of this state or the federal government;</u>	4041
<u>(26) Establishing standards for the repair of casino gaming</u>	4042
<u>equipment;</u>	4043
<u>(27) Providing for any other thing necessary and proper for</u>	4044
<u>successful and efficient regulation of casino gaming under this</u>	4045
<u>chapter.</u>	4046
<u>(E) The commission shall employ and assign gaming agents as</u>	4047
<u>necessary to assist the commission in carrying out the duties of</u>	4048
<u>this chapter. In order to maintain employment as a gaming agent,</u>	4049

the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in section 3772.07 of the Revised Code. 4050
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(F) The commission and its gaming agents shall have authority with regard to the detection and investigation of, the seizure of evidence allegedly relating to, and the apprehension and arrest of persons allegedly committing gaming offenses, and shall have access to casino facilities to carry out the requirements of this chapter. 4055
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(G) The commission may eject or exclude or authorize the ejection or exclusion of and a gaming agent may eject a person from a casino facility for any of the following reasons: 4061
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(1) The person's name is on the list of persons voluntarily excluding themselves from all casinos in a program established according to rules adopted by the commission; 4064
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(2) The person violates or conspires to violate this chapter or a rule adopted thereunder; or 4067
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(3) The commission determines that the person's conduct or reputation is such that the person's presence within a casino facility may call into question the honesty and integrity of the casino gaming operations or interfere with the orderly conduct of the casino gaming operations. 4069
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(H) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a public hearing on the person's ejection or exclusion under this chapter. 4074
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(I) A casino operator or management company shall have the same authority to eject or exclude a person from the management company's casino facilities as authorized in division (G) of this 4078
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section. 4081

(J) The commission shall submit a written annual report with 4082
the governor, president of the senate, and speaker of the house of 4083
representatives before the first day of September each year. The 4084
annual report shall include a statement describing the receipts 4085
and disbursements of the commission, relevant financial data 4086
regarding casino gaming, including gross revenues and 4087
disbursements made under this chapter, actions taken by the 4088
commission, and any additional information that the commission 4089
considers useful or that the governor, president of the senate, or 4090
speaker of the house of representatives requests. 4091

Sec. 3772.031. (A) The general assembly finds that the 4092
exclusion or ejection of certain persons from casino facilities is 4093
necessary to effectuate the intents and purposes of this chapter 4094
and to maintain strict and effective regulation of casino gaming. 4095
The commission, by rule, shall provide for a list of persons who 4096
are to be excluded or ejected from a casino facility. Persons 4097
included on the exclusion list shall be identified by name and 4098
physical description. The commission shall publish the exclusion 4099
list on its web site, and shall transmit a copy of the exclusion 4100
list periodically to casino operators, as it is initially issued 4101
and thereafter as it is revised from time to time. A casino 4102
operator shall take steps necessary to ensure that all its key 4103
employees and casino gaming employees are aware of and understand 4104
the exclusion list and its function, and that all its key 4105
employees and casino gaming employees are kept aware of the 4106
content of the exclusion list as it is issued and thereafter 4107
revised from time to time. 4108

(B) The exclusion list may include any person whose presence 4109
in a casino facility is determined by the commission to pose a 4110
threat to the interests of the state, to achieving the intents and 4111

purposes of this chapter, or to the strict and effective 4112
regulation of casino gaming. In determining whether to include a 4113
person on the exclusion list, the commission may consider: 4114

(1) Any prior conviction of a crime that is a felony under 4115
the laws of this state, another state, or the United States, a 4116
crime involving moral turpitude, or a violation of the gaming laws 4117
of this state, another state, or the United States; and 4118

(2) A violation, or a conspiracy to violate, any provision of 4119
this chapter that consists of: 4120

(a) A failure to disclose an interest in a gaming facility 4121
for which the person must obtain a license; 4122

(b) Purposeful evasion of taxes or fees; 4123

(c) A notorious or unsavory reputation that would adversely 4124
affect public confidence and trust that casino gaming is free from 4125
criminal or corruptive elements; or 4126

(d) A violation of an order of the commission or of any other 4127
governmental agency that warrants exclusion or ejection of the 4128
person from a casino facility. 4129

(3) If the person has pending charges or indictments for a 4130
gaming or gambling crime or a crime related to the integrity of 4131
gaming operations in any state; 4132

(4) If the person's conduct or reputation is such that the 4133
person's presence within a casino facility may call into question 4134
the honesty and integrity of the casino gaming operations or 4135
interfere with the orderly conduct of the casino gaming 4136
operations; 4137

(5) If the person is a career or professional offender whose 4138
presence in a casino facility would be adverse to the interest of 4139
licensed gaming in this state; 4140

(6) If the person has a known relationship or connection with 4141

a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state; 4142
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(7) If the commission has suspended the person's gaming privileges; 4145
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(8) If the commission has revoked the person's licenses related to this chapter; 4147
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(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility; 4149
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(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility. 4151
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Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on the exclusion list. 4153
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(C) The commission shall notify a person of the commission's intent to include such person on the exclusion list. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility is located. 4155
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(D) A person who receives notice of intent to include the person on the exclusion list is entitled to an adjudication hearing under Chapter 119. of the Revised Code, except as provided in this section, in which the person may demonstrate why the person should not be included on the exclusion list. The person shall request such an adjudication hearing not later than thirty days after the person receives the notice by personal service or certified mail, or not later than thirty days after the last newspaper publication of the notice. If the adjudication hearing 4164
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or any appeal under Chapter 119. of the Revised Code results in an 4173
order that the person should not be included on the exclusion 4174
list, the commission shall publish a revised exclusion list that 4175
does not include the person. The commission also shall notify 4176
casino operators that the person has been removed from the 4177
exclusion list. A casino operator shall take all steps necessary 4178
to ensure its key employees and casino gaming employees are made 4179
aware that the person has been removed from the exclusion list. 4180

(E) This section does not apply to the voluntary exclusion 4181
list created as part of the voluntary exclusion program. 4182

Sec. 3772.032. (A) The permanent joint committee on gaming 4183
and wagering is established. The committee consists of six 4184
members. The speaker of the house of representatives shall appoint 4185
to the committee three members of the house of representatives and 4186
the president of the senate shall appoint to the committee three 4187
members of the senate. Not more than two members appointed from 4188
each chamber may be members of the same political party. The 4189
chairperson shall be from the opposite party as the chairperson of 4190
the joint committee on agency rule review. If the chairperson is 4191
to be from the house of representatives, the speaker of the house 4192
of representatives shall designate a member as the chairperson and 4193
the president of the senate shall designate a member as the 4194
vice-chairperson. If the chairperson is to be from the senate, the 4195
president of the senate shall designate a member as the 4196
chairperson and the speaker of the house of representatives shall 4197
designate a member as the vice-chairperson. 4198

(B) The committee shall: 4199

(1) Review all constitutional amendments, laws, and rules 4200
governing the operation and administration of casino gaming and 4201
all authorized gaming and wagering activities and recommend to the 4202
general assembly and commission any changes it may find desirable 4203

with respect to the language, structure, and organization of those 4204
amendments, laws, or rules; 4205

(2) Make an annual report to the governor and to the general 4206
assembly with respect of the operation and administration of 4207
casino gaming; 4208

(3) Approve all changes of fees and penalties as provided in 4209
this chapter and rules adopted thereunder; and 4210

(4) Study all proposed changes to the constitution and laws 4211
of this state and to the rules adopted by the commission governing 4212
the operation and administration of casino gaming, and report to 4213
the general assembly on their adequacy and desirability as a 4214
matter of public policy. 4215

(C) Any study, or any expense incurred, in furtherance of the 4216
committee's objectives shall be paid for from, or out of, the 4217
casino control commission fund or other appropriation provided by 4218
law. The members shall receive no additional compensation, but 4219
shall be reimbursed for actual and necessary expenses incurred in 4220
the performance of their official duties. 4221

Sec. 3772.033. In carrying out the responsibilities vested in 4222
the commission by this chapter, the commission may do all the 4223
following and may designate any such responsibilities to the 4224
executive director, to the commission's employees, or to the 4225
gaming agents: 4226

(A) Inspect and examine all premises where casino gaming is 4227
conducted or gaming supplies, devices, or equipment are 4228
manufactured, sold, or distributed; 4229

(B) Inspect all gaming supplies, devices, and equipment in or 4230
about a casino facility; 4231

(C) Summarily impound and seize and remove from the casino 4232
facility premises gaming supplies, devices, and equipment for the 4233

<u>purpose of examination and inspection;</u>	4234
<u>(D) Determine any facts, or any conditions, practices, or other matters, as the commission considers necessary or proper to aid in the enforcement of this chapter or of a rule adopted thereunder;</u>	4235 4236 4237 4238
<u>(E) Audit gaming operations that have ceased operation;</u>	4239
<u>(F) Investigate, for the purpose of prosecution, any suspected violation of this chapter or rules adopted thereunder;</u>	4240 4241
<u>(G) Investigate as appropriate to aid the commission and to seek the executive director's advice in adopting rules;</u>	4242 4243
<u>(H) Secure information as is necessary to provide a basis for recommending legislation for the improvement of this chapter;</u>	4244 4245
<u>(I) Make, execute, and otherwise effectuate all contracts and other agreements, including contracts for necessary purchases of goods and services. The commission shall ensure use of Ohio products or services in compliance with sections 125.09 and 125.11 of the Revised Code and all rules adopted thereunder.</u>	4246 4247 4248 4249 4250
<u>(J) Employ the services of persons the commission considers necessary for the purposes of consultation or investigation, and fix the salaries of, or contract for the services of, legal, accounting, technical, operational, and other personnel and consultants;</u>	4251 4252 4253 4254 4255
<u>(K) Secure, by agreement, information and services as the commission considers necessary from any state agency or other unit of state government;</u>	4256 4257 4258
<u>(L) Acquire furnishings, equipment, supplies, stationery, books, and all other things the commission considers necessary or desirable to successfully and efficiently carry out the commission's duties and functions; and</u>	4259 4260 4261 4262
<u>(M) Perform all other things the commission considers</u>	4263

necessary to effectuate the intents and purposes of this chapter. 4264

Sec. 3772.034. A casino operator, management company, holding 4265
company, gaming-related vendor, the state, and employees of those 4266
entities are entitled to immunity from any type of civil or 4267
criminal liability if a person participating in the voluntary 4268
exclusion program enters a casino facility. 4269

Sec. 3772.04. (A)(1) If, as the result of an investigation, 4270
the commission concludes that a license or finding required by 4271
this chapter should be limited, conditioned, or restricted, or 4272
suspended or revoked, the commission shall conduct an adjudication 4273
under Chapter 119. of the Revised Code. 4274

(2) The commission shall appoint a hearing examiner to 4275
conduct the hearing in the adjudication. A party to the 4276
adjudication may file written objections to the hearing examiner's 4277
report and recommendations not later than the thirtieth day after 4278
they are served upon the party or the party's attorney or other 4279
representative of record. The commission shall not take up the 4280
hearing examiner's report and recommendations earlier than the 4281
thirtieth day after the hearing examiner's report and 4282
recommendations were submitted to the commission. 4283

(3) If the commission finds that a person has violated this 4284
chapter or a rule adopted thereunder, the commission may issue an 4285
order: 4286

(a) Limiting, conditioning, or restricting, or suspending or 4287
revoking, a license issued under this chapter; 4288

(b) Limiting, conditioning, or restricting, or suspending or 4289
revoking, a finding made under this chapter; 4290

(c) Requiring a casino facility to exclude a licensee from 4291
the casino facility or requiring a casino facility not to pay to 4292
the licensee any remuneration for services or any share of 4293

profits, income, or accruals on the licensee's investment in the 4294
casino facility; or 4295

(d) Fining a licensee or other person according to the 4296
schedule of penalties adopted by the commission. 4297

(4) An order may be judicially reviewed under section 119.12 4298
of the Revised Code. 4299

(B) For the purpose of conducting any study or investigation, 4300
the commission may direct that public hearings be held at a time 4301
and place, prescribed by the commission, in accordance with 4302
section 121.22 of the Revised Code. The commission shall give 4303
notice of all public hearings in such manner as will give actual 4304
notice to all interested parties. 4305

(C) In the discharge of any duties imposed by this chapter, 4306
the commission may require that testimony be given under oath and 4307
administer such oath, issue subpoenas compelling the attendance of 4308
witnesses and the production of any papers, books, and accounts, 4309
and cause the deposition of any witness. In the event of the 4310
refusal of any person without good cause to comply with the terms 4311
of a subpoena issued by the commission or refusal to testify on 4312
matters about which the person may lawfully be questioned, the 4313
prosecuting attorney of the county in which such person resides, 4314
upon the petition of the commission, may bring a proceeding for 4315
contempt against such person in the court of common pleas of that 4316
county. 4317

(D) When conducting a public hearing, the commission shall 4318
not limit the number of speakers who may testify. However, the 4319
commission may set reasonable time limits on the length of an 4320
individual's testimony or the total amount of time allotted to 4321
proponents and opponents of an issue before the commission. 4322

(E) An administrative law judge appointed by the commission 4323
may conduct a hearing under this chapter and recommend findings of 4324

fact and decisions to the commission. 4325

(F) The commission may rely, in whole or in part, upon 4326
investigations, conclusions, or findings of other casino gaming 4327
commissions or other government regulatory bodies in connection 4328
with licensing, investigations, or other matters relating to an 4329
applicant or licensee under this chapter. 4330

Sec. 3772.05. To carry out the provisions of this chapter and 4331
other enforcement provisions provided for under the laws of this 4332
state, the tax commissioner, the inspector general, and the 4333
commission, and their respective employees, may demand access to 4334
and inspect, examine, photocopy, and audit all books, accounts, 4335
records, and memoranda of any person that is not protected by 4336
privilege and that is subject to the provisions of this chapter, 4337
and may examine under oath any officer, agent, or employee of that 4338
person. 4339

Sec. 3772.051. Upon cessation of gaming operations, a former 4340
licensee shall furnish, upon the demand of the commission, books, 4341
papers, and other records as necessary for the commission to audit 4342
the ceased gaming operation. A former licensee shall maintain all 4343
books, papers, and other records for a period of three years after 4344
the cessation of gaming operations. However, if a civil action or 4345
criminal proceeding relating to the former licensee is pending, or 4346
if an administrative adjudication or judicial review of an 4347
administrative adjudication relating to the former licensee is 4348
pending, the former licensee shall maintain all books, papers, and 4349
other records until the matter has been finally determined. 4350

If a person disobeys a subpoena or subpoena duces tecum, or 4351
refuses to testify as directed by a subpoena, the commission shall 4352
request the prosecutor of the county in which the person resides 4353
to apply to the court of common pleas for an order compelling the 4354

person to attend or to produce tangible evidence, or to testify, 4355
as directed by the subpoena or subpoena duces tecum. The court 4356
shall treat the application as if it were disobedience to comply 4357
with a subpoena or subpoena duces tecum issued by the court or a 4358
refusal to testify in the court. 4359

Sec. 3772.06. (A)(1) The commission shall appoint an 4360
executive director who shall serve at the pleasure of the 4361
commission. The executive director is in the unclassified service, 4362
shall devote full time to the duties of the office, and shall hold 4363
no other office or employment. The executive director shall, by 4364
experience and training, possess management skills that equip the 4365
executive director to administer an enterprise of the nature of 4366
the commission. The executive director shall not have a pecuniary 4367
interest in any business organization that holds a license under 4368
this chapter, or that does business with any person licensed under 4369
this chapter. A member of the general assembly, a person who holds 4370
an elective office, or an office holder of a political party is 4371
ineligible to be appointed executive director at the same time as 4372
being such a member or holding such an office. The executive 4373
director shall receive an annual salary in accordance with pay 4374
range 48 of section 124.152 of the Revised Code. 4375

(2) The executive director, before entering upon the 4376
discharge of the executive director's official duties, shall give, 4377
and thereafter shall maintain, bond in the amount of twenty-five 4378
thousand dollars, payable to the state, conditioned upon the 4379
executive director's faithful and proper performance of the 4380
executive director's official duties. The bond shall be issued by 4381
a surety authorized to do business in this state and shall be 4382
filed with the secretary of state. The bond may be an individual 4383
bond or a schedule or blanket bond. 4384

(B)(1) The executive director or a deputy designated in 4385

writing by the executive director shall attend all meetings of the 4386
commission and shall act as its secretary. The executive director 4387
shall keep a record of all commission proceedings and shall keep 4388
the commission's records, files, and documents at the commission's 4389
principal office. 4390

(2) The executive director shall be the chief executive 4391
officer and shall be responsible for keeping all commission 4392
records and supervising and administering casino gaming in 4393
accordance with this chapter, and enforcing all commission rules 4394
adopted under this chapter. 4395

(3) The executive director shall hire staff, including an 4396
assistant director or deputy directors, as necessary to assist the 4397
executive director in the executive director's duties under this 4398
chapter. In appointing employees, the executive director is 4399
subject to section 3772.061 of the Revised Code. The executive 4400
director may employ employees as necessary, unless the commission 4401
determines otherwise. Except as otherwise provided in this 4402
chapter, all costs of administration incurred by the executive 4403
director and the executive director's employees shall be paid out 4404
of the casino control commission fund. 4405

(C) A state agency or other unit of state government shall 4406
cooperate with the commission, and shall provide the commission 4407
with information and services the commission considers necessary 4408
to carry out the commission's duties and functions under this 4409
chapter. 4410

(D) The executive director shall confer at least once each 4411
month with the commission, at which time the executive director 4412
shall advise it regarding the operation and administration of the 4413
commission and casino gaming. The executive director shall make 4414
available at the request of the commission all documents, files, 4415
and other records pertaining to the operation and administration 4416
of the commission and casino gaming. The executive director shall 4417

prepare and make available to the commission each month a complete 4418
and accurate accounting of gross casino gaming revenues, and all 4419
other relevant financial information, including an accounting of 4420
all transfers made from the casino control commission fund. 4421

Sec. 3772.061. The executive director of the commission shall 4422
appoint the number of professional, technical, and clerical 4423
employees that is necessary, in the executive director's 4424
reasonable opinion, for conducting internal audits, as an internal 4425
auditing department, of the commission. The professional and 4426
technical employees so appointed shall be qualified by education, 4427
licensing (if relevant), and experience to perform the internal 4428
audit function successfully and efficiently. These employees, 4429
together with clerical employees necessary for their support, 4430
shall be assigned only to the internal audit function and not to 4431
any other function of the commission. 4432

The internal auditing department, at reasonable intervals and 4433
as necessary, shall conduct internal audits of the commission. The 4434
internal audits shall audit the accounts and transactions of the 4435
commission, ascertain the condition of funds used by the 4436
commission, and make an inventory of the funds and of the assets 4437
under the control of the commission. The report of an internal 4438
audit shall be signed by the employee who was principally 4439
responsible for conducting the internal audit. A copy of the 4440
signed report shall be forwarded to the commission and to the 4441
auditor of state. The report is not a public record that is open 4442
to public inspection and copying until it has been forwarded as 4443
required by the preceding sentence. 4444

Sec. 3772.062. The executive director of the commission shall 4445
enter into an agreement with the department of alcohol and drug 4446
addiction services under which the department provides a program 4447
of gambling and addiction services on behalf of the commission. 4448

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Sec. 3772.07. The following appointing or licensing 4450
authorities shall obtain a criminal records check of the person 4451
who is to be appointed or licensed: 4452

(A) The governor, before appointing an individual as a member 4453
of the commission; 4454

(B) The commission, before appointing an individual as 4455
executive director or a gaming agent; 4456

(C) The commission, before issuing a license for a key 4457
employee or casino gaming employee, and before issuing a license 4458
for each investor, except an institutional investor, for a casino 4459
operator, management company, holding company, or gaming-related 4460
vendor; 4461

(D) The executive director, before appointing an individual 4462
as a professional, technical, or clerical employee of the 4463
commission. 4464

Thereafter, such an appointing or licensing authority shall 4465
obtain a criminal records check of the same individual at 4466
three-year intervals. 4467

The appointing or licensing authority shall provide to each 4468
person of whom a criminal records check is required a copy of the 4469
form and the standard fingerprint impression sheet prescribed 4470
under divisions (C)(1) and (2) of section 109.572 of the Revised 4471
Code. The person shall complete the form and impression sheet and 4472
return them to the appointing or licensing authority. If a person 4473
fails to complete and return the form and impression sheet within 4474
a reasonable time, the person is ineligible to be appointed or 4475
licensed or to continue in the appointment or licensure. 4476

The appointing or licensing authority shall forward the 4477

completed form and impression sheet to the superintendent of the 4478
bureau of criminal identification and investigation. The 4479
appointing or licensing authority shall request the superintendent 4480
also to obtain information from the federal bureau of 4481
investigation, including fingerprint-based checks of the national 4482
crime information databases, and from other states and the federal 4483
government under the national crime prevention and privacy compact 4484
as part of the criminal records check. 4485

The commission shall pay the fee the bureau of criminal 4486
identification and investigation charges for all criminal records 4487
checks conducted under this section. An applicant for a casino 4488
operator, management company, holding company, or gaming-related 4489
vendor license shall reimburse the commission for the amount of 4490
the fee paid on the applicant's behalf. An applicant for a key 4491
employee or casino gaming employee license shall reimburse the 4492
commission for the amount of the fee paid on the applicant's 4493
behalf, unless the applicant is applying at the request of a 4494
casino operator or management company, in which case the casino 4495
operator or management company shall reimburse the commission. 4496

The appointing or licensing authority shall review the 4497
results of a criminal records check. The appointing or licensing 4498
authority shall not appoint or license or retain the appointment 4499
or licensure of a person a criminal records check discloses has 4500
been convicted of or has pleaded guilty or no contest to a 4501
disqualifying offense. A "disqualifying offense" means any 4502
gambling offense, any theft offense, any offense having an element 4503
of fraud or misrepresentation, any offense having an element of 4504
moral turpitude, and any felony not otherwise included in the 4505
foregoing list, except as otherwise provided in section 3772.10 of 4506
the Revised Code for casino gaming employees. 4507

The report of a criminal records check is not a public record 4508
that is open to public inspection and copying. The commission 4509

shall not make the report available to any person other than the 4510
person who was the subject of the criminal records check or the 4511
person's agent; an appointing or licensing authority; a member, 4512
the executive director, or an employee of the commission; or any 4513
court or agency, including a hearing examiner, in a judicial or 4514
administrative proceeding in which the criminal records check is 4515
relevant. 4516

Sec. 3772.08. (A) Casino gaming shall be conducted only by 4517
licensed casino operators of the four casino facilities or by a 4518
licensed management company retained by a licensed casino 4519
operator. 4520

(B) A licensed casino operator, licensed management company, 4521
or another person may provide nongaming amenities at the casino 4522
facility. 4523

(C) No licensed casino operator shall offer keno at a casino 4524
facility other than keno authorized by the state lottery 4525
commission. 4526

Sec. 3772.09. (A) No casino operator, management company, 4527
holding company, gaming-related vendor, key employee, or casino 4528
gaming employee shall conduct or participate in conducting casino 4529
gaming without first obtaining a license from the commission. 4530

(B) Before a licensed casino operator may conduct casino 4531
gaming at a casino facility, a licensed casino operator shall 4532
engage a third-party engineering or accounting firm to certify 4533
expenses of its initial investment, as required by section 3772.27 4534
of the Revised Code, and provide documentation to the commission. 4535
The third-party engineering or accounting firm shall be approved 4536
by the commission and shall certify expenses in accordance with 4537
rules adopted by the commission under section 3772.03 of the 4538
Revised Code. The commission may request the department of 4539

administrative services to assist the commission in carrying out 4540
its duties under this section. 4541

Sec. 3772.091. (A) No license issued under this chapter is 4542
transferable. New majority ownership interest or control shall 4543
require a new license. A significant change in or transfer of 4544
control, as determined by the commission, shall require the filing 4545
of an application for a new license and submission of a license 4546
fee with the commission before any such change or transfer of 4547
control is approved. A change in or transfer of control to an 4548
immediate family member is not considered a significant change 4549
under this section. 4550

(B) As used in this section, "control" means either of the 4551
following: 4552

(1) Either: 4553

(a) Holding fifty per cent or more of the outstanding voting 4554
securities of a licensee; or 4555

(b) For an unincorporated licensee, having the right to fifty 4556
per cent or more of the profits of the licensee, or having the 4557
right in the event of dissolution to fifty per cent or more of the 4558
assets of the licensee. 4559

(2) Having the contractual power presently to designate fifty 4560
per cent or more of the directors of a for-profit or 4561
not-for-profit corporation, or in the case of trusts described in 4562
paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such 4563
a trust. 4564

Sec. 3772.10. (A) In determining whether to grant or maintain 4565
a casino operator, management company, holding company, key 4566
employee, casino gaming employee, or gaming-related vendor 4567
license, the Ohio casino control commission shall consider all of 4568
the following, as applicable: 4569

- (1) The reputation, experience, and financial integrity of the applicant, its holding company, if applicable, and any other person that directly controls the applicant; 4570
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- (2) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond; 4573
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- (3) The past and present compliance of the applicant and its affiliates or affiliated companies with casino-related licensing requirements in this state or any other jurisdiction, including whether the applicant has a history of noncompliance with the casino licensing requirements of any jurisdiction; 4576
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- (4) If the applicant has been indicted, convicted, pleaded guilty or no contest, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations; 4581
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- (5) If the applicant has filed, or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt; 4585
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- (6) If the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years; 4589
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- (7) If the applicant is or has been a defendant in litigation involving its business practices; 4593
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- (8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state; 4595
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- (9) If the applicant meets other standards for the issuance of a license that the commission adopts by rule, which shall not be arbitrary, capricious, or contradictory to the expressed 4597
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provisions of this chapter. 4600

(B) If the commission determines that a person is eligible 4601
under this chapter to be issued a license as a casino operator, 4602
management company, holding company, key employee, casino gaming 4603
employee, or gaming-related vendor, the commission shall issue 4604
such license for not more than three years, as determined by 4605
commission rule, if all other requirements of this chapter have 4606
been satisfied. 4607

(C) The commission shall not issue a casino operator, 4608
management company, holding company, key employee, casino gaming 4609
employee, or gaming-related vendor license under this chapter to 4610
an applicant if: 4611

(1) The applicant has been convicted of a disqualifying 4612
offense, as defined in section 3772.07 of the Revised Code, unless 4613
the person is an applicant for a casino gaming employee license. 4614
For an offense other than a gambling offense, an applicant for a 4615
casino gaming employee license may prove to the commission, by 4616
clear and convincing evidence, that the applicant's activities and 4617
employment record for at least ten years after the conviction show 4618
that the applicant is honest, truthful, and of good reputation, 4619
and there is no basis in fact for believing that the applicant 4620
will commit such an offense again. 4621

(2) The applicant has submitted an application for license 4622
under this chapter that contains false information. 4623

(3) The applicant is a commission member. 4624

(4) The applicant owns an ownership interest that is unlawful 4625
under this chapter, unless waived by the commission. 4626

(5) The applicant violates specific rules adopted by the 4627
commission related to denial of licensure. 4628

(6) The applicant is a member of or employed by a gaming 4629

regulatory body of a governmental unit in this state, another 4630
state, or the federal government, or is employed by a governmental 4631
unit of this state. This division does not prohibit a casino 4632
operator from hiring special duty law enforcement officers if the 4633
officers are not specifically involved in gaming-related 4634
regulatory functions. 4635

(7) The commission otherwise determines the applicant is 4636
ineligible for the license. 4637

(D)(1) The commission shall investigate the qualifications of 4638
each applicant under this chapter before any license is issued and 4639
before any finding with regard to acts or transactions for which 4640
commission approval is required is made. The commission shall 4641
continue to observe the conduct of all licensees and all other 4642
persons having a material involvement directly or indirectly with 4643
a casino operator, management company, or holding company to 4644
ensure that licenses are not issued to or held by, or that there 4645
is not any material involvement with a casino operator, management 4646
company, or holding company by, an unqualified, disqualified, or 4647
unsuitable person or a person whose operations are conducted in an 4648
unsuitable manner or in unsuitable or prohibited places or 4649
locations. 4650

(2) The executive director may recommend to the commission 4651
that it deny any application, or limit, condition, or restrict, or 4652
suspend or revoke, any license or finding, or impose any fine upon 4653
any licensee or other person according to this chapter and the 4654
rules adopted thereunder. 4655

(3) A license issued under this chapter is a revocable 4656
privilege. No licensee has a vested right in or under any license 4657
issued under this chapter. The initial determination of the 4658
commission to deny, or to limit, condition, or restrict, a license 4659
may be appealed under section 2505.03 of the Revised Code. 4660

(E)(1) An institutional investor otherwise required to be 4661
found suitable or qualified under this chapter and the rules 4662
adopted under this chapter shall be presumed suitable or qualified 4663
upon submitting documentation sufficient to establish 4664
qualifications as an institutional investor and upon certifying 4665
all of the following: 4666

(a) The institutional investor owns, holds, or controls 4667
publicly traded securities issued by a licensee or holding, 4668
intermediate, or parent company of a licensee or in the ordinary 4669
course of business for investment purposes only. 4670

(b) The institutional investor does not exercise influence 4671
over the affairs of the issuer of such securities nor over any 4672
licensed subsidiary of the issuer of such securities. 4673

(c) The institutional investor does not intend to exercise 4674
influence over the affairs of the issuer of such securities, nor 4675
over any licensed subsidiary of the issuer of such securities, in 4676
the future, and that it agrees to notify the commission in writing 4677
within thirty days if such intent changes. 4678

(2) The exercise of voting privileges with regard to publicly 4679
traded securities shall not be deemed to constitute the exercise 4680
of influence over the affairs of a licensee. 4681

(3) The commission shall rescind the presumption of 4682
suitability for an institutional investor at any time if the 4683
institutional investor exercises or intends to exercise influence 4684
or control over the affairs of the licensee. 4685

(4) This division shall not be construed to preclude the 4686
commission from investigating the suitability or qualifications of 4687
an institutional investor if the commission becomes aware of facts 4688
or information that may result in the institutional investor being 4689
found unsuitable or disqualified. 4690

(F) Information provided on the application shall be used as 4691

a basis for a thorough background investigation of each applicant. 4692
A false or incomplete application is cause for denial of a license 4693
by the commission. All applicants and licensees shall consent to 4694
inspections, searches, and seizures and to the disclosure to the 4695
commission and its agents of confidential records, including tax 4696
records, held by any federal, state, or local agency, credit 4697
bureau, or financial institution and to provide handwriting 4698
exemplars, photographs, fingerprints, and information as 4699
authorized in this chapter and in rules adopted by the commission. 4700

Sec. 3772.11. (A) A person may apply to the commission for a 4701
casino operator, management company, or holding company license to 4702
conduct casino gaming at a casino facility as provided in this 4703
chapter. The application shall be made under oath on forms 4704
provided by the commission and shall contain information as 4705
prescribed by rule, including, but not limited to, all of the 4706
following: 4707

(1) The name, business address, business telephone number, 4708
social security number, and, where applicable, the federal tax 4709
identification number of any applicant; 4710

(2) The identity of every person having a greater than five 4711
per cent direct interest in the applicant casino facility for 4712
which the license is sought; 4713

(3) An identification of any business, including the state of 4714
incorporation or registration if applicable, in which an 4715
applicant, or the spouse or children of an applicant, has an 4716
equity interest of more than five per cent; 4717

(4) The name of any casino operator, management company, 4718
holding company, and gaming-related vendor in which the applicant 4719
has an equity interest of at least five per cent; 4720

(5) If an applicant has ever applied for or has been granted 4721

any gaming license or certificate issued by a licensing authority 4722
in Ohio or any other jurisdiction that has been denied, 4723
restricted, suspended, revoked, or not renewed and a statement 4724
describing the facts and circumstances concerning the application, 4725
denial, restriction, suspension, revocation, or nonrenewal, 4726
including the licensing authority, the date each action was taken, 4727
and the reason for each action; 4728

(6) If an applicant has ever filed or had filed against it a 4729
civil or administrative action or proceeding in bankruptcy, 4730
including the date of filing, the name and location of the court, 4731
the case caption, the docket number, and the disposition; 4732

(7) The name and business telephone number of any attorney 4733
representing an applicant in matters before the commission; 4734

(8) Information concerning the amount, type of tax, the 4735
taxing agency, and times involved, if the applicant has filed or 4736
been served with a complaint or notice filed with a public body 4737
concerning a delinquency in the payment of or a dispute over a 4738
filing concerning the payment of a tax required under federal, 4739
state, or local law; 4740

(9) A description of any proposed casino gaming operation and 4741
related casino enterprises, including the type of casino facility, 4742
location, expected economic benefit to the community, anticipated 4743
or actual number of employees, any statement from an applicant 4744
regarding compliance with federal and state affirmative action 4745
guidelines, projected or actual admissions, projected or actual 4746
gross receipts, and scientific market research; 4747

(10) Financial information in the manner and form prescribed 4748
by the commission; 4749

(11) If an applicant has directly made a political 4750
contribution, loan, donation, or other payment of one hundred 4751
dollars or more to a statewide office holder, a member of the 4752

general assembly, a local government official elected in a 4753
jurisdiction where a casino facility is located, or a ballot issue 4754
not more than one year before the date the applicant filed the 4755
application and all information relating to the contribution, 4756
loan, donation, or other payment; and 4757

(12) Other information required by the commission under rules 4758
adopted by the commission. 4759

(B) Any holding company or management company, its directors, 4760
executive officers, and any shareholder who holds more than five 4761
per cent ownership interest of a holding company or management 4762
company shall be required to submit the same information as 4763
required by an applicant under this section. 4764

Sec. 3772.111. In determining whether to grant a casino 4765
operator license, the commission shall also consider: 4766

(A) The facilities or proposed facilities for the conduct of 4767
casino gaming; 4768

(B) The prospective total revenue to be collected by the 4769
state from the conduct of casino gaming; 4770

(C) The extent to which the applicant exceeds or meets other 4771
standards adopted by the commission. 4772

Sec. 3772.112. Before a license is issued to a casino 4773
operator, the casino operator shall post, and thereafter shall 4774
maintain, a surety bond in the amount of one million dollars 4775
payable to the state, conditioned on the casino operator complying 4776
with Section 6(C) of Article XV, Ohio Constitution, this chapter, 4777
and the rules adopted under this chapter. The bond shall be issued 4778
by a surety that is licensed to do business in this state, and 4779
shall be approved by the commission. The total aggregate liability 4780
of the surety on the bond is limited to the amount specified in 4781
the bond. The surety shall not cancel the bond unless the surety 4782

has given the commission, in the event of nonpayment of premium, 4783
ten days' notice of the intention to cancel, and in the event of 4784
any other cause, thirty days' notice of the intention to cancel. 4785
If the bond is to be canceled, and if the casino operator fails to 4786
post and maintain a new surety bond in the specified amount on or 4787
before the day of cancellation, the casino operator's license is 4788
void. 4789

Sec. 3772.12. (A) A person may apply for a gaming-related 4790
vendor license. All applications shall be made under oath. 4791

(B) A person who holds a gaming-related vendor's license is 4792
authorized to sell or lease, and to contract to sell or lease, 4793
equipment and supplies to any licensee involved in the ownership 4794
or management of a casino facility. 4795

(C) Gambling supplies and equipment shall not be distributed 4796
unless supplies and equipment conform to standards adopted in 4797
rules adopted by the commission. 4798

Sec. 3772.121. (A) The commission shall issue a 4799
gaming-related vendor's license under this chapter to an applicant 4800
who has: 4801

(1) Applied for the gaming-related vendor's license; 4802

(2) Paid a nonrefundable license fee as described in section 4803
3772.17 of the Revised Code; 4804

(3) Submitted two sets of the applicant's fingerprints; and 4805

(4) Been determined by the commission as eligible for a 4806
gaming-related vendor's license. 4807

(B) A gaming-related vendor shall furnish to the commission a 4808
list of all equipment, devices, and supplies offered for sale or 4809
lease in connection with casino games authorized under this 4810
chapter. 4811

(C) A gaming-related vendor's equipment, devices, or supplies 4812
that are used by a person in an unauthorized casino gaming 4813
operation shall be forfeited to the state. 4814

Sec. 3772.13. (A) No person may be employed as a key employee 4815
unless the person is the holder of a valid key employee license 4816
issued by the commission. 4817

(B) Each applicant shall, before the issuance of any key 4818
employee license, produce information, documentation, and 4819
assurances as are required by this chapter and rules adopted 4820
thereunder. In addition, each applicant shall, in writing, 4821
authorize the examination of all bank accounts and records as may 4822
be deemed necessary by the commission. 4823

(C) To be eligible for a key employee license, the applicant 4824
shall be at least twenty-one years of age and shall meet the 4825
criteria set forth by rule by the commission. 4826

(D) Each application for a key employee license shall be on a 4827
form prescribed by the commission and shall contain all 4828
information required by the commission. The applicant shall set 4829
forth in the application if the applicant has been issued prior 4830
gambling-related licenses; if the applicant has been licensed in 4831
any other state under any other name, and, if so, the name under 4832
which the license was issued and the applicant's age at the time 4833
the license was issued; and if a permit or license issued to the 4834
applicant in any other state has been suspended, restricted, or 4835
revoked, and, if so, the cause and the duration of each action. 4836

(E) Each applicant shall submit with each application, on a 4837
form provided by the commission, two sets of fingerprints and a 4838
photograph. The commission shall charge each applicant an 4839
application fee set by the commission to cover all actual costs 4840
generated by each licensee and all background checks under this 4841
section and section 3772.07 of the Revised Code. 4842

(F)(1) The casino operator, management company, or holding company by whom a person is employed as a key employee shall terminate the person's employment in any capacity requiring a license under this chapter and shall not in any manner permit the person to exercise a significant influence over the operation of a casino facility if: 4843
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(a) The person does not apply for and receive a key employee license within six months of being issued a provisional license, as established under commission rule, and the commission finds that recalcitrance unsuitable. 4849
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(b) The person's application for a key employee license is denied by the commission. 4853
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(c) The person's key employee license is revoked by the commission. 4855
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The commission shall notify the casino operator, management company, or holding company who employs such a person by certified mail of any such finding, denial, or revocation. 4857
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(2) A casino operator, management company, or holding company shall not pay to a person whose employment is terminated under division (F)(1) of this section, any remuneration for any services performed in any capacity in which the person is required to be licensed, except for amounts due for services rendered before notice was received under that division. A contract or other agreement for personal services or for the conduct of any casino gaming at a casino facility between a casino operator, management company, or holding company and a person whose employment is terminated under division (F)(1) of this section may be terminated by the casino operator, management company, or holding company without further liability on the part of the casino operator, management company, or holding company. Any such contract or other agreement is deemed to include a term authorizing its termination 4860
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without further liability on the part of the casino operator, 4874
management company, or holding company upon receiving notice under 4875
division (F)(1) of this section. That a contract or other 4876
agreement does not expressly include such a term is not a defense 4877
in any action brought to terminate the contract or other 4878
agreement, and is not grounds for relief in any action brought 4879
questioning termination of the contract or other agreement. 4880

(3) A casino operator, management company, or holding 4881
company, without having obtained the prior approval of the 4882
commission, shall not enter into any contract or other agreement 4883
with a person who has been found unsuitable, who has been denied a 4884
license, or whose license has been revoked under division (F)(1) 4885
of this section, or with any business enterprise under the control 4886
of such a person, after the date on which the casino operator, 4887
management company, or holding company receives notice under that 4888
division. 4889

Sec. 3772.131. (A) All casino gaming employees are required 4890
to have a casino gaming employee license. "Casino gaming employee" 4891
means the following and their supervisors: 4892

(1) Individuals involved in operating a casino gaming pit, 4893
including dealers, shills, clerks, hosts, and junket 4894
representatives; 4895

(2) Individuals involved in handling money, including 4896
cashiers, change persons, count teams, and coin wrappers; 4897

(3) Individuals involved in operating casino games; 4898

(4) Individuals involved in operating and maintaining slot 4899
machines, including mechanics, floor persons, and change and 4900
payoff persons; 4901

(5) Individuals involved in security, including guards and 4902
game observers; 4903

(6) Individuals with duties similar to those described in 4904
divisions (A)(1) to (5) of this section. "Casino gaming employee" 4905
does not include an individual whose duties are related solely to 4906
nongaming activities such as entertainment, hotel operation, 4907
maintenance, or preparing or serving food and beverages. 4908

(B) The commission may issue a casino gaming employee license 4909
to an applicant after it has determined that the applicant is 4910
eligible for a license under rules adopted by the commission and 4911
paid any applicable fee. All applications shall be made under 4912
oath. 4913

(C) To be eligible for a casino gaming employee license, an 4914
applicant shall be at least twenty-one years of age. 4915

(D) Each application for a casino gaming employee license 4916
shall be on a form prescribed by the commission and shall contain 4917
all information required by the commission. The applicant shall 4918
set forth in the application if the applicant has been issued 4919
prior gambling-related licenses; if the applicant has been 4920
licensed in any other state under any other name, and, if so, the 4921
name under which the license was issued and the applicant's age at 4922
the time the license was issued; and if a permit or license issued 4923
to the applicant in any other state has been suspended, 4924
restricted, or revoked, and, if so, the cause and the duration of 4925
each action. 4926

(E) Each applicant shall submit with each application, on a 4927
form provided by the commission, two sets of the applicant's 4928
fingerprints and a photograph. The commission shall charge each 4929
applicant an application fee to cover all actual costs generated 4930
by each licensee and all background checks. 4931

Sec. 3772.14. (A) After notice and opportunity for an 4932
adjudication conducted under Chapter 119. of the Revised Code, the 4933
commission may suspend, revoke, or refuse to issue or renew a 4934

license in accordance with rules adopted by the commission. 4935

(B) Without in any manner limiting the authority of the 4936
commission to impose the level and type of discipline it may 4937
consider appropriate, the commission may take into consideration: 4938

(1) If the licensee knew or reasonably should have known that 4939
the action complained of was a violation of any law, regulation, 4940
or condition on the licensee's license; 4941

(2) If the licensee has previously been disciplined by the 4942
commission; 4943

(3) If the licensee has previously been subject to discipline 4944
by the commission concerning the violation of any law, regulation, 4945
or condition of the licensee's license; 4946

(4) If the licensee reasonably relied upon professional 4947
advice from a lawyer, doctor, accountant, or other recognized 4948
professional that was relevant to the action resulting in the 4949
violation; 4950

(5) If the licensee or licensee's employer had a reasonably 4951
constituted and functioning compliance program; 4952

(6) If the imposition of a condition requiring the licensee 4953
to establish and implement a written self-enforcement and 4954
compliance program would assist in ensuring the licensee's future 4955
compliance with all statutes, regulations, and conditions of the 4956
license; 4957

(7) If the licensee realized a pecuniary gain from the 4958
violation; 4959

(8) If the amount of any fine or other penalty imposed would 4960
result in disgorgement of any gains unlawfully realized by the 4961
licensee; 4962

(9) If the violation was caused by an officer or employee of 4963

the licensee, the level of authority of the individual who caused 4964
the violation; 4965

(10) If the individual who caused the violation acted within 4966
the scope of the individual's authority as granted by the 4967
licensee; 4968

(11) The adequacy of any training programs offered by the 4969
licensee or licensee's employer that were relevant to the activity 4970
which resulted in the violation; 4971

(12) If the licensee's action substantially deviated from 4972
industry standards and customs; 4973

(13) The extent to which the licensee cooperated with the 4974
commission during the investigation of the violation; 4975

(14) If the licensee has initiated remedial measures to 4976
prevent similar violations; 4977

(15) The magnitude of penalties imposed on other licensees 4978
for similar violations; 4979

(16) The proportionality of the penalty in relation to the 4980
misconduct; 4981

(17) The extent to which the amount of any fine imposed would 4982
punish the licensee for the conduct and deter future violations; 4983

(18) Any mitigating factors offered by the licensee; and 4984

(19) Any other factors the commission in its sole and 4985
absolute discretion may consider relevant. 4986

Sec. 3772.15. (A) Unless a license issued under this chapter 4987
is suspended, expires, or is revoked, the license shall be renewed 4988
for not more than three years, as determined by commission rule, 4989
after a determination by the commission that the licensee is in 4990
compliance with this chapter and rules authorized by this chapter 4991
and after the licensee pays a fee. 4992

(B) A licensee shall undergo a complete investigation at least every three years, as determined by commission rule, to determine that the licensee remains in compliance with this chapter. 4993
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(C) Notwithstanding division (B) of this section, the commission may investigate a licensee at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this section. 4997
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(D) The holder of a license shall bear the cost of an investigation, except key employees and casino gaming employees who are employed by a casino operator, in which case the casino operator shall pay the investigation cost. 5001
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Sec. 3772.16. (A) Any information concerning the following submitted, collected, or gathered as part of an application to the commission for a license under this chapter is confidential and not subject to disclosure as a record under section 149.43 of the Revised Code: 5005
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(1) A minor child of an applicant; 5010

(2) The social security number of an applicant or the spouse of an applicant; 5011
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(3) The home telephone number of an applicant or the spouse or children of an applicant; 5013
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(4) An applicant's birth certificate; 5015

(5) The driver's license number of an applicant or the applicant's spouse; 5016
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(6) The name or address of a previous spouse of the applicant; 5018
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(7) The date of birth of the spouse of an applicant; 5020

(8) The place of birth of the spouse of an applicant; 5021

<u>(9) The personal financial information and records of an applicant or the spouse or minor child of an applicant, including tax returns and information, and records of criminal proceedings;</u>	5022
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<u>(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;</u>	5025
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<u>(11) The electronic mail address of the spouse or family member of the applicant;</u>	5027
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<u>(12) An applicant's home addresses; and</u>	5029
<u>(13) Any trade secret.</u>	5030
<u>(B) Notwithstanding any other law, upon written request from a person, the commission shall provide the following information to the person except as provided in this chapter:</u>	5031
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<u>(1) The information provided under this chapter concerning a licensee or an applicant;</u>	5034
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<u>(2) The amount of the wagering tax and admission tax paid daily to the state by a licensed applicant or an operating agent; and</u>	5036
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<u>(3) A copy of a letter providing the reasons for the denial of an applicant's license or an operating agent's contract and a copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application, but with confidential information redacted if that information is the reason for the denial or refusal to withdraw.</u>	5039
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<u>(C) Except as provided in divisions (C) and (D) of this section, in addition to information that is confidential under division (A) of this section, all information maintained by the commission concerning an individual who holds, held, or has applied for a license under this chapter:</u>	5045
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<u>(1) Is confidential for purposes of this chapter and not subject to disclosure under section 149.43 of the Revised Code;</u>	5050
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and 5052

(2) May be released by the commission only for law 5053
enforcement purposes or to a state or local public agency, which 5054
shall keep such information confidential. 5055

(D) The individual's name, the individual's place of 5056
employment, the individual's job title, and the individual's 5057
gaming experience that is provided for an individual who holds, 5058
held, or has applied for a license under this chapter is not 5059
confidential. The reason for denial or revocation of a license or 5060
for disciplinary action against the individual and information 5061
submitted by the individual for a felony waiver request is not 5062
confidential. 5063

(E) An individual who holds, held, or has applied for a 5064
license under this chapter may waive the confidentiality 5065
requirements of division (A) of this section. 5066

Sec. 3772.17. (A) The upfront license fee to obtain a license 5067
as a casino operator shall be fifty million dollars per casino 5068
facility, which shall be deposited into the economic development 5069
programs fund, which is created in the state treasury. New casino 5070
operator, management company, and holding company license and 5071
renewal license fees shall be set by rule, subject to the approval 5072
of the joint committee on gaming and wagering. 5073

(B) The fee to obtain an application for a casino operator, 5074
management company, or holding company license shall be two 5075
million dollars per application. The application fee shall be 5076
deposited into the casino control commission fund. The application 5077
fee is nonrefundable. 5078

(C) The license fees for a gaming-related vendor shall be set 5079
by rule, subject to the approval of the joint committee on gaming 5080
and wagering. Additionally, the commission may assess an applicant 5081

a reasonable fee in the amount necessary to process a 5082
gaming-related vendor license application. 5083

(D) The license fees for a key employee shall be set by rule, 5084
subject to the approval of the joint committee on gaming and 5085
wagering. Additionally, the commission may assess an applicant a 5086
reasonable fee in the amount necessary to process a key employee 5087
license application. If the license is being sought at the request 5088
of a casino operator, such fees shall be paid by the casino 5089
operator. 5090

(E) The license fees for a casino gaming employee shall be 5091
set by rule, subject to the approval of the joint committee on 5092
gaming and wagering. If the license is being sought at the request 5093
of a casino operator, the fee shall be paid by the casino 5094
operator. 5095

Sec. 3772.18. (A) Each casino operator, management company, 5096
and holding company involved in the application and ownership or 5097
management of a casino facility shall provide to the commission as 5098
applicable: 5099

(1) An annual balance sheet; 5100

(2) An annual income statement; 5101

(3) An annual audited financial statement; 5102

(4) A list of the stockholders or other persons having at 5103
least a five per cent ownership interest in the casino operator, 5104
management company, or holding company and any other information 5105
the commission considers necessary for the effective 5106
administration of this chapter; 5107

(5) The applicant's plan and process to provide employment 5108
opportunities; 5109

(6) The applicant's plan and process to purchase goods and 5110
services from Ohio; 5111

(7) Notification of any material changes to the applicant's or licensee's stockholders must be provided to the commission within sixty days of the change. Notification of any refinancing and debt issuance shall be in accordance with rules adopted by the commission under Chapter 119. of the Revised Code; and

(8) An applicant's compulsive and problem gambling plan. A casino operator shall submit an annual summary of its compulsive and problem gambling plan to the commission. The plan at a minimum shall contain the following elements:

(a) The goals of the plan and procedures and timetables to implement the plan;

(b) The identification of the individual who will be responsible for the implementation and maintenance of the plan;

(c) Policies and procedures including the following:

(i) The commitment of the casino operator to train appropriate employees;

(ii) The duties and responsibilities of the employees designated to implement or participate in the plan;

(iii) The responsibility of patrons with respect to responsible gambling;

(iv) Procedures for providing information to individuals regarding community, public and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members;

(v) The provision of printed material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families;

(vi) The employee training program;

<u>(vii) Procedures to prevent underage gambling;</u>	5142
<u>(viii) Procedures to prevent intoxicated patrons from gambling;</u>	5143 5144
<u>(ix) The plan for posting signs within the casino facility containing gambling treatment information.</u>	5145 5146
<u>(9) An annual plan for and report of construction and operations that reasonably meet or exceed approved diversity goals during casino facility construction and in casino gaming operations and a process by which the commission shall determine if a casino operator is, in good faith, reasonably meeting or exceeding its goals as a condition of obtaining and maintaining a license to operate a casino facility. Annual plans shall include good faith efforts to meet goals in the following: supplier diversity; workplace diversity; diversity in community outreach; and diversity in provision of professional services.</u>	5147 5148 5149 5150 5151 5152 5153 5154 5155 5156
<u>(B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under division (A) of this section. The department of administrative services may certify to the commission whether or not those plans and goals have been met.</u>	5157 5158 5159 5160 5161
<u>(C) Preference shall be given to public and private Ohio-based institutions to train employees for casino-related employment opportunities.</u>	5162 5163 5164
<u>Sec. 3772.19.</u> <u>A person shall not hold a majority ownership interest in, or be a management company for, more than two casino facilities at any one time. A person shall not hold a majority ownership interest in, or be a management company, for more than two tracks at which horse racing where the pari-mutuel system of wagering is conducted at any one time, of which not more than one shall be a track for thoroughbred horses.</u>	5165 5166 5167 5168 5169 5170 5171

Sec. 3772.20. (A) A maximum of five thousand slot machines 5172
may be operated at a casino facility. Each casino operator for 5173
each casino facility shall determine the total number of slot 5174
machines in their facility, up to a maximum of five thousand slot 5175
machines that may be operated at such casino facility. There shall 5176
be no limit on the number of table games allowed at each casino 5177
facility. 5178

(B) Any slot machine game or table game currently authorized 5179
in, and any future slot machine or table game authorized in, the 5180
states of Indiana, Michigan, Pennsylvania, and West Virginia may 5181
be conducted at casino facilities in this state at the discretion 5182
of a licensed casino operator but only after being approved, upon 5183
application by a licensed casino operator, by the commission. 5184

(C) Minimum and maximum wagers on casino gaming shall be 5185
determined by casino operators, subject to the commission's 5186
approval. 5187

(D) No slot machine shall be set to pay out less than the 5188
theoretical payout percentage, which shall be not less than 5189
eighty-five per cent, as specifically approved by the commission. 5190
The commission shall adopt rules that define the theoretical 5191
payout percentage of a slot machine based on the total value of 5192
the jackpots expected to be paid by a slot machine divided by the 5193
total value of slot machine wagers expected to be made on that 5194
slot machine during the same portion of the game cycle. 5195

Sec. 3772.21. (A) Casino gaming equipment and supplies 5196
customarily used in conducting casino gaming shall be purchased or 5197
leased only from gaming-related vendors licensed under this 5198
chapter. A management company owning casino gaming devices, 5199
supplies, and equipment shall be licensed as a gaming-related 5200
vendor under this chapter. 5201

(B) Annually, a gaming-related vendor shall furnish to the commission a list of all equipment, devices, and supplies offered for sale or lease in connection with casino gaming authorized under this chapter.

(C) A gaming-related vendor shall keep books and records for the furnishing of equipment, devices, and supplies to gaming operations separate from books and records of any other business operated by the gaming-related vendor. A gaming-related vendor shall file a quarterly return with the commission listing all sales and leases. A gaming-related vendor shall permanently affix the gaming-related vendor's name to all of the gaming-related vendor's equipment, devices, and supplies for casino gaming operations.

(D) A gaming-related vendor's equipment, devices, or supplies that are used by a person in an unauthorized casino gaming operation shall be forfeited to the commission.

(E) Gaming equipment, devices, and supplies that are provided by a gaming-related vendor may be repaired by the casino facility or removed for repair from the casino facility to a facility owned by a casino operator or management company.

(F) Any gambling equipment, devices, and supplies provided by any licensed gaming-related vendor may be either repaired in the casino or removed from the casino to an area or facility owned by a casino operator or management company.

Sec. 3772.22. (A) All casino facility operations shall use a cashless wagering system whereby all wagerers' money is converted to chips, tokens, tickets, electronic cards, or similar objects at the request of the wagerer that may only be used for wagering at a casino facility. Wagering shall not be conducted with money or other negotiable currency.

(B) Wagers may be received only from a person present at a casino facility. A wagerer present at a casino facility shall not place or attempt to place a wager on behalf of an individual who is not present at the casino facility. 5232
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Sec. 3772.23. (A) All tokens, chips, or electronic cards that are used to make wagers shall be purchased from the casino operator or management company while at a casino facility that has been approved by the commission. Chips, tokens, tickets, electronic cards, or similar objects may be used while at the casino facility only for the purpose of making wagers on casino games. 5236
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(B) Casino operators and management companies shall not do any of the following: 5243
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(1) Obtain a license to operate a check-cashing business under sections 1315.01 to 1315.30 of the Revised Code; 5245
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(2) Obtain a license to provide loans under sections 1321.01 to 1321.19 of the Revised Code; 5247
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(3) Obtain a license to provide loans under sections 1321.35 to 1321.48 of the Revised Code. 5249
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(C) Casino operators and management companies may do both of the following: 5251
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(1) Cash checks for casino patrons; 5253

(2) Provide promotional credits to their patrons. Promotional credits played by slot machine and table game patrons have no value attributed to their use for purposes of calculating gross casino revenue. Promotional credits shall be subject to oversight and approval by the commission. 5254
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Sec. 3772.24. (A) An employee of a casino facility who is between eighteen and twenty-one years of age may be present in the 5259
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area of a casino facility where casino gaming is being conducted, 5261
as long as the employee's duties are related solely to nongaming 5262
activities. An individual who is less than twenty-one years of age 5263
may enter a designated area of a casino facility where casino 5264
gaming is being conducted, as established by the commission, to 5265
pass to another area where casino gaming is not being conducted. 5266
An individual who is less than twenty-one years of age shall not 5267
make a wager under this chapter. 5268

(B) Casino operators shall notify the commission of the days 5269
and hours during which casino gaming will be conducted. 5270

Sec. 3772.25. The following are not subject to, or limited 5271
by, the requirements of this chapter or Section 6(C) of Article 5272
XV, Ohio Constitution: 5273

(A) Charitable gaming authorized by Chapter 2915. of the 5274
Revised Code; 5275

(B) Charitable bingo authorized by Section 6 of Article XV, 5276
Ohio Constitution, and as authorized by Chapter 2915. of the 5277
Revised Code; 5278

(C) Lottery games as authorized by Section 6 of Article XV, 5279
Ohio Constitution; and 5280

(D) Pari-mutuel wagering authorized by Chapter 3769. of the 5281
Revised Code. 5282

Sec. 3772.26. (A) Each of the four casino facilities shall be 5283
subject to all applicable state laws and local ordinances related 5284
to health and building codes, or any related requirements and 5285
provisions. Notwithstanding the foregoing, no local zoning, land 5286
use laws, subdivision regulations or similar provisions shall 5287
prohibit the development or operation of the four casino 5288
facilities, or casino gaming set forth herein, provided that no 5289

casino facility shall be located in a district zoned exclusively residential as of January 1, 2009. 5290
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(B) No municipal corporation or other political subdivision in which a casino facility is located shall be required to provide or improve infrastructure, appropriate property, or otherwise take any affirmative legislative or administrative action to assist development or operation of a casino facility, regardless of the source of funding but if such action is essential to the development or operation of a casino facility, the municipal corporation or other political subdivision may charge the casino operator for any costs incurred for such action. 5292
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Sec. 3772.27. Each initial licensed casino operator of each of the four casino facilities shall make an initial investment of at least two hundred fifty million dollars for the development of each casino facility for a total minimum investment of one billion dollars statewide. 5301
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Sec. 3772.28. (A) A casino operator shall not enter into a debt transaction without the approval of the commission. The casino operator shall submit, in writing, a request for approval of a debt transaction that contains at least the following information: 5306
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(1) The names and addresses of all parties to the debt transaction; 5311
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(2) The amount of the funds involved; 5313

(3) The type of debt transaction; 5314

(4) The source of the funds to be obtained; 5315

(5) All sources of collateral; 5316

(6) The purpose of the debt transaction; 5317

(7) The terms of the debt transaction; 5318

(8) Any other information deemed necessary by the commission. 5319

(B) As used in this section, "debt transaction" means a 5320
transaction totaling five hundred thousand dollars or more in 5321
which a casino operator acquires debt, including bank financing, 5322
private debt offerings, and any other transaction that results in 5323
the encumbrance of assets. 5324

Sec. 3772.29. All shipments of gaming supplies, devices, and 5325
equipment, including slot machines, into this state are exempt 5326
from section (2) of "An Act to Prohibit Transportation of Gambling 5327
Devices in Interstate and Foreign Commerce," 64 Stat. 1134, 15 5328
U.S.C. 1171-1177. 5329

Sec. 3772.30. (A) If any person violates this chapter or a 5330
rule adopted thereunder, the attorney general has a cause of 5331
action to restrain the violation. Such an action is a civil 5332
action, governed by the Rules of Civil Procedure. Upon receiving a 5333
request from the commission or the executive director, the 5334
attorney general shall commence and prosecute such an action to 5335
completion. The court shall give priority to such an action over 5336
all other civil actions. Such an action does not preclude an 5337
administrative or criminal proceeding on the same facts. 5338

(B) The attorney general may enter into agreements with any 5339
state or local law enforcement agency to carry out its duties. 5340

(C) A sheriff, chief of police, and prosecuting attorney 5341
shall furnish to the commission, on prescribed forms, all 5342
information obtained during the course of any substantial 5343
investigation or prosecution if it appears a violation of this 5344
chapter has occurred. Any such information is not a public record, 5345
as defined in section 149.43 of the Revised Code, until such 5346
information would otherwise become a public record. 5347

Sec. 3772.31. (A) The commission, by and through the 5348
executive director of the commission, may enter into contracts 5349
necessary to ensure the proper operation and reporting of all 5350
casino gaming authorized under this chapter. The commission may 5351
determine it to be necessary and adopt rules to authorize a 5352
central system. The system shall be operated by or under the 5353
commission's control. 5354

(B) The commission shall certify independent testing 5355
laboratories to scientifically test and technically evaluate all 5356
slot machines, mechanical, electromechanical, or electronic table 5357
games, slot accounting systems, and other electronic gaming 5358
equipment for compliance with this chapter. The certified 5359
independent testing laboratories shall be accredited by a national 5360
accreditation body. The commission shall certify an independent 5361
testing laboratory if it is competent and qualified to 5362
scientifically test and evaluate electronic gaming equipment for 5363
compliance with this chapter and to otherwise perform the 5364
functions assigned to an independent testing laboratory under this 5365
chapter. An independent testing laboratory shall not be owned or 5366
controlled by, or have any interest in, a gaming-related vendor of 5367
electronic gaming equipment. The commission shall prepare a list 5368
of certified independent testing laboratories from which an 5369
independent testing laboratory shall be chosen for all purposes 5370
under this chapter. 5371

Sec. 3772.32. (A) As used in this section, "conservator" 5372
means a person appointed by a court of common pleas as a fiduciary 5373
to temporarily manage and control a casino facility. 5374

(B) The commission shall adopt rules under Chapter 119. of 5375
the Revised Code relating to the administration of a casino 5376
facility by a conservator. 5377

(C) The commission may petition the court of common pleas of the county in which the casino facility is located for appointment by the court of a conservator to manage and control the casino facility if any of the following occurs: 5378
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(1) The commission revokes the casino operator's license. 5382

(2) The commission declines to renew the casino operator's license. 5383
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(3) The commission suspends a casino operator's license for more than one hundred twenty days. 5385
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(4) A proposed buyer is denied a casino operator's license, and the licensed casino operator is unable or unwilling to retain ownership or control of the casino facility. 5387
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(5) A licensed casino operator agrees in writing to relinquish control of a casino facility to a conservator. 5390
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(6) A natural disaster or bankruptcy halts operations at a casino facility. 5392
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This division does not apply if the casino facility for which a casino license has been issued has not been in operation and open to the public. 5394
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(D)(1) The petition shall contain the names of two or more persons who the commission believes are suitable and qualified to manage and control the casino facility and are available for appointment as a conservator. 5397
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(2) Upon receipt of the petition, the court shall appoint as conservator of the casino facility a person who is named in the petition. The court shall immediately notify the commission of the appointment. Upon receipt of notice from the court, the commission shall immediately notify the casino operator and the conservator. 5401
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(3) The court that appoints the conservator shall set reasonable compensation, out of the revenue of the casino 5406
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facility, for the services, costs, and expenses of the conservator 5408
and for any other persons whom the conservator may engage to aid 5409
the conservator in performing the conservator's duties. 5410

(E) A conservator is subject to Chapter 3772. of the Revised 5411
Code and any rules adopted under that chapter as if the 5412
conservator were a licensed casino operator. 5413

(F) A conservator shall be deemed to be a licensed casino 5414
operator and may perform all acts that the conservator is required 5415
or permitted to perform without approval or other action. 5416

(G) The conservator shall take immediately into possession 5417
all property of the casino facility, including its money, 5418
accounts, books, records, and evidences of debts owed to the 5419
casino operator, and shall continue the business of the casino 5420
facility. 5421

(H) A conservator shall file with the commission reports on 5422
the administration of the casino facility in such form and at such 5423
intervals as the commission may prescribe. 5424

(I)(1) If at any time the court finds that a conservator is 5425
not qualified or available to serve as conservator, the court 5426
shall request from the commission the names of two or more persons 5427
who the commission believes are suitable and qualified to manage 5428
and control a casino facility and are available to serve as a 5429
conservator. 5430

(2) The commission may, at any time after the appointment of 5431
a conservator, petition the court for the removal of the 5432
conservator and the appointment of a new conservator or for the 5433
termination of the conservator. 5434

(J) A conservator shall, before assuming the conservator's 5435
duties, execute and file a bond for the faithful performance of 5436
the conservator's duties payable to the commission with such 5437
surety or sureties and in such form as the commission approves and 5438

in such amount as the commission prescribes. 5439

(K) The commission shall require that the former casino operator purchase liability insurance, in an amount determined by the commission, to protect a conservator from liability for any acts or omissions of the conservator occurring during the duration of the conservatorship that are reasonably related to, and within the scope of, the conservator's duties. 5440
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(L)(1) The former licensed casino operator has one hundred eighty days after the date on which the conservator is appointed to sell the casino facility to another person who satisfies the requirements of this chapter for obtaining a casino operator's license and is approved by the commission. 5446
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(2) If the person is unable to sell the casino facility in the time required by division (L)(1) of this section, the conservator may take any action necessary to sell the casino facility to another person who satisfies the requirements of this chapter for obtaining a casino operator's license and is approved by the commission. 5451
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(M) The commission shall direct the court of common pleas to discontinue a conservatorship when any of the following occurs: 5457
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(1) The commission determines that the cause for which the conservatorship was instituted no longer exists. 5459
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(2) The former casino operator or the conservator has with the approval of the commission, consummated the sale, assignment, conveyance, or other disposition of the casino facility. 5461
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(N) Upon the discontinuation of the conservatorship and with the approval of the commission, the conservator shall take steps as may be necessary to affect an orderly transfer of the property of the former casino operator. 5464
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Sec. 3772.99. (A) The commission shall levy and collect 5468

penalties for noncriminal violations of this chapter. Moneys 5469
collected from such penalty levies shall be credited to the 5470
general revenue fund. 5471

(B) If a licensed casino operator, management company, 5472
holding company, gaming-related vendor, or key employee violates 5473
this chapter or engages in a fraudulent act, the commission may 5474
suspend or revoke the license and may do either or both of the 5475
following: 5476

(1) Suspend, revoke, or restrict the casino gaming operations 5477
of a casino operator; 5478

(2) Require the removal of a management company, key 5479
employee, or discontinuance of services from a gaming-related 5480
vendor. 5481

(C) The commission shall impose civil penalties against a 5482
person who violates this chapter under the schedule of penalties 5483
adopted by commission rule and approved by the joint committee on 5484
gaming and wagering. 5485

(D) A person who knowingly or intentionally does any of the 5486
following commits a misdemeanor of the first degree on the first 5487
offense and a felony of the fifth degree for a subsequent offense: 5488

(1) Makes a false statement on an application submitted under 5489
this chapter; 5490

(2) Permits a person less than twenty-one years of age to 5491
make a wager; 5492

(3) Aids, induces, or causes a person less than twenty-one 5493
years of age who is not an employee of the casino gaming operation 5494
to enter or attempt to enter a casino; 5495

(4) Enters or attempts to enter a casino facility while under 5496
twenty-one years of age, unless the person enters a designated 5497
area as described in section 3772.24 of the Revised Code; 5498

<u>(5) Wagers or accepts a wager at a location other than a</u>	5499
<u>casino facility;</u>	5500
<u>(6) Is a casino operator or employee and participates in</u>	5501
<u>casino gaming other than as part of operation or employment.</u>	5502
<u>(E) A person who knowingly or intentionally does any of the</u>	5503
<u>following commits a felony of the fifth degree on a first offense</u>	5504
<u>and a felony of the fourth degree for a subsequent offense. If the</u>	5505
<u>person is a licensee under this chapter, the commission shall</u>	5506
<u>revoke the person's license after the first offense.</u>	5507
<u>(1) Offers, promises, or gives anything of value or benefit</u>	5508
<u>to a person who is connected with the casino operator, management</u>	5509
<u>company, holding company, or gaming-related vendor, including</u>	5510
<u>their officers and employees, under an agreement to influence or</u>	5511
<u>with the intent to influence the actions of the person to whom the</u>	5512
<u>offer, promise, or gift was made in order to affect or attempt to</u>	5513
<u>affect the outcome of a casino game or an official action of a</u>	5514
<u>commission member;</u>	5515
<u>(2) Solicits, accepts, or receives a promise of anything of</u>	5516
<u>value or benefit while the person is connected with a casino,</u>	5517
<u>including an officer or employee of a casino operator, management</u>	5518
<u>company, or gaming-related vendor, under an agreement to influence</u>	5519
<u>or with the intent to influence the actions of the person to</u>	5520
<u>affect or attempt to affect the outcome of a casino game or an</u>	5521
<u>official action of a commission member;</u>	5522
<u>(3) Uses or possesses with the intent to use a device to</u>	5523
<u>assist in projecting the outcome of the game, keeping track of the</u>	5524
<u>cards played, analyzing the probability of the occurrence of an</u>	5525
<u>event relating to the casino game, or analyzing the strategy for</u>	5526
<u>playing or betting to be used in the game, except as permitted by</u>	5527
<u>the commission;</u>	5528
<u>(4) Cheats at a casino game;</u>	5529

- (5) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this chapter; 5530
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- (6) Alters or misrepresents the outcome of a casino game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players; 5533
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- (7) Places a wager on the outcome of a casino game after acquiring knowledge that is not available to all players and concerns the outcome of the casino game that is the subject of the wager; 5536
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- (8) Aids a person in acquiring the knowledge described in division (E)(7) of this section for the purpose of placing a wager contingent on the outcome of a casino game; 5540
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- (9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a casino game with the intent to defraud or without having made a wager contingent on winning a casino game; 5543
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- (10) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game; 5547
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- (11) Uses or possesses counterfeit chips or tokens in or for use in a casino game; 5549
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- (12) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment. 5551
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- (13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this chapter; 5558
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(14) Operates a casino gaming operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter. 5560
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(F) The possession of more than one of the devices described in division (E)(11), (12), or (13) of this section creates a rebuttable presumption that the possessor intended to use the devices for cheating. 5563
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(G) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission. 5567
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Sec. 3793.02. (A) The department of alcohol and drug addiction services shall promote, assist in developing, and coordinate or conduct programs of education and research for the prevention of alcohol and drug addiction, the prevention of gambling addiction, the treatment, including intervention, of alcoholics and persons who abuse drugs of abuse, including anabolic steroids, and the treatment, including intervention, of persons with gambling addictions. Programs established by the department shall include abstinence-based prevention and treatment programs. 5570
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(B) In addition to the other duties prescribed by this chapter, the department shall do all of the following: 5580
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(1) Promote and coordinate efforts in the provision of alcohol and drug addiction services and of gambling addiction services by other state agencies, as defined in section 1.60 of the Revised Code; courts; hospitals; clinics; physicians in private practice; public health authorities; boards of alcohol, drug addiction, and mental health services; alcohol and drug addiction programs; law enforcement agencies; gambling addiction programs; and related groups; 5582
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(2) Provide for education and training in prevention, 5590
diagnosis, treatment, and control of alcohol and drug addiction 5591
and of gambling addiction for medical students, physicians, 5592
nurses, social workers, professional counselors, psychologists, 5593
and other persons who provide alcohol and drug addiction services 5594
or gambling addiction services; 5595

(3) Provide training and consultation for persons who 5596
supervise alcohol and drug addiction programs and facilities or 5597
gambling addiction programs and facilities; 5598

(4) Develop measures for evaluating the effectiveness of 5599
alcohol and drug addiction services, including services that use 5600
methadone treatment, and of gambling addiction services, and for 5601
increasing the accountability of alcohol and drug addiction 5602
programs and of gambling addiction programs; 5603

(5) Provide to each court of record, and biennially update, a 5604
list of the treatment and education programs within that court's 5605
jurisdiction that the court may require an offender, sentenced 5606
pursuant to section 4511.19 of the Revised Code, to attend; 5607

(6) Make the warning sign described in sections 3313.752, 5608
3345.41, and 3707.50 of the Revised Code available on the 5609
department's internet web site; 5610

(7) Provide a program of gambling addiction services on 5611
behalf of the state lottery commission, pursuant to an agreement 5612
entered into with the director of the commission under division 5613
(K) of section 3770.02 of the Revised Code, and provide a program 5614
of gambling and addiction services on behalf of the Ohio casino 5615
control commission, under an agreement entered into with the 5616
executive director of the commission under section 3772.062 of the 5617
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 5618
Constitution, the department may enter into agreements with county 5619
alcohol, drug addiction, and mental health service districts, and 5620

nonprofit organizations to provide gambling and addiction services 5621
and substance abuse services, and with state institutions of 5622
higher education to perform related research. 5623

(C) The department may accept and administer grants from 5624
public or private sources for carrying out any of the duties 5625
enumerated in this section. 5626

(D) Pursuant to Chapter 119. of the Revised Code, the 5627
department shall adopt a rule defining the term "intervention" as 5628
it is used in this chapter in connection with alcohol and drug 5629
addiction services and in connection with gambling addiction 5630
services. The department may adopt other rules as necessary to 5631
implement the requirements of this chapter. 5632

Sec. 3793.032. The director of alcohol and drug addiction 5633
services shall administer the problem casino gambling and 5634
addictions fund. The director shall use the money in the fund to 5635
support programs that provide gambling addiction services, alcohol 5636
and drug addiction programs that provide alcohol and drug 5637
addiction services, other programs that relate to gambling 5638
addiction and substance abuse, and research that relates to 5639
gambling addiction and substance abuse. 5640

The director shall prepare an annual report describing the 5641
use of the fund for these purposes. The director shall submit the 5642
report to the Ohio casino control commission, the speaker of the 5643
house of representatives, the president of the senate, and the 5644
governor. 5645

Sec. 4301.355. (A) If a petition is filed under section 5646
4301.333 of the Revised Code for the submission of the question or 5647
questions set forth in this section, it shall be held in the 5648
precinct as ordered by the board of elections under that section. 5649
The expense of holding the election shall be charged to the 5650

municipal corporation or township of which the precinct is a part. 5651

(B) At the election, one or more of the following questions, 5652
as designated in a valid petition, shall be submitted to the 5653
electors of the precinct: 5654

(1) "Shall the sale of (insert beer, wine and 5655
mixed beverages, or spirituous liquor) be permitted by 5656
(insert name of applicant, liquor permit holder, or liquor agency 5657
store, including trade or fictitious name under which applicant 5658
for, or holder of, liquor permit or liquor agency store either 5659
intends to do, or does, business at the particular location), an 5660
..... (insert "applicant for" or "holder of" or "operator 5661
of") a (insert class name of liquor permit or permits 5662
followed by the words "liquor permit(s)" or, if appropriate, the 5663
words "liquor agency store for the State of Ohio"), who is engaged 5664
in the business of (insert general nature of the 5665
business in which applicant or liquor permit holder is engaged or 5666
will be engaged in at the particular location, as described in the 5667
petition) at (insert address of the particular location 5668
within the precinct as set forth in the petition) in this 5669
precinct?" 5670

(2) "Shall the sale of (insert beer, wine and 5671
mixed beverages, or spirituous liquor) be permitted for sale on 5672
Sunday between the hours of (insert "ten a.m. and 5673
midnight" or " eleven a.m. and midnight") by (insert 5674
name of applicant, liquor permit holder, or liquor agency store, 5675
including trade or fictitious name under which applicant for, or 5676
holder of, liquor permit or liquor agency store either intends to 5677
do, or does, business at the particular location), an 5678
(insert "applicant for a D-6 liquor permit," "holder of a D-6 5679
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 5680
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 5681
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 5682

liquor permit," if only the approval of beer sales is sought, or 5683
"liquor agency store") who is engaged in the business of 5684
..... (insert general nature of the business in which 5685
applicant or liquor permit holder is engaged or will be engaged in 5686
at the particular location, as described in the petition) at 5687
..... (insert address of the particular location within the 5688
precinct) in this precinct?" 5689

(C) The board of elections shall furnish printed ballots at 5690
the election as provided under section 3505.06 of the Revised 5691
Code, except that a separate ballot shall be used for the election 5692
under this section. The question set forth in this section shall 5693
be printed on each ballot, and the board shall insert in the 5694
question appropriate words to complete it. Votes shall be cast as 5695
provided under section 3505.06 of the Revised Code. 5696

Sec. 4301.62. (A) As used in this section: 5697

(1) "Chauffeured limousine" means a vehicle registered under 5698
section 4503.24 of the Revised Code. 5699

(2) "Street," "highway," and "motor vehicle" have the same 5700
meanings as in section 4511.01 of the Revised Code. 5701

(B) No person shall have in the person's possession an opened 5702
container of beer or intoxicating liquor in any of the following 5703
circumstances: 5704

(1) In a state liquor store; 5705

(2) Except as provided in division (C) of this section, on 5706
the premises of the holder of any permit issued by the division of 5707
liquor control; 5708

(3) In any other public place; 5709

(4) Except as provided in division (D) or (E) of this 5710
section, while operating or being a passenger in or on a motor 5711
vehicle on any street, highway, or other public or private 5712

property open to the public for purposes of vehicular travel or 5713
parking; 5714

(5) Except as provided in division (D) or (E) of this 5715
section, while being in or on a stationary motor vehicle on any 5716
street, highway, or other public or private property open to the 5717
public for purposes of vehicular travel or parking. 5718

(C)(1) A person may have in the person's possession an opened 5719
container of any of the following: 5720

(a) Beer or intoxicating liquor that has been lawfully 5721
purchased for consumption on the premises where bought from the 5722
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 5723
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 5724
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 5725
F-8 permit; 5726

(b) Beer, wine, or mixed beverages served for consumption on 5727
the premises by the holder of an F-3 permit or wine served for 5728
consumption on the premises by the holder of an F-4 or F-6 permit; 5729

(c) Beer or intoxicating liquor consumed on the premises of a 5730
convention facility as provided in section 4303.201 of the Revised 5731
Code; 5732

(d) Beer or intoxicating liquor to be consumed during 5733
tastings and samplings approved by rule of the liquor control 5734
commission. 5735

(2) A person may have in the person's possession on an F 5736
liquor permit premises an opened container of beer or intoxicating 5737
liquor that was not purchased from the holder of the F permit if 5738
the premises for which the F permit is issued is a music festival 5739
and the holder of the F permit grants permission for that 5740
possession on the premises during the period for which the F 5741
permit is issued. As used in this division, "music festival" means 5742
a series of outdoor live musical performances, extending for a 5743

period of at least three consecutive days and located on an area 5744
of land of at least forty acres. 5745

(3)(a) A person may have in the person's possession on a D-2 5746
liquor permit premises an opened or unopened container of wine 5747
that was not purchased from the holder of the D-2 permit if the 5748
premises for which the D-2 permit is issued is an outdoor 5749
performing arts center, the person is attending an orchestral 5750
performance, and the holder of the D-2 permit grants permission 5751
for the possession and consumption of wine in certain 5752
predesignated areas of the premises during the period for which 5753
the D-2 permit is issued. 5754

(b) As used in division (C)(3)(a) of this section: 5755

(i) "Orchestral performance" means a concert comprised of a 5756
group of not fewer than forty musicians playing various musical 5757
instruments. 5758

(ii) "Outdoor performing arts center" means an outdoor 5759
performing arts center that is located on not less than eight 5760
hundred acres of land and that is open for performances from the 5761
first day of April to the last day of October of each year. 5762

(4) A person may have in the person's possession an opened or 5763
unopened container of beer or intoxicating liquor at an outdoor 5764
location at which the person is attending an orchestral 5765
performance as defined in division (C)(3)(b)(i) of this section if 5766
the person with supervision and control over the performance 5767
grants permission for the possession and consumption of beer or 5768
intoxicating liquor in certain predesignated areas of that outdoor 5769
location. 5770

(D) This section does not apply to a person who pays all or a 5771
portion of the fee imposed for the use of a chauffeured limousine 5772
pursuant to a prearranged contract, or the guest of the person, 5773
when all of the following apply: 5774

(1) The person or guest is a passenger in the limousine. 5775

(2) The person or guest is located in the limousine, but is 5776
not occupying a seat in the front compartment of the limousine 5777
where the operator of the limousine is located. 5778

(3) The limousine is located on any street, highway, or other 5779
public or private property open to the public for purposes of 5780
vehicular travel or parking. 5781

(E) An opened bottle of wine that was purchased from the 5782
holder of a permit that authorizes the sale of wine for 5783
consumption on the premises where sold is not an opened container 5784
for the purposes of this section if both of the following apply: 5785

(1) The opened bottle of wine is securely resealed by the 5786
permit holder or an employee of the permit holder before the 5787
bottle is removed from the premises. The bottle shall be secured 5788
in such a manner that it is visibly apparent if the bottle has 5789
been subsequently opened or tampered with. 5790

(2) The opened bottle of wine that is resealed in accordance 5791
with division (E)(1) of this section is stored in the trunk of a 5792
motor vehicle or, if the motor vehicle does not have a trunk, 5793
behind the last upright seat or in an area not normally occupied 5794
by the driver or passengers and not easily accessible by the 5795
driver. 5796

Sec. 4303.181. (A) Permit D-5a may be issued either to the 5797
owner or operator of a hotel or motel that is required to be 5798
licensed under section 3731.03 of the Revised Code, that contains 5799
at least fifty rooms for registered transient guests or is owned 5800
by a state institution of higher education as defined in section 5801
3345.011 of the Revised Code or a private college or university, 5802
and that qualifies under the other requirements of this section, 5803
or to the owner or operator of a restaurant specified under this 5804

section, to sell beer and any intoxicating liquor at retail, only 5805
by the individual drink in glass and from the container, for 5806
consumption on the premises where sold, and to registered guests 5807
in their rooms, which may be sold by means of a controlled access 5808
alcohol and beverage cabinet in accordance with division (B) of 5809
section 4301.21 of the Revised Code; and to sell the same products 5810
in the same manner and amounts not for consumption on the premises 5811
as may be sold by holders of D-1 and D-2 permits. The premises of 5812
the hotel or motel shall include a retail food establishment or a 5813
food service operation licensed pursuant to Chapter 3717. of the 5814
Revised Code that operates as a restaurant for purposes of this 5815
chapter and that is affiliated with the hotel or motel and within 5816
or contiguous to the hotel or motel, and that serves food within 5817
the hotel or motel, but the principal business of the owner or 5818
operator of the hotel or motel shall be the accommodation of 5819
transient guests. In addition to the privileges authorized in this 5820
division, the holder of a D-5a permit may exercise the same 5821
privileges as the holder of a D-5 permit. 5822

The owner or operator of a hotel, motel, or restaurant who 5823
qualified for and held a D-5a permit on August 4, 1976, may, if 5824
the owner or operator held another permit before holding a D-5a 5825
permit, either retain a D-5a permit or apply for the permit 5826
formerly held, and the division of liquor control shall issue the 5827
permit for which the owner or operator applies and formerly held, 5828
notwithstanding any quota. 5829

A D-5a permit shall not be transferred to another location. 5830
No quota restriction shall be placed on the number of D-5a permits 5831
that may be issued. 5832

The fee for this permit is two thousand three hundred 5833
forty-four dollars. 5834

(B) Permit D-5b may be issued to the owner, operator, tenant, 5835
lessee, or occupant of an enclosed shopping center to sell beer 5836

and intoxicating liquor at retail, only by the individual drink in 5837
glass and from the container, for consumption on the premises 5838
where sold; and to sell the same products in the same manner and 5839
amount not for consumption on the premises as may be sold by 5840
holders of D-1 and D-2 permits. In addition to the privileges 5841
authorized in this division, the holder of a D-5b permit may 5842
exercise the same privileges as a holder of a D-5 permit. 5843

A D-5b permit shall not be transferred to another location. 5844

One D-5b permit may be issued at an enclosed shopping center 5845
containing at least two hundred twenty-five thousand, but less 5846
than four hundred thousand, square feet of floor area. 5847

Two D-5b permits may be issued at an enclosed shopping center 5848
containing at least four hundred thousand square feet of floor 5849
area. No more than one D-5b permit may be issued at an enclosed 5850
shopping center for each additional two hundred thousand square 5851
feet of floor area or fraction of that floor area, up to a maximum 5852
of five D-5b permits for each enclosed shopping center. The number 5853
of D-5b permits that may be issued at an enclosed shopping center 5854
shall be determined by subtracting the number of D-3 and D-5 5855
permits issued in the enclosed shopping center from the number of 5856
D-5b permits that otherwise may be issued at the enclosed shopping 5857
center under the formulas provided in this division. Except as 5858
provided in this section, no quota shall be placed on the number 5859
of D-5b permits that may be issued. Notwithstanding any quota 5860
provided in this section, the holder of any D-5b permit first 5861
issued in accordance with this section is entitled to its renewal 5862
in accordance with section 4303.271 of the Revised Code. 5863

The holder of a D-5b permit issued before April 4, 1984, 5864
whose tenancy is terminated for a cause other than nonpayment of 5865
rent, may return the D-5b permit to the division of liquor 5866
control, and the division shall cancel that permit. Upon 5867
cancellation of that permit and upon the permit holder's payment 5868

of taxes, contributions, premiums, assessments, and other debts 5869
owing or accrued upon the date of cancellation to this state and 5870
its political subdivisions and a filing with the division of a 5871
certification of that payment, the division shall issue to that 5872
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 5873
that person requests. The division shall issue the D-5 permit, or 5874
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 5875
D-3, or D-5 permits currently issued in the municipal corporation 5876
or in the unincorporated area of the township where that person's 5877
proposed premises is located equals or exceeds the maximum number 5878
of such permits that can be issued in that municipal corporation 5879
or in the unincorporated area of that township under the 5880
population quota restrictions contained in section 4303.29 of the 5881
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 5882
be transferred to another location. If a D-5b permit is canceled 5883
under the provisions of this paragraph, the number of D-5b permits 5884
that may be issued at the enclosed shopping center for which the 5885
D-5b permit was issued, under the formula provided in this 5886
division, shall be reduced by one if the enclosed shopping center 5887
was entitled to more than one D-5b permit under the formula. 5888

The fee for this permit is two thousand three hundred 5889
forty-four dollars. 5890

(C) Permit D-5c may be issued to the owner or operator of a 5891
retail food establishment or a food service operation licensed 5892
pursuant to Chapter 3717. of the Revised Code that operates as a 5893
restaurant for purposes of this chapter and that qualifies under 5894
the other requirements of this section to sell beer and any 5895
intoxicating liquor at retail, only by the individual drink in 5896
glass and from the container, for consumption on the premises 5897
where sold, and to sell the same products in the same manner and 5898
amounts not for consumption on the premises as may be sold by 5899
holders of D-1 and D-2 permits. In addition to the privileges 5900

authorized in this division, the holder of a D-5c permit may 5901
exercise the same privileges as the holder of a D-5 permit. 5902

To qualify for a D-5c permit, the owner or operator of a 5903
retail food establishment or a food service operation licensed 5904
pursuant to Chapter 3717. of the Revised Code that operates as a 5905
restaurant for purposes of this chapter, shall have operated the 5906
restaurant at the proposed premises for not less than twenty-four 5907
consecutive months immediately preceding the filing of the 5908
application for the permit, have applied for a D-5 permit no later 5909
than December 31, 1988, and appear on the division's quota waiting 5910
list for not less than six months immediately preceding the filing 5911
of the application for the permit. In addition to these 5912
requirements, the proposed D-5c permit premises shall be located 5913
within a municipal corporation and further within an election 5914
precinct that, at the time of the application, has no more than 5915
twenty-five per cent of its total land area zoned for residential 5916
use. 5917

A D-5c permit shall not be transferred to another location. 5918
No quota restriction shall be placed on the number of such permits 5919
that may be issued. 5920

Any person who has held a D-5c permit for at least two years 5921
may apply for a D-5 permit, and the division of liquor control 5922
shall issue the D-5 permit notwithstanding the quota restrictions 5923
contained in section 4303.29 of the Revised Code or in any rule of 5924
the liquor control commission. 5925

The fee for this permit is one thousand five hundred 5926
sixty-three dollars. 5927

(D) Permit D-5d may be issued to the owner or operator of a 5928
retail food establishment or a food service operation licensed 5929
pursuant to Chapter 3717. of the Revised Code that operates as a 5930
restaurant for purposes of this chapter and that is located at an 5931

airport operated by a board of county commissioners pursuant to 5932
section 307.20 of the Revised Code, at an airport operated by a 5933
port authority pursuant to Chapter 4582. of the Revised Code, or 5934
at an airport operated by a regional airport authority pursuant to 5935
Chapter 308. of the Revised Code. The holder of a D-5d permit may 5936
sell beer and any intoxicating liquor at retail, only by the 5937
individual drink in glass and from the container, for consumption 5938
on the premises where sold, and may sell the same products in the 5939
same manner and amounts not for consumption on the premises where 5940
sold as may be sold by the holders of D-1 and D-2 permits. In 5941
addition to the privileges authorized in this division, the holder 5942
of a D-5d permit may exercise the same privileges as the holder of 5943
a D-5 permit. 5944

A D-5d permit shall not be transferred to another location. 5945
No quota restrictions shall be placed on the number of such 5946
permits that may be issued. 5947

The fee for this permit is two thousand three hundred 5948
forty-four dollars. 5949

(E) Permit D-5e may be issued to any nonprofit organization 5950
that is exempt from federal income taxation under the "Internal 5951
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 5952
amended, or that is a charitable organization under any chapter of 5953
the Revised Code, and that owns or operates a riverboat that meets 5954
all of the following: 5955

(1) Is permanently docked at one location; 5956

(2) Is designated as an historical riverboat by the Ohio 5957
historical society; 5958

(3) Contains not less than fifteen hundred square feet of 5959
floor area; 5960

(4) Has a seating capacity of fifty or more persons. 5961

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative

authority that the issuance of the D-5f permit is not inconsistent 5992
with that political subdivision's comprehensive development plan 5993
or other economic development goal as officially established by 5994
the local legislative authority. 5995

The holder of a D-5f permit may sell beer and intoxicating 5996
liquor at retail, only by the individual drink in glass and from 5997
the container, for consumption on the premises where sold. 5998

A D-5f permit shall not be transferred to another location. 5999

The division of liquor control shall not issue a D-5f permit 6000
if the permit premises or proposed permit premises are located 6001
within an area in which the sale of spirituous liquor by the glass 6002
is prohibited. 6003

A fee for this permit is two thousand three hundred 6004
forty-four dollars. 6005

As used in this division, "navigable river" means a river 6006
that is also a "navigable water" as defined in the "Federal Power 6007
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 6008

(G) Permit D-5g may be issued to a nonprofit corporation that 6009
is either the owner or the operator of a national professional 6010
sports museum. The holder of a D-5g permit may sell beer and any 6011
intoxicating liquor at retail, only by the individual drink in 6012
glass and from the container, for consumption on the premises 6013
where sold. The holder of a D-5g permit shall sell no beer or 6014
intoxicating liquor for consumption on the premises where sold 6015
after one a.m. A D-5g permit shall not be transferred to another 6016
location. No quota restrictions shall be placed on the number of 6017
D-5g permits that may be issued. The fee for this permit is one 6018
thousand eight hundred seventy-five dollars. 6019

(H)(1) Permit D-5h may be issued to any nonprofit 6020
organization that is exempt from federal income taxation under the 6021
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6022

501(c)(3), as amended, that owns or operates any of the following: 6023

(a) A fine arts museum, provided that the nonprofit 6024
organization has no less than one thousand five hundred bona fide 6025
members possessing full membership privileges; 6026

(b) A community arts center. As used in division (H)(1)(b) of 6027
this section, "community arts center" means a facility that 6028
provides arts programming to the community in more than one arts 6029
discipline, including, but not limited to, exhibits of works of 6030
art and performances by both professional and amateur artists. 6031

(c) A community theater, provided that the nonprofit 6032
organization is a member of the Ohio arts council and the American 6033
community theatre association and has been in existence for not 6034
less than ten years. As used in division (H)(1)(c) of this 6035
section, "community theater" means a facility that contains at 6036
least one hundred fifty seats and has a primary function of 6037
presenting live theatrical performances and providing recreational 6038
opportunities to the community. 6039

(2) The holder of a D-5h permit may sell beer and any 6040
intoxicating liquor at retail, only by the individual drink in 6041
glass and from the container, for consumption on the premises 6042
where sold. The holder of a D-5h permit shall sell no beer or 6043
intoxicating liquor for consumption on the premises where sold 6044
after one a.m. A D-5h permit shall not be transferred to another 6045
location. No quota restrictions shall be placed on the number of 6046
D-5h permits that may be issued. 6047

(3) The fee for a D-5h permit is one thousand eight hundred 6048
seventy-five dollars. 6049

(I) Permit D-5i may be issued to the owner or operator of a 6050
retail food establishment or a food service operation licensed 6051
under Chapter 3717. of the Revised Code that operates as a 6052
restaurant for purposes of this chapter and that meets all of the 6053

following requirements: 6054

(1) It is located in a municipal corporation or a township 6055
with a population of one hundred thousand or less. 6056

(2) It has inside seating capacity for at least one hundred 6057
forty persons. 6058

(3) It has at least four thousand square feet of floor area. 6059

(4) It offers full-course meals, appetizers, and sandwiches. 6060

(5) Its receipts from beer and liquor sales, excluding wine 6061
sales, do not exceed twenty-five per cent of its total gross 6062
receipts. 6063

(6) It has at least one of the following characteristics: 6064

(a) The value of its real and personal property exceeds seven 6065
hundred twenty-five thousand dollars. 6066

(b) It is located on property that is owned or leased by the 6067
state or a state agency, and its owner or operator has 6068
authorization from the state or the state agency that owns or 6069
leases the property to obtain a D-5i permit. 6070

The holder of a D-5i permit may sell beer and any 6071
intoxicating liquor at retail, only by the individual drink in 6072
glass and from the container, for consumption on the premises 6073
where sold, and may sell the same products in the same manner and 6074
amounts not for consumption on the premises where sold as may be 6075
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 6076
permit shall sell no beer or intoxicating liquor for consumption 6077
on the premises where sold after two-thirty a.m. In addition to 6078
the privileges authorized in this division, the holder of a D-5i 6079
permit may exercise the same privileges as the holder of a D-5 6080
permit. 6081

A D-5i permit shall not be transferred to another location. 6082
The division of liquor control shall not renew a D-5i permit 6083

unless the retail food establishment or food service operation for 6084
which it is issued continues to meet the requirements described in 6085
divisions (I)(1) to (6) of this section. No quota restrictions 6086
shall be placed on the number of D-5i permits that may be issued. 6087
The fee for the D-5i permit is two thousand three hundred 6088
forty-four dollars. 6089

(J)(1) Permit D-5j may be issued to the owner or the operator 6090
of a retail food establishment or a food service operation 6091
licensed under Chapter 3717. of the Revised Code to sell beer and 6092
intoxicating liquor at retail, only by the individual drink in 6093
glass and from the container, for consumption on the premises 6094
where sold and to sell beer and intoxicating liquor in the same 6095
manner and amounts not for consumption on the premises where sold 6096
as may be sold by the holders of D-1 and D-2 permits. The holder 6097
of a D-5j permit may exercise the same privileges, and shall 6098
observe the same hours of operation, as the holder of a D-5 6099
permit. 6100

(2) The D-5j permit shall be issued only within a community 6101
entertainment district that is designated under section 4301.80 of 6102
the Revised Code and that meets one of the following 6103
qualifications: 6104

(a) It is located in a municipal corporation with a 6105
population of at least one hundred thousand. 6106

(b) It is located in a municipal corporation with a 6107
population of at least twenty thousand, and either of the 6108
following applies: 6109

(i) It contains an amusement park the rides of which have 6110
been issued a permit by the department of agriculture under 6111
Chapter 1711. of the Revised Code. 6112

(ii) Not less than fifty million dollars will be invested in 6113
development and construction in the community entertainment 6114

district's area located in the municipal corporation. 6115

(c) It is located in a township with a population of at least 6116
forty thousand. 6117

(d) It is located in a municipal corporation with a 6118
population of at least ten thousand, and not less than seventy 6119
million dollars will be invested in development and construction 6120
in the community entertainment district's area located in the 6121
municipal corporation. 6122

(e) It is located in a municipal corporation with a 6123
population of at least five thousand, and not less than one 6124
hundred million dollars will be invested in development and 6125
construction in the community entertainment district's area 6126
located in the municipal corporation. 6127

(3) The location of a D-5j permit may be transferred only 6128
within the geographic boundaries of the community entertainment 6129
district in which it was issued and shall not be transferred 6130
outside the geographic boundaries of that district. 6131

(4) Not more than one D-5j permit shall be issued within each 6132
community entertainment district for each five acres of land 6133
located within the district. Not more than fifteen D-5j permits 6134
may be issued within a single community entertainment district. 6135
Except as otherwise provided in division (J)(4) of this section, 6136
no quota restrictions shall be placed upon the number of D-5j 6137
permits that may be issued. 6138

(5) The fee for a D-5j permit is two thousand three hundred 6139
forty-four dollars. 6140

(K)(1) Permit D-5k may be issued to any nonprofit 6141
organization that is exempt from federal income taxation under the 6142
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6143
501(c)(3), as amended, that is the owner or operator of a 6144
botanical garden recognized by the American association of 6145

botanical gardens and arboreta, and that has not less than 6146
twenty-five hundred bona fide members. 6147

(2) The holder of a D-5k permit may sell beer and any 6148
intoxicating liquor at retail, only by the individual drink in 6149
glass and from the container, on the premises where sold. 6150

(3) The holder of a D-5k permit shall sell no beer or 6151
intoxicating liquor for consumption on the premises where sold 6152
after one a.m. 6153

(4) A D-5k permit shall not be transferred to another 6154
location. 6155

(5) No quota restrictions shall be placed on the number of 6156
D-5k permits that may be issued. 6157

(6) The fee for the D-5k permit is one thousand eight hundred 6158
seventy-five dollars. 6159

(L)(1) Permit D-5l may be issued to the owner or the operator 6160
of a retail food establishment or a food service operation 6161
licensed under Chapter 3717. of the Revised Code to sell beer and 6162
intoxicating liquor at retail, only by the individual drink in 6163
glass and from the container, for consumption on the premises 6164
where sold and to sell beer and intoxicating liquor in the same 6165
manner and amounts not for consumption on the premises where sold 6166
as may be sold by the holders of D-1 and D-2 permits. The holder 6167
of a D-5l permit may exercise the same privileges, and shall 6168
observe the same hours of operation, as the holder of a D-5 6169
permit. 6170

(2) The D-5l permit shall be issued only to a premises that 6171
has gross annual receipts from the sale of food and meals that 6172
constitute not less than seventy-five per cent of its total gross 6173
annual receipts, that is located within a revitalization district 6174
that is designated under section 4301.81 of the Revised Code, that 6175
is located in a municipal corporation or township in which the 6176

number of D-5 permits issued equals or exceeds the number of those 6177
permits that may be issued in that municipal corporation or 6178
township under section 4303.29 of the Revised Code, and that is 6179
located in a county with a population of one hundred twenty-five 6180
thousand or less according to the population estimates certified 6181
by the department of development for calendar year 2006. 6182

(3) The location of a D-5l permit may be transferred only 6183
within the geographic boundaries of the revitalization district in 6184
which it was issued and shall not be transferred outside the 6185
geographic boundaries of that district. 6186

(4) Not more than one D-5l permit shall be issued within each 6187
revitalization district for each five acres of land located within 6188
the district. Not more than five D-5l permits may be issued within 6189
a single revitalization district. Except as otherwise provided in 6190
division (L)(4) of this section, no quota restrictions shall be 6191
placed upon the number of D-5l permits that may be issued. 6192

(5) The fee for a D-5l permit is two thousand three hundred 6193
forty-four dollars. 6194

(M) Permit D-5m may be issued to either the owner or the 6195
operator of a retail food establishment or food service operation 6196
licensed under Chapter 3717. of the Revised Code that operates as 6197
a restaurant for purposes of this chapter and that is located in, 6198
or affiliated with, a center for the preservation of wild animals 6199
as defined in section 4301.404 of the Revised Code, to sell beer 6200
and any intoxicating liquor at retail, only by the glass and from 6201
the container, for consumption on the premises where sold, and to 6202
sell the same products in the same manner and amounts not for 6203
consumption on the premises as may be sold by the holders of D-1 6204
and D-2 permits. In addition to the privileges authorized by this 6205
division, the holder of a D-5m permit may exercise the same 6206
privileges as the holder of a D-5 permit. 6207

A D-5m permit shall not be transferred to another location. 6208
No quota restrictions shall be placed on the number of D-5m 6209
permits that may be issued. The fee for a permit D-5m is two 6210
thousand three hundred forty-four dollars. 6211

(N) Permit D-5n shall be issued to either a casino operator 6212
or a casino management company licensed under Chapter 3772. of the 6213
Revised Code that operates a casino facility under that chapter, 6214
to sell beer, intoxicating liquor, wine, and mixed beverages at 6215
retail, only by the glass and from the container, for consumption 6216
on the premises where sold, and to sell the same products in the 6217
same manner and amounts not for consumption on the premises as may 6218
be sold by the holders of D-1 and D-2 permits. In addition to the 6219
privileges authorized by this division, the holder of a D-5n 6220
permit may exercise the same privileges as the holder of a D-5 6221
permit. A D-5n permit shall not be transferred to another 6222
location. Only one D-5n permit may be issued per casino facility 6223
and not more than four D-5n permits shall be issued in this state. 6224
The fee for a permit D-5n shall be five thousand dollars. The 6225
holder of a D-5n permit may conduct casino gaming on the permit 6226
premises notwithstanding any provision of the Revised Code or 6227
Administrative Code. 6228

(O) Permit D-5o may be issued to the owner or operator of a 6229
retail food establishment or a food service operation licensed 6230
under Chapter 3717. of the Revised Code that operates as a 6231
restaurant for purposes of this chapter and that is located within 6232
a casino facility for which a D-5n permit has been issued. The 6233
holder of a D-5o permit may sell beer and any intoxicating liquor 6234
at retail, only by the glass and from the container, for 6235
consumption on the premises where sold, and may sell the same 6236
products in the same manner and amounts not for consumption on the 6237
premises where sold as may be sold by the holders of D-1 and D-2 6238
permits. In addition to the privileges authorized by this 6239

division, the holder of a D-5o permit may exercise the same 6240
privileges as the holder of a D-5 permit. A D-5o permit shall not 6241
be transferred to another location. No quota restrictions shall be 6242
placed on the number of such permits that may be issued. The fee 6243
for this permit is five thousand dollars. 6244

Sec. 4303.182. (A) Except as otherwise provided in divisions 6245
(B) to (J) of this section, permit D-6 shall be issued to the 6246
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 6247
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 6248
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 6249
that permit as follows: 6250

(1) Between the hours of ten a.m. and midnight on Sunday if 6251
sale during those hours has been approved under question (C)(1), 6252
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 6253
under question (B)(2) of section 4301.355 of the Revised Code, or 6254
under section 4301.356 of the Revised Code and has been authorized 6255
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6256
Revised Code, under the restrictions of that authorization; 6257

(2) Between the hours of eleven a.m. and midnight on Sunday, 6258
if sale during those hours has been approved on or after the 6259
effective date of this amendment under question (B)(1), (2), or 6260
(3) of section 4301.351 or 4301.354 of the Revised Code, under 6261
question (B)(2) of section 4301.355 of the Revised Code, or under 6262
section 4301.356 of the Revised Code and has been authorized under 6263
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 6264
Code, under the restrictions of that authorization; 6265

(3) Between the hours of eleven a.m. and midnight on Sunday 6266
if sale between the hours of one p.m. and midnight was approved 6267
before the effective date of this amendment under question (B)(1), 6268
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 6269
under question (B)(2) of section 4301.355 of the Revised Code, or 6270

under section 4301.356 of the Revised Code and has been authorized 6271
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6272
Revised Code, under the other restrictions of that authorization. 6273

(B) Permit D-6 shall be issued to the holder of any permit, 6274
including a D-4a and D-5d permit, authorizing the sale of 6275
intoxicating liquor issued for a premises located at any publicly 6276
owned airport, as defined in section 4563.01 of the Revised Code, 6277
at which commercial airline companies operate regularly scheduled 6278
flights on which space is available to the public, to allow sale 6279
under such permit between the hours of ten a.m. and midnight on 6280
Sunday, whether or not that sale has been authorized under section 6281
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6282

(C) Permit D-6 shall be issued to the holder of a D-5a 6283
permit, and to the holder of a D-3 or D-3a permit who is the owner 6284
or operator of a hotel or motel that is required to be licensed 6285
under section 3731.03 of the Revised Code, that contains at least 6286
fifty rooms for registered transient guests, and that has on its 6287
premises a retail food establishment or a food service operation 6288
licensed pursuant to Chapter 3717. of the Revised Code that 6289
operates as a restaurant for purposes of this chapter and is 6290
affiliated with the hotel or motel and within or contiguous to the 6291
hotel or motel and serving food within the hotel or motel, to 6292
allow sale under such permit between the hours of ten a.m. and 6293
midnight on Sunday, whether or not that sale has been authorized 6294
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6295
Revised Code. 6296

(D) The holder of a D-6 permit that is issued to a sports 6297
facility may make sales under the permit between the hours of 6298
eleven a.m. and midnight on any Sunday on which a professional 6299
baseball, basketball, football, hockey, or soccer game is being 6300
played at the sports facility. As used in this division, "sports 6301
facility" means a stadium or arena that has a seating capacity of 6302

at least four thousand and that is owned or leased by a 6303
professional baseball, basketball, football, hockey, or soccer 6304
franchise or any combination of those franchises. 6305

(E) Permit D-6 shall be issued to the holder of any permit 6306
that authorizes the sale of beer or intoxicating liquor and that 6307
is issued to a premises located in or at the Ohio historical 6308
society area or the state fairgrounds, as defined in division (B) 6309
of section 4301.40 of the Revised Code, to allow sale under that 6310
permit between the hours of ten a.m. and midnight on Sunday, 6311
whether or not that sale has been authorized under section 6312
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6313

(F) Permit D-6 shall be issued to the holder of any permit 6314
that authorizes the sale of intoxicating liquor and that is issued 6315
to an outdoor performing arts center to allow sale under that 6316
permit between the hours of one p.m. and midnight on Sunday, 6317
whether or not that sale has been authorized under section 6318
4301.361 of the Revised Code. A D-6 permit issued under this 6319
division is subject to the results of an election, held after the 6320
D-6 permit is issued, on question (B)(4) as set forth in section 6321
4301.351 of the Revised Code. Following the end of the period 6322
during which an election may be held on question (B)(4) as set 6323
forth in that section, sales of intoxicating liquor may continue 6324
at an outdoor performing arts center under a D-6 permit issued 6325
under this division, unless an election on that question is held 6326
during the permitted period and a majority of the voters voting in 6327
the precinct on that question vote "no." 6328

As used in this division, "outdoor performing arts center" 6329
means an outdoor performing arts center that is located on not 6330
less than eight hundred acres of land and that is open for 6331
performances from the first day of April to the last day of 6332
October of each year. 6333

(G) Permit D-6 shall be issued to the holder of any permit 6334

that authorizes the sale of beer or intoxicating liquor and that 6335
is issued to a golf course owned by the state, a conservancy 6336
district, a park district created under Chapter 1545. of the 6337
Revised Code, or another political subdivision to allow sale under 6338
that permit between the hours of ten a.m. and midnight on Sunday, 6339
whether or not that sale has been authorized under section 6340
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6341

(H) Permit D-6 shall be issued to the holder of a D-5g permit 6342
to allow sale under that permit between the hours of ten a.m. and 6343
midnight on Sunday, whether or not that sale has been authorized 6344
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6345
Revised Code. 6346

(I) Permit D-6 shall be issued to the holder of any D permit 6347
for a premises that is licensed under Chapter 3717. of the Revised 6348
Code and that is located at a ski area to allow sale under the D-6 6349
permit between the hours of ten a.m. and midnight on Sunday, 6350
whether or not that sale has been authorized under section 6351
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6352

As used in this division, "ski area" means a ski area as 6353
defined in section 4169.01 of the Revised Code, provided that the 6354
passenger tramway operator at that area is registered under 6355
section 4169.03 of the Revised Code. 6356

(J) Permit D-6 shall be issued to the holder of any permit 6357
that is described in division (A) of this section for a permit 6358
premises that is located in a community entertainment district, as 6359
defined in section 4301.80 of the Revised Code, that was approved 6360
by the legislative authority of a municipal corporation under that 6361
section between October 1 and October 15, 2005, to allow sale 6362
under the permit between the hours of ten a.m. and midnight on 6363
Sunday, whether or not that sale has been authorized under section 6364
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6365

(K) If the restriction to licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises is applicable, the division of liquor control may accept an affidavit from the permit holder to show the proportion of the permit holder's gross receipts derived from the sale of food and other goods and services. If the liquor control commission determines that affidavit to have been false, it shall revoke the permits of the permit holder at the premises concerned.

(L) The fee for the D-6 permit is five hundred dollars when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee for the D-6 permit is four hundred dollars when it is issued to the holder of a C-2 permit.

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be exercised at not more than two fixed counters, commonly known as bars, in rooms or places on the permit premises, where beer, mixed beverages, wine, or spirituous liquor is sold to the public for consumption on the premises. For each additional fixed counter on the permit premises where those beverages are sold for consumption on the premises, the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6 permit.

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be granted, upon application to the division of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m,

D-5n, D-5o, or D-6 permit for each additional fixed counter on the 6397
permit premises at which beer, mixed beverages, wine, or 6398
spirituous liquor is sold for consumption on the premises, 6399
provided the application is made in the same manner as an 6400
application for an original permit. The application shall be 6401
identified with DUPLICATE printed on the permit application form 6402
furnished by the department, in boldface type. The application 6403
shall identify by name, or otherwise amply describe, the room or 6404
place on the premises where the duplicate permit is to be 6405
operative. Each duplicate permit shall be issued only to the same 6406
individual, firm, or corporation as that of the original permit 6407
and shall be an exact duplicate in size and word content as the 6408
original permit, except that it shall show on it the name or other 6409
ample identification of the room, or place, for which it is issued 6410
and shall have DUPLICATE printed on it in boldface type. A 6411
duplicate permit shall bear the same number as the original 6412
permit. The fee for a duplicate permit is: D-1, one hundred 6413
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 6414
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 6415
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 6416
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 6417
dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; 6418
D-6, one hundred dollars when issued to the holder of a D-4a 6419
permit; and in all other cases one hundred dollars or an amount 6420
which is twenty per cent of the fees payable for the A-1-A, D-2, 6421
D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, 6422
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, and D-6 permits issued to the 6423
same premises, whichever is higher. Application for a duplicate 6424
permit may be filed any time during the life of an original 6425
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 6426
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 6427
D-5n, D-5o, or D-6 permit shall be paid in accordance with section 6428
4303.24 of the Revised Code. 6429

Sec. 5502.03. (A) There is hereby created in the department 6430
of public safety a division of homeland security. 6431

(B) The division shall do all of the following: 6432

(1) Coordinate all homeland security activities of all state 6433
agencies and be the liaison between state agencies and local 6434
entities for the purposes of communicating homeland security 6435
funding and policy initiatives; 6436

(2) Collect, analyze, maintain, and disseminate information 6437
to support local, state, and federal law enforcement agencies, 6438
other government agencies, and private organizations in detecting, 6439
detering, preventing, preparing for, responding to, and 6440
recovering from threatened or actual terrorist events. This 6441
information is not a public record pursuant to section 149.43 of 6442
the Revised Code. 6443

(3) Coordinate efforts of state and local governments and 6444
private organizations to enhance the security and protection of 6445
critical infrastructure, including casino facilities, and key 6446
assets in this state; 6447

(4) Develop and coordinate policies, protocols, and 6448
strategies that may be used to prevent, detect, prepare for, 6449
respond to, and recover from terrorist acts or threats; 6450

(5) Develop, update, and coordinate the implementation of an 6451
Ohio homeland security strategic plan that will guide state and 6452
local governments in the achievement of homeland security in this 6453
state. 6454

(C) The director of public safety shall appoint an executive 6455
director, who shall be head of the division of homeland security 6456
and who regularly shall advise the governor and the director on 6457
matters pertaining to homeland security. The executive director 6458
shall serve at the pleasure of the director of public safety. To 6459

carry out the duties assigned under this section, the executive 6460
director, subject to the direction and control of the director of 6461
public safety, may appoint and maintain necessary staff and may 6462
enter into any necessary agreements. 6463

(D) Except as otherwise provided by law, nothing in this 6464
section shall be construed to give the director of public safety 6465
or the executive director of the division of homeland security 6466
authority over the incident management structure or 6467
responsibilities of local emergency response personnel. 6468

(E) There is hereby created in the state treasury the 6469
homeland security fund. The fund shall consist of sixty cents of 6470
each fee collected under sections 4501.34, 4503.26, 4506.08, and 6471
4509.05 of the Revised Code as specified in those sections, plus 6472
on and after October 1, 2009, sixty cents of each fee collected 6473
under sections 4505.14 and 4519.63 of the Revised Code as 6474
specified in those sections. The fund shall be used to pay the 6475
expenses of administering the law relative to the powers and 6476
duties of the executive director of the division of homeland 6477
security, except that the director of budget and management may 6478
transfer excess money from the homeland security fund to the state 6479
highway safety fund if the director of public safety determines 6480
that the amount of money in the homeland security fund exceeds the 6481
amount required to cover such costs incurred by the division of 6482
homeland security and requests the director of budget and 6483
management to make the transfer. 6484

Sec. 5703.052. (A) There is hereby created in the state 6485
treasury the tax refund fund, from which refunds shall be paid for 6486
taxes illegally or erroneously assessed or collected, or for any 6487
other reason overpaid, that are levied by Chapter 4301., 4305., 6488
5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 6489
5749., ~~or~~ 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 6490

4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 6491
of the Revised Code. Refunds for fees illegally or erroneously 6492
assessed or collected, or for any other reason overpaid, that are 6493
levied by sections 3734.90 to 3734.9014 of the Revised Code also 6494
shall be paid from the fund. Refunds for amounts illegally or 6495
erroneously assessed or collected by the tax commissioner, or for 6496
any other reason overpaid, that are due under section 1509.50 of 6497
the Revised Code shall be paid from the fund. However, refunds for 6498
taxes levied under section 5739.101 of the Revised Code shall not 6499
be paid from the tax refund fund, but shall be paid as provided in 6500
section 5739.104 of the Revised Code. 6501

(B)(1) Upon certification by the tax commissioner to the 6502
treasurer of state of a tax refund, a fee refund, or an other 6503
amount refunded, or by the superintendent of insurance of a 6504
domestic or foreign insurance tax refund, the treasurer of state 6505
shall place the amount certified to the credit of the fund. The 6506
certified amount transferred shall be derived from current 6507
receipts of the same tax, fee, or other amount from which the 6508
refund arose. If current receipts from the tax, fee, or other 6509
amount from which the refund arose are inadequate to make the 6510
transfer of the amount so certified, the treasurer of state shall 6511
transfer such certified amount from current receipts of the sales 6512
tax levied by section 5739.02 of the Revised Code. 6513

(2) When the treasurer of state provides for the payment of a 6514
refund of a tax, fee, or other amount from the current receipts of 6515
the sales tax, and the refund is for a tax, fee, or other amount 6516
that is not levied by the state, the tax commissioner shall 6517
recover the amount of that refund from the next distribution of 6518
that tax, fee, or other amount that otherwise would be made to the 6519
taxing jurisdiction. If the amount to be recovered would exceed 6520
twenty-five per cent of the next distribution of that tax, fee, or 6521
other amount, the commissioner may spread the recovery over more 6522

than one future distribution, taking into account the amount to be 6523
recovered and the amount of the anticipated future distributions. 6524
In no event may the commissioner spread the recovery over a period 6525
to exceed twenty-four months. 6526

Sec. 5703.19. (A) To carry out the purposes of the laws that 6527
the tax commissioner is required to administer, the commissioner 6528
or any person employed by the commissioner for that purpose, upon 6529
demand, may inspect books, accounts, records, and memoranda of any 6530
person or public utility subject to those laws, and may examine 6531
under oath any officer, agent, or employee of that person or 6532
public utility. Any person other than the commissioner who makes a 6533
demand pursuant to this section shall produce the person's 6534
authority to make the inspection. 6535

(B) If a person or public utility receives at least ten days' 6536
written notice of a demand made under division (A) of this section 6537
and refuses to comply with that demand, a penalty of five hundred 6538
dollars shall be imposed upon the person or public utility for 6539
each day the person or public utility refuses to comply with the 6540
demand. Penalties imposed under this division may be assessed and 6541
collected in the same manner as assessments made under Chapter 6542
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 6543
5747., 5749., ~~or 5751.~~ or 5753., or sections 3734.90 to 6544
3734.9014, of the Revised Code. 6545

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 6546
of this section, no agent of the department of taxation, except in 6547
the agent's report to the department or when called on to testify 6548
in any court or proceeding, shall divulge any information acquired 6549
by the agent as to the transactions, property, or business of any 6550
person while acting or claiming to act under orders of the 6551
department. Whoever violates this provision shall thereafter be 6552
disqualified from acting as an officer or employee or in any other 6553

capacity under appointment or employment of the department. 6554

6555

(B)(1) For purposes of an audit pursuant to section 117.15 of 6556
the Revised Code, or an audit of the department pursuant to 6557
Chapter 117. of the Revised Code, or an audit, pursuant to that 6558
chapter, the objective of which is to express an opinion on a 6559
financial report or statement prepared or issued pursuant to 6560
division (A)(7) or (9) of section 126.21 of the Revised Code, the 6561
officers and employees of the auditor of state charged with 6562
conducting the audit shall have access to and the right to examine 6563
any state tax returns and state tax return information in the 6564
possession of the department to the extent that the access and 6565
examination are necessary for purposes of the audit. Any 6566
information acquired as the result of that access and examination 6567
shall not be divulged for any purpose other than as required for 6568
the audit or unless the officers and employees are required to 6569
testify in a court or proceeding under compulsion of legal 6570
process. Whoever violates this provision shall thereafter be 6571
disqualified from acting as an officer or employee or in any other 6572
capacity under appointment or employment of the auditor of state. 6573

(2) For purposes of an internal audit pursuant to section 6574
126.45 of the Revised Code, the officers and employees of the 6575
office of internal auditing in the office of budget and management 6576
charged with conducting the internal audit shall have access to 6577
and the right to examine any state tax returns and state tax 6578
return information in the possession of the department to the 6579
extent that the access and examination are necessary for purposes 6580
of the internal audit. Any information acquired as the result of 6581
that access and examination shall not be divulged for any purpose 6582
other than as required for the internal audit or unless the 6583
officers and employees are required to testify in a court or 6584
proceeding under compulsion of legal process. Whoever violates 6585

this provision shall thereafter be disqualified from acting as an 6586
officer or employee or in any other capacity under appointment or 6587
employment of the office of internal auditing. 6588

(3) As provided by section 6103(d)(2) of the Internal Revenue 6589
Code, any federal tax returns or federal tax information that the 6590
department has acquired from the internal revenue service, through 6591
federal and state statutory authority, may be disclosed to the 6592
auditor of state or the office of internal auditing solely for 6593
purposes of an audit of the department. 6594

(4) For purposes of Chapter 3739. of the Revised Code, an 6595
agent of the department of taxation may share information with the 6596
division of state fire marshal that the agent finds during the 6597
course of an investigation. 6598

(C) Division (A) of this section does not prohibit any of the 6599
following: 6600

(1) Divulging information contained in applications, 6601
complaints, and related documents filed with the department under 6602
section 5715.27 of the Revised Code or in applications filed with 6603
the department under section 5715.39 of the Revised Code; 6604

(2) Providing information to the office of child support 6605
within the department of job and family services pursuant to 6606
section 3125.43 of the Revised Code; 6607

(3) Disclosing to the board of motor vehicle collision repair 6608
registration any information in the possession of the department 6609
that is necessary for the board to verify the existence of an 6610
applicant's valid vendor's license and current state tax 6611
identification number under section 4775.07 of the Revised Code; 6612

(4) Providing information to the administrator of workers' 6613
compensation pursuant to sections 4123.271 and 4123.591 of the 6614
Revised Code; 6615

(5) Providing to the attorney general information the 6616
department obtains under division (J) of section 1346.01 of the 6617
Revised Code; 6618

(6) Permitting properly authorized officers, employees, or 6619
agents of a municipal corporation from inspecting reports or 6620
information pursuant to rules adopted under section 5745.16 of the 6621
Revised Code; 6622

(7) Providing information regarding the name, account number, 6623
or business address of a holder of a vendor's license issued 6624
pursuant to section 5739.17 of the Revised Code, a holder of a 6625
direct payment permit issued pursuant to section 5739.031 of the 6626
Revised Code, or a seller having a use tax account maintained 6627
pursuant to section 5741.17 of the Revised Code, or information 6628
regarding the active or inactive status of a vendor's license, 6629
direct payment permit, or seller's use tax account; 6630

(8) Releasing invoices or invoice information furnished under 6631
section 4301.433 of the Revised Code pursuant to that section; 6632

(9) Providing to a county auditor notices or documents 6633
concerning or affecting the taxable value of property in the 6634
county auditor's county. Unless authorized by law to disclose 6635
documents so provided, the county auditor shall not disclose such 6636
documents; 6637

(10) Providing to a county auditor sales or use tax return or 6638
audit information under section 333.06 of the Revised Code; 6639

(11) Subject to section 4301.441 of the Revised Code, 6640
disclosing to the appropriate state agency information in the 6641
possession of the department of taxation that is necessary to 6642
verify a permit holder's gallonage or noncompliance with taxes 6643
levied under Chapter 4301. or 4305. of the Revised Code; 6644

(12) Disclosing to the department of natural resources 6645
information in the possession of the department that is necessary 6646

to verify the taxpayer's compliance with division (A)(1), (8), or 6647
(9) of section 5749.02 of the Revised Code and information 6648
received pursuant to section 1509.50 of the Revised Code 6649
concerning the amount due under that section; 6650

(13) Disclosing to the department of job and family services, 6651
industrial commission, and bureau of workers' compensation 6652
information in the possession of the department of taxation solely 6653
for the purpose of identifying employers that misclassify 6654
employees as independent contractors or that fail to properly 6655
report and pay employer tax liabilities. The department of 6656
taxation shall disclose only such information that is necessary to 6657
verify employer compliance with law administered by those 6658
agencies. 6659

(14) Disclosing to the Ohio casino control commission 6660
information in the possession of the department of taxation that 6661
is necessary to verify a taxpayer's compliance with section 6662
5753.02 of the Revised Code and sections related thereto. 6663

Sec. 5703.70. (A) On the filing of an application for refund 6664
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 6665
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 6666
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 6667
5749.08, ~~or~~ 5751.08, or 5753.06 of the Revised Code, or an 6668
application for compensation under section 5739.061 of the Revised 6669
Code, if the tax commissioner determines that the amount of the 6670
refund or compensation to which the applicant is entitled is less 6671
than the amount claimed in the application, the commissioner shall 6672
give the applicant written notice by ordinary mail of the amount. 6673
The notice shall be sent to the address shown on the application 6674
unless the applicant notifies the commissioner of a different 6675
address. The applicant shall have sixty days from the date the 6676
commissioner mails the notice to provide additional information to 6677

the commissioner or request a hearing, or both. 6678

(B) If the applicant neither requests a hearing nor provides 6679
additional information to the tax commissioner within the time 6680
prescribed by division (A) of this section, the commissioner shall 6681
take no further action, and the refund or compensation amount 6682
denied becomes final. 6683

(C)(1) If the applicant requests a hearing within the time 6684
prescribed by division (A) of this section, the tax commissioner 6685
shall assign a time and place for the hearing and notify the 6686
applicant of such time and place, but the commissioner may 6687
continue the hearing from time to time as necessary. After the 6688
hearing, the commissioner may make such adjustments to the refund 6689
or compensation as the commissioner finds proper, and shall issue 6690
a final determination thereon. 6691

(2) If the applicant does not request a hearing, but provides 6692
additional information, within the time prescribed by division (A) 6693
of this section, the commissioner shall review the information, 6694
make such adjustments to the refund or compensation as the 6695
commissioner finds proper, and issue a final determination 6696
thereon. 6697

(3) The commissioner shall serve a copy of the final 6698
determination made under division (C)(1) or (2) of this section on 6699
the applicant in the manner provided in section 5703.37 of the 6700
Revised Code, and the decision is final, subject to appeal under 6701
section 5717.02 of the Revised Code. 6702

(D) The tax commissioner shall certify to the director of 6703
budget and management and treasurer of state for payment from the 6704
tax refund fund created by section 5703.052 of the Revised Code, 6705
the amount of the refund to be refunded under division (B) or (C) 6706
of this section. The commissioner also shall certify to the 6707
director and treasurer of state for payment from the general 6708

revenue fund the amount of compensation to be paid under division 6709
(B) or (C) of this section. 6710

Sec. 5747.02. (A) For the purpose of providing revenue for 6711
the support of schools and local government functions, to provide 6712
relief to property taxpayers, to provide revenue for the general 6713
revenue fund, and to meet the expenses of administering the tax 6714
levied by this chapter, there is hereby levied on every 6715
individual, trust, and estate residing in or earning or receiving 6716
income in this state, on every individual, trust, and estate 6717
earning or receiving lottery winnings, prizes, or awards pursuant 6718
to Chapter 3770. of the Revised Code, on every individual, trust, 6719
and estate earning or receiving winnings on casino gaming, and on 6720
every individual, trust, and estate otherwise having nexus with or 6721
in this state under the Constitution of the United States, an 6722
annual tax measured in the case of individuals by Ohio adjusted 6723
gross income less an exemption for the taxpayer, the taxpayer's 6724
spouse, and each dependent as provided in section 5747.025 of the 6725
Revised Code; measured in the case of trusts by modified Ohio 6726
taxable income under division (D) of this section; and measured in 6727
the case of estates by Ohio taxable income. The tax imposed by 6728
this section on the balance thus obtained is hereby levied as 6729
follows: 6730

(1) For taxable years beginning in 2004: 6731

OHIO ADJUSTED GROSS INCOME LESS 6732

EXEMPTIONS (INDIVIDUALS)

OR 6733

MODIFIED OHIO 6734

TAXABLE INCOME (TRUSTS) 6735

OR 6736

OHIO TAXABLE INCOME (ESTATES) TAX 6737

\$5,000 or less .743% 6738

More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	6739
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	6740
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	6741
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	6742
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	6743
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	6744
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	6745
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	6746
(2) For taxable years beginning in 2005:		6747
OHIO ADJUSTED GROSS INCOME LESS		6748
EXEMPTIONS (INDIVIDUALS)		
OR		6749
MODIFIED OHIO		6750
TAXABLE INCOME (TRUSTS)		6751
OR		6752
OHIO TAXABLE INCOME (ESTATES)	TAX	6753
\$5,000 or less	.712%	6754
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	6755
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	6756
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	6757
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	6758

More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	6759
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	6760
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	6761
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	6762
(3) For taxable years beginning in 2006:		6763
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		6764
OR		6765
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		6766
OR		6767
OHIO TAXABLE INCOME (ESTATES)	TAX	6768
\$5,000 or less	.681%	6769
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	6770
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	6771
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	6772
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	6773
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	6774
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	6775
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	6776
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	6777

(4) For taxable years beginning in 2007:		6779
OHIO ADJUSTED GROSS INCOME LESS		6780
EXEMPTIONS (INDIVIDUALS)		
OR		6781
MODIFIED OHIO		6782
TAXABLE INCOME (TRUSTS)		6783
OR		6784
OHIO TAXABLE INCOME (ESTATES)	TAX	6785
\$5,000 or less	.649%	6786
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	6787
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	6788
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	6789
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	6790
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	6791
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	6792
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	6793
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	6794
(5) For taxable years beginning in 2008, 2009, or 2010:		6795
OHIO ADJUSTED GROSS INCOME LESS		6796
EXEMPTIONS (INDIVIDUALS)		
OR		6797
MODIFIED OHIO		6798
TAXABLE INCOME (TRUSTS)		6799
OR		6800

OHIO TAXABLE INCOME (ESTATES)	TAX	6801
\$5,000 or less	.618%	6802
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	6803
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	6804
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	6805
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	6806
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	6807
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	6808
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	6809
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	6810
(6) For taxable years beginning in 2011 or thereafter:		6811
OHIO ADJUSTED GROSS INCOME LESS		6812
EXEMPTIONS (INDIVIDUALS)		
OR		6813
MODIFIED OHIO		6814
TAXABLE INCOME (TRUSTS)		6815
OR		6816
OHIO TAXABLE INCOME (ESTATES)	TAX	6817
\$5,000 or less	.587%	6818
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	6819
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	6820
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	6821

More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	6822
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	6823
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	6824
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	6825
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	6826

In July of each year, beginning in 2010, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years

beginning in the calendar year in which that certification is 6849
made. 6850

(C) The levy of this tax on income does not prevent a 6851
municipal corporation, a joint economic development zone created 6852
under section 715.691, or a joint economic development district 6853
created under section 715.70 or 715.71 or sections 715.72 to 6854
715.81 of the Revised Code from levying a tax on income. 6855

(D) This division applies only to taxable years of a trust 6856
beginning in 2002 or thereafter. 6857

(1) The tax imposed by this section on a trust shall be 6858
computed by multiplying the Ohio modified taxable income of the 6859
trust by the rates prescribed by division (A) of this section. 6860

(2) A nonresident trust may claim a credit against the tax 6861
computed under division (D) of this section equal to the lesser of 6862
(1) the tax paid to another state or the District of Columbia on 6863
the nonresident trust's modified nonbusiness income, other than 6864
the portion of the nonresident trust's nonbusiness income that is 6865
qualifying investment income as defined in section 5747.012 of the 6866
Revised Code, or (2) the effective tax rate, based on modified 6867
Ohio taxable income, multiplied by the nonresident trust's 6868
modified nonbusiness income other than the portion of the 6869
nonresident trust's nonbusiness income that is qualifying 6870
investment income. The credit applies before any other applicable 6871
credits. 6872

(3) The credits enumerated in divisions (A)(1) to (13) of 6873
section 5747.98 of the Revised Code do not apply to a trust 6874
subject to division (D) of this section. Any credits enumerated in 6875
other divisions of section 5747.98 of the Revised Code apply to a 6876
trust subject to division (D) of this section. To the extent that 6877
the trust distributes income for the taxable year for which a 6878
credit is available to the trust, the credit shall be shared by 6879

the trust and its beneficiaries. The tax commissioner and the 6880
trust shall be guided by applicable regulations of the United 6881
States treasury regarding the sharing of credits. 6882

(E) For the purposes of this section, "trust" means any trust 6883
described in Subchapter J of Chapter 1 of the Internal Revenue 6884
Code, excluding trusts that are not irrevocable as defined in 6885
division (I)(3)(b) of section 5747.01 of the Revised Code and that 6886
have no modified Ohio taxable income for the taxable year, 6887
charitable remainder trusts, qualified funeral trusts and preneed 6888
funeral contract trusts established pursuant to sections 4717.31 6889
to 4717.38 of the Revised Code that are not qualified funeral 6890
trusts, endowment and perpetual care trusts, qualified settlement 6891
trusts and funds, designated settlement trusts and funds, and 6892
trusts exempted from taxation under section 501(a) of the Internal 6893
Revenue Code. 6894

Sec. 5747.063. (A)(1) If a person's winnings at a casino 6895
facility are an amount for which reporting to the internal revenue 6896
service of the amount is required by 26 U.S.C. 6041 or a 6897
subsequent, analogous section of the Internal Revenue Code, the 6898
casino operator shall deduct and withhold Ohio income tax from the 6899
person's winnings at a rate of six per cent of the amount won. A 6900
person's amount of winnings shall be determined each time the 6901
person exchanges amounts won in tokens, chips, casino credit, or 6902
other pre-paid representations of value for cash or a cash 6903
equivalent. The casino operator shall issue, to a person from 6904
whose winnings an amount has been deducted and withheld, a receipt 6905
for the amount deducted and withheld, and also shall obtain from 6906
the person additional information that will be necessary for the 6907
casino operator to prepare the returns required by this section. 6908

(2) If a person's winnings at a casino facility require 6909
reporting to the internal revenue service under division (A)(1) of 6910

this section, the casino operator also shall require the person to 6911
state in writing, under penalty of falsification, whether the 6912
person is in default under a support order. 6913

(B) Amounts deducted and withheld by a casino operator are 6914
held in trust for the benefit of the state. 6915

(1) On the tenth banking day of each month, the casino 6916
operator shall file a return electronically with the tax 6917
commissioner identifying the persons from whose winnings amounts 6918
were deducted and withheld and the amount of each such deduction 6919
and withholding during the preceding calendar month. With the 6920
return, the casino operator shall remit electronically to the tax 6921
commissioner all the amounts deducted and withheld during the 6922
preceding month. And together with the return and remittance, the 6923
casino operator shall transmit electronically to the tax 6924
commissioner a copy of each receipt issued, and a copy of each 6925
statement made, under divisions (A)(1) and (2) of this section. 6926

(2) Annually on or before the thirty-first day of January, a 6927
casino operator shall file an annual return electronically with 6928
the tax commissioner indicating the total amount deducted and 6929
withheld during the preceding calendar year. The casino operator 6930
shall remit electronically with the annual return any amount that 6931
was deducted and withheld and that was not previously remitted. If 6932
the identity of a person and the amount deducted and withheld with 6933
respect to that person were omitted on a monthly return, that 6934
information shall be indicated on the annual return. And if a copy 6935
of the receipt and statement pertaining to a person was not 6936
previously transmitted to the tax commissioner, the receipt and 6937
statement shall be transmitted to the tax commissioner 6938
electronically with the annual return. 6939

(3)(a) A casino operator who fails to file a return and remit 6940
the amounts deducted and withheld is personally liable for the 6941
amount deducted and withheld and not remitted. The tax 6942

commissioner may impose a penalty up to one thousand dollars if a 6943
return is filed late, if amounts deducted and withheld are 6944
remitted late, if a return is not filed, or if amounts deducted 6945
and withheld are not remitted. Interest accrues on past due 6946
amounts deducted and withheld at the rate prescribed in section 6947
5703.47 of the Revised Code. The tax commissioner may collect past 6948
due amounts deducted and withheld and penalties and interest 6949
thereon by assessment under section 5747.13 of the Revised Code as 6950
if they were income taxes collected by an employer. 6951

(b) If a casino operator sells the casino facility or 6952
otherwise quits the casino business, the amounts deducted and 6953
withheld and any penalties and interest thereon are immediately 6954
due and payable. The successor shall withhold an amount of the 6955
purchase money that is sufficient to cover the amounts deducted 6956
and withheld and penalties and interest thereon until the 6957
predecessor casino operator produces either a receipt from the tax 6958
commissioner showing that the amounts deducted and withheld and 6959
penalties and interest thereon have been paid or a certificate 6960
from the tax commissioner indicating that no amounts deducted and 6961
withheld or penalties and interest thereon are due. If the 6962
successor fails to withhold purchase money, the successor is 6963
personally liable for payment of the amounts deducted and withheld 6964
and penalties and interest thereon, up to the amount of the 6965
purchase money. 6966

(C) Annually, on or before the thirty-first day of January, a 6967
casino operator shall issue an information return to each person 6968
with respect to whom an amount has been deducted and withheld 6969
during the preceding calendar year. The information return shall 6970
show the total amount deducted from the person's winnings by the 6971
casino operator during the preceding calendar year. 6972

(D) The failure of a casino operator to deduct and withhold 6973
the required amount from a person's winnings does not relieve the 6974

person from liability for the tax imposed by section 5747.02 of 6975
the Revised Code with respect to those winnings. And compliance 6976
with this section does not relieve a casino operator or a person 6977
who has winnings at a casino facility from compliance with 6978
relevant provisions of federal tax laws. 6979

(E) The tax commissioner shall prescribe the form of the 6980
receipt, statement, and returns required by this section. 6981

Sec. 5753.01. As used in this chapter: 6982

(A) "Casino facility" has the same meaning as in section 6983
3772.01 of the Revised Code. 6984

(B) "Casino gaming" has the same meaning as in section 6985
3772.01 of the Revised Code. 6986

(C) "Casino operator" has the same meaning as in section 6987
3772.01 of the Revised Code. 6988

(D) "Gross casino revenue" means the total amount of money 6989
exchanged for the purchase of chips, tokens, tickets, electronic 6990
cards, or similar objects by casino patrons, less winnings paid to 6991
wagerers. 6992

(E) "Person" has the same meaning as in section 3772.01 of 6993
the Revised Code. 6994

(F) "Slot machine" has the same meaning as in section 3772.01 6995
of the Revised Code. 6996

(G) "Table game" has the same meaning as in section 3772.01 6997
of the Revised Code. 6998

(H) "Tax period" means, as the case may be, either (1) the 6999
day before a return is filed or (2) the days beginning with the 7000
day on which the previous return was filed through the day before 7001
the day on which the current return is filed. 7002

Sec. 5753.02. For the purpose of funding the needs of cities, counties, public school districts, law enforcement, and the horse racing industry; funding efforts to alleviate problem gambling and substance abuse; defraying Ohio casino control commission operating costs; and defraying the costs of administering the tax, a tax is levied on the gross casino revenue received by a casino operator of a casino facility at the rate of thirty-three per cent of the casino operator's gross casino revenue at the casino facility. The tax is in addition to any other taxes or fees imposed under the Revised Code or other law and for which the casino operator is liable under Section 6(C)(2) of Article XV, Ohio Constitution.

Sec. 5753.03. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.02 of the Revised Code, the following funds are created in the state treasury:

- (1) The casino tax revenue fund;
- (2) The gross casino revenue county fund;
- (3) The gross casino revenue county student fund;
- (4) The gross casino revenue host city fund;
- (5) The Ohio state racing commission fund;
- (6) The Ohio law enforcement training fund;
- (7) The problem casino gambling and addictions fund;
- (8) The casino control commission fund;
- (9) The casino tax administration fund.

(B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund.

(C) From the casino tax revenue fund the treasurer of state

shall transfer as needed to the tax refund fund amounts equal to 7031
the refunds certified by the tax commissioner under section 7032
5753.06 of the Revised Code. 7033

(D) After making any transfers required by division (C) of 7034
this section, but not later than the fifteenth day of each 7035
quarterly period, the tax commissioner shall certify to the 7036
director of budget and management amounts to be transferred to 7037
each fund as follows: 7038

(1) Fifty-one per cent to the gross casino revenue county 7039
fund to make payments as required by Section 6(C)(3)(a) of Article 7040
XV, Ohio Constitution; 7041

(2) Thirty-four per cent to the gross casino revenue county 7042
student fund to make payments as required by Section 6(C)(3)(b) of 7043
Article XV, Ohio Constitution; 7044

(3) Five per cent to the gross casino revenue host city fund 7045
to make payments to the cities in which casino facilities are 7046
located as required by Section 6(C)(3)(c) of Article XV, Ohio 7047
Constitution; 7048

(4) Three per cent to the Ohio state racing commission fund 7049
to support horse racing in this state at which the pari-mutuel 7050
system of wagering is conducted; 7051

(5) Two per cent to the Ohio law enforcement training fund to 7052
support law enforcement functions in the state; 7053

(6) Two per cent to the problem casino gambling and 7054
addictions fund to support efforts to alleviate problem gambling 7055
and substance abuse and related research in the state; 7056

(7) Three per cent to the casino control commission fund to 7057
support the operations of the Ohio casino control commission and 7058
to defray the cost of administering the tax levied under section 7059
5753.02 of the Revised Code. 7060

Payments under divisions (D)(1), (2), and (3) of this section shall be made by the end of the month following the end of the quarterly period. 7061
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7063

Of the money credited to the Ohio law enforcement training fund, the treasurer of state shall distribute eighty-five per cent of the money to the Ohio peace officer training academy and fifteen per cent of the money to the division of criminal justice services. 7064
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(E) The director of budget and management shall transfer one per cent of the money credited to the Ohio casino control commission fund to the casino tax administration fund. The tax commissioner shall use the casino tax administration fund to defray the costs incurred in administering the tax levied by this chapter. 7069
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Sec. 5753.04. Daily each day banks are open for business, not later than noon, a casino operator shall file a return electronically with the tax commissioner. The return shall be in the form required by the tax commissioner, and shall reflect the relevant tax period. The return shall include, but is not limited to, the amount of the casino operator's gross casino revenue for the tax period and the amount of tax due under section 5753.02 of the Revised Code for the tax period. The casino operator shall remit electronically with the return the tax due. 7075
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If the casino operator ceases to be a taxpayer at any time, the casino operator shall indicate the last date for which the casino operator was liable for the tax. The return shall include a space for this purpose. 7084
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Sec. 5753.05. (A)(1) A casino operator who fails to file a return or to remit the tax due as required by section 5753.04 of the Revised Code shall pay a penalty equal to the greater of five 7088
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7090

hundred dollars or ten per cent of the tax due. 7091

(2) If the tax commissioner finds additional tax to be due, 7092
the tax commissioner may impose an additional penalty of up to 7093
fifteen per cent of the additional excise tax found to be due. A 7094
delinquent payment of tax made as the result of a notice or an 7095
audit is subject to the additional penalty imposed by this 7096
division. 7097

(3) If a casino operator fails to file a return 7098
electronically or to remit the tax electronically, the tax 7099
commissioner may impose an additional penalty of fifty dollars or 7100
ten per cent of the tax due as shown on the return, whichever is 7101
greater. 7102

(B) If the tax due under section 5753.02 of the Revised Code 7103
is not timely paid, the casino operator shall pay interest at the 7104
rate per annum prescribed in section 5703.47 of the Revised Code 7105
beginning on the day the tax was due through the day the tax is 7106
paid or an assessment is issued, whichever occurs first. 7107

(C) The tax commissioner shall collect any penalty or 7108
interest as if it were the tax levied by section 5753.02 of the 7109
Revised Code. Penalties and interest shall be treated as if they 7110
were revenue arising from the tax levied by section 5753.02 of the 7111
Revised Code. 7112

(D) The tax commissioner may abate all or a portion of any 7113
penalty imposed under this section and may adopt rules governing 7114
abatements. 7115

(E) If a casino operator fails to file a return or remit the 7116
tax due as required by section 5753.04 of the Revised Code within 7117
a period of one year after the due date for filing the return or 7118
remitting the tax, the Ohio casino control commission may suspend 7119
the casino operator's license. 7120

Sec. 5753.06. (A) A casino operator may apply to the tax commissioner for refund of the amount of taxes under section 5753.02 of the Revised Code that were overpaid, paid illegally or erroneously, or paid on an illegal or erroneous assessment. The application shall be on a form prescribed by the tax commissioner. The casino operator shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. The casino operator shall file the application with the tax commissioner within four years after the date the payment was made, unless the applicant has waived the time limitation under division (D) of section 5753.07 of the Revised Code. In the latter event, the four-year limitation is extended for the same period of time as the waiver.

(B) Upon the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the tax commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund. If the amount is less than that claimed, the tax commissioner shall proceed under section 5703.70 of the Revised Code.

(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was due or the date payment of the tax was made. Except as provided in section 5753.07 of the Revised Code, the tax commissioner may, with the consent of the casino operator, provide for crediting against the tax due for a tax period, the amount of any refund due the casino operator for a preceding tax period.

(D) Refunds under this section are subject to offset under section 5753.061 of the Revised Code.

Sec. 5753.061. As used in this section, "debt to the state" means unpaid taxes that are due the state, unpaid workers' compensation premiums that are due, unpaid unemployment compensation contributions that are due, unpaid unemployment compensation payments in lieu of contributions that are due, unpaid fees payable to the state or to the clerk of courts under section 4505.06 of the Revised Code, incorrect medical assistance payments, or any unpaid charge, penalty, or interest arising from any of the foregoing. A debt to the state is not a "debt to the state" as used in this section unless the liability underlying the debt to the state has become incontestable because the time for appealing, reconsidering, reassessing, or otherwise questioning the liability has expired or the liability has been finally determined to be valid.

If a casino operator who is entitled to a refund under section 5753.06 of the Revised Code owes a debt to the state, the amount refundable may be applied in satisfaction of the debt to the state. If the amount refundable is less than the amount of the debt to the state, the amount refundable may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount refundable remaining after satisfaction of the debt shall be refunded to the casino operator.

Sec. 5753.07. (A)(1) The tax commissioner may issue an assessment, based on any information in the tax commissioner's possession, against a casino operator who fails to pay the tax levied under section 5753.02 of the Revised Code or to file a return under section 5753.04 of the Revised Code. The tax commissioner shall give the casino operator written notice of the assessment under section 5703.37 of the Revised Code. With the notice, the tax commissioner shall include instructions on how to petition for reassessment and on how to request a hearing with

respect to the petition. 7183

(2) Unless the casino operator, within sixty days after 7184
service of the notice of assessment, files with the tax 7185
commissioner, either personally or by certified mail, a written 7186
petition signed by the casino operator, or by the casino 7187
operator's authorized agent who has knowledge of the facts, the 7188
assessment becomes final, and the amount of the assessment is due 7189
and payable from the casino operator to the treasurer of state. 7190
The petition shall indicate the casino operator's objections to 7191
the assessment. Additional objections may be raised in writing if 7192
they are received by the tax commissioner before the date shown on 7193
the final determination. 7194

(3) If a petition for reassessment has been properly filed, 7195
the tax commissioner shall proceed under section 5703.60 of the 7196
Revised Code. 7197

(4) After an assessment becomes final, if any portion of the 7198
assessment, including penalties and accrued interest, remains 7199
unpaid, the tax commissioner may file a certified copy of the 7200
entry making the assessment final in the office of the clerk of 7201
the court of common pleas of Franklin county or in the office of 7202
the clerk of the court of common pleas of the county in which the 7203
casino operator resides, the casino operator's casino facility is 7204
located, or the casino operator's principal place of business in 7205
this state is located. Immediately upon the filing of the entry, 7206
the clerk shall enter a judgment for the state against the 7207
taxpayer assessed in the amount shown on the entry. The judgment 7208
may be filed by the clerk in a loose-leaf book entitled, "special 7209
judgments for the gross casino revenue tax." The judgment has the 7210
same effect as other judgments. Execution shall issue upon the 7211
judgment at the request of the tax commissioner, and all laws 7212
applicable to sales on execution apply to sales made under the 7213

judgment. 7214

(5) The portion of an assessment not paid within sixty days 7215
after the day the assessment was issued bears interest at the rate 7216
per annum prescribed by section 5703.47 of the Revised Code from 7217
the day the tax commissioner issued the assessment until the 7218
assessment is paid. Interest shall be paid in the same manner as 7219
the tax levied under section 5753.02 of the Revised Code and may 7220
be collected by the issuance of an assessment under this section. 7221

(B) If the tax commissioner believes that collection of the 7222
tax levied under section 5753.02 of the Revised Code will be 7223
jeopardized unless proceedings to collect or secure collection of 7224
the tax are instituted without delay, the commissioner may issue a 7225
jeopardy assessment against the casino operator who is liable for 7226
the tax. Immediately upon the issuance of a jeopardy assessment, 7227
the tax commissioner shall file an entry with the clerk of the 7228
court of common pleas in the manner prescribed by division (A)(4) 7229
of this section, and the clerk shall proceed as directed in that 7230
division. Notice of the jeopardy assessment shall be served on the 7231
casino operator or the casino operator's authorized agent under 7232
section 5703.37 of the Revised Code within five days after the 7233
filing of the entry with the clerk. The total amount assessed is 7234
immediately due and payable, unless the casino operator assessed 7235
files a petition for reassessment under division (A)(2) of this 7236
section and provides security in a form satisfactory to the tax 7237
commissioner that is in an amount sufficient to satisfy the unpaid 7238
balance of the assessment. If a petition for reassessment has been 7239
filed, and if satisfactory security has been provided, the tax 7240
commissioner shall proceed under division (A)(3) of this section. 7241
Full or partial payment of the assessment does not prejudice the 7242
tax commissioner's consideration of the petition for reassessment. 7243

(C) The tax commissioner shall immediately forward to the 7244
treasurer of state all amounts the tax commissioner receives under 7245

this section, and the amounts forwarded shall be treated as if 7246
they were revenue arising from the tax levied under section 7247
5753.02 of the Revised Code. 7248

(D) Except as otherwise provided in this division, no 7249
assessment shall be issued against a casino operator for the tax 7250
levied under section 5753.02 of the Revised Code more than four 7251
years after the due date for filing the return for the tax period 7252
for which the tax was reported, or more than four years after the 7253
return for the tax period was filed, whichever is later. This 7254
division does not bar an assessment against a casino operator who 7255
fails to file a return as required by section 5753.04 of the 7256
Revised Code or who files a fraudulent return, or when the casino 7257
operator and the tax commissioner waive in writing the time 7258
limitation. 7259

(E) If the tax commissioner possesses information that 7260
indicates that the amount of tax a casino operator is liable to 7261
pay under section 5753.02 of the Revised Code exceeds the amount 7262
the casino operator paid, the tax commissioner may audit a sample 7263
of the casino operator's gross casino revenue over a 7264
representative period of time to ascertain the amount of tax due, 7265
and may issue an assessment based on the audit. The tax 7266
commissioner shall make a good faith effort to reach agreement 7267
with the casino operator in selecting a representative sample. The 7268
tax commissioner may apply a sampling method only if the tax 7269
commissioner has prescribed the method by rule. 7270

(F) If the whereabouts of a casino operator who is liable for 7271
the tax levied under section 5753.02 of the Revised Code are 7272
unknown to the tax commissioner, the tax commissioner shall 7273
proceed under section 5703.37 of the Revised Code. 7274

(G) If a casino operator fails to pay the tax levied under 7275
section 5753.02 of the Revised Code within a period of one year 7276
after the due date for remitting the tax, the Ohio casino control 7277

commission may suspend the casino operator's license. 7278

Sec. 5753.08. If a casino operator who is liable for the tax 7279
levied under section 5753.02 of the Revised Code sells the casino 7280
facility, disposes of the casino facility in any manner other than 7281
in the regular course of business, or quits the casino gaming 7282
business, any tax owed by that person becomes immediately due and 7283
payable, and the person shall pay the tax due, including any 7284
applicable penalties and interest. The person's successor shall 7285
withhold a sufficient amount of the purchase money to cover the 7286
amounts due and unpaid until the predecessor produces a receipt 7287
from the tax commissioner showing that the amounts due have been 7288
paid or a certificate indicating that no taxes are due. If the 7289
successor fails to withhold purchase money, the successor is 7290
personally liable, up to the purchase money amount, for amounts 7291
that were unpaid during the operation of the business by the 7292
predecessor. 7293

Sec. 5753.09. The tax commissioner shall administer and 7294
enforce this chapter. In addition to any other powers conferred 7295
upon the tax commissioner by law, the tax commissioner may: 7296

(A) Prescribe all forms that are required to be filed under 7297
this chapter; 7298

(B) Adopt rules that are necessary and proper to carry out 7299
this chapter; and 7300

(C) Appoint professional, technical, and clerical employees 7301
as are necessary to carry out the tax commissioner's duties under 7302
this chapter. 7303

Sec. 5753.10. The tax commissioner may prescribe requirements 7304
for the keeping of records and pertinent documents, for the filing 7305
of copies of federal income tax returns and determinations, and 7306

for computations reconciling federal income tax returns with the 7307
return required by section 5753.04 of the Revised Code. The tax 7308
commissioner may require a casino operator, by rule or by notice 7309
served on the casino operator, to keep records and other documents 7310
that the tax commissioner considers necessary to show the extent 7311
to which the casino operator is subject to this chapter. The 7312
records and other documents shall be open to inspection by the tax 7313
commissioner on demand, and shall be preserved for a period of 7314
four years unless the tax commissioner, in writing, consents to 7315
their destruction within that period, or by order served on the 7316
casino operator requires that they be kept longer. If the records 7317
are normally kept electronically by the casino operator, the 7318
casino operator shall provide the records to the tax commissioner 7319
electronically at the tax commissioner's request. 7320

7321

Any information required by the tax commissioner under this 7322
section is confidential under section 5703.21 of the Revised Code. 7323

Section 2. That existing sections 101.70, 102.02, 102.03, 7324
109.572, 109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2915.01, 7325
2915.02, 2915.08, 2915.09, 2915.091, 2915.101, 3793.02, 4301.355, 7326
4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 7327
5703.21, 5703.70, and 5747.02 of the Revised Code are hereby 7328
repealed. 7329

Section 3. Except as otherwise provided in this act, all 7330
appropriation items in this act are appropriated out of moneys in 7331
the state treasury to the credit of the designated fund that are 7332
not otherwise appropriated. For all appropriations in this act, 7333
the amounts in the first column are for fiscal year 2010 and the 7334
amounts in the second column are for fiscal year 2011. 7335

Section 4. CAC CASINO CONTROL COMMISSION				7336	
State Special Revenue				7337	
5Hs0 955321	Casino Control -	\$	0 \$	8,000,000	7338
	Operating				
TOTAL SSR	State Special Revenue	\$	0 \$	8,000,000	7339
Fund Group					
 Section 5. DEV DEPARTMENT OF DEVELOPMENT				7341	
General Service Fund Group				7342	
5AD0 195668	Workforce Guarantee	\$	0 \$	60,000,000	7343
	Program				
TOTAL GSF	General Services Fund	\$	0 \$	60,000,000	7344
Group					
State Special Revenue				7345	
XXX 195xxx	Urban Workforce	\$	0 \$	70,000,000	7346
	Initiative				
TOTAL SSR	State Special Revenue	\$	0 \$	70,000,000	7347
Fund Group					
Should proceeds from license or application fees be available				7348	
before June 30, 2010, the Director of Budget and Management may				7349	
seek Controlling Board approval to establish such funds and				7350	
appropriations as are necessary to carry out the provisions of				7351	
this act. The Director of Budget and Management shall transfer				7352	
\$60,000,000 when it is available in the Economic Development				7353	
Programs Fund (Fund XXXX) to the Unclaimed Funds Trust Fund (Fund				7354	
5AD0).				7355	
 Section 6. IGO OFFICE OF THE INSPECTOR GENERAL				7356	
State Special Revenue				7357	
XXX xxxxxx	Casino Investigations	\$	0 \$	100,000	7358
TOTAL SSR	State Special Revenue	\$	0 \$	100,000	7359

Fund Group

Section 7. ETH ETHICS COMMISSION				7361
State Special Revenue				7362
XXX xxxxxx Casino Investigations	\$	0 \$	100,000	7363
TOTAL SSR State Special Revenue	\$	0 \$	100,000	7364

Fund Group

Section 8. BOR BOARD OF REGENTS				7366
State Special Revenue				7367
XXX 235xxx Build Your Own	\$	0 \$	10,000,000	7368
Business Program				
XXX 235xxx Co-Op/Internship	\$	0 \$	60,000,000	7369
Program				
TOTAL SSR State Special Revenue	\$	0 \$	70,000,000	7370

Fund Group

TOTAL All BUDGET FUND GROUPS	\$	0 \$	208,200,000	7371
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Section 8.10. BUILD YOUR OWN BUSINESS PROGRAM 7373

The foregoing appropriation item, 235xxx, Build Your Own 7374
 Business Program, shall be used by the Chancellor of the Board of 7375
 Regents, in consultation with the Director of Development, for the 7376
 establishment and administration of the Build Your Own Business 7377
 Program. Pursuant to the Build Your Own Business Program, the 7378
 Chancellor shall administer a competitive process for making 7379
 grants to Small Business Development Centers or participants in 7380
 the Microenterprise Business Development Program, to provide micro 7381
 loans, supportive services, and technical assistance for 7382
 businesses that have been newly established by Ohioans who were 7383
 unemployed immediately prior to establishing such business. 7384

The Chancellor shall issue a request for proposals setting 7385
 forth criteria of the program to be offered by the selected Small 7386

Business Development Centers or the selected participants in the 7387
Microenterprise Business Development Program. As a prerequisite 7388
for eligibility, individuals must have completed an acceptable 7389
entrepreneurship education program at any state institution of 7390
higher education as defined in section 3345.011 of the Revised 7391
Code or career center. 7392

Section 8.20. CO-OP/INTERNSHIP PROGRAM 7393

The foregoing appropriation item, 235xxx, Co-op/Internship 7394
Program, shall be used by the Chancellor of the Board of Regents 7395
to operate the Co-op/Internship Program under sections 3333.71 to 7396
3333.80 of the Revised Code. Funding for eligible institutions 7397
shall be disbursed in accordance with the terms of the agreements 7398
entered into under section 3333.75 of the Revised Code. 7399

Section 9. The first return filed under section 5753.04 of 7400
the Revised Code shall reflect the tax period consisting of or 7401
beginning on the day on which operations of the casino facility 7402
commence. 7403

Section 10. The General Assembly, applying the principle 7404
stated in division (B) of section 1.52 of the Revised Code that 7405
amendments are to be harmonized if reasonably capable of 7406
simultaneous operation, finds that the following sections, 7407
presented in this act as composites of the sections as amended by 7408
the acts indicated, are the resulting versions of the sections in 7409
effect before the effective date of the sections as presented in 7410
this act: 7411

Section 109.572 of the Revised Code as amended by both Am. 7412
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 7413

Section 109.77 of the Revised Code as amended by both Am. 7414
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 7415

Section 4301.62 of the Revised Code as amended by both Am.	7416
Sub. H.B. 562 and Sub. S.B. 150 of the 127th General Assembly.	7417