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Am. Sub. H. B. No. 519

Representatives Yuko, Book

**Cosponsors: Representatives Luckie, Celeste, Garland, Weddington,
Driehaus, Boyd, DeBose, Foley, Harris, Letson, Mallory, Reece, Stewart,
Szollosi, Williams, B., Winburn**

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A B I L L

To amend sections 101.70, 102.02, 102.03, 109.32, 1
109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2
2915.01, 2915.02, 2915.061, 2915.08, 2915.081, 3
2915.082, 2915.09, 2915.091, 2915.093, 2915.10, 4
2915.101, 2915.13, 3793.02, 4301.355, 4301.62, 5
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 6
5703.19, 5703.21, 5703.70, 5747.02, and 5747.98, 7
to enact sections 121.54, 122.014, 122.045, 8
122.09, 2915.083, 2915.14, 3517.1015, 3769.081, 9
3772.01 to 3772.03, 3772.031, 3772.032, 3772.033, 10
3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 11
3772.061, 3772.062, 3772.07, 3772.08, 3772.081, 12
3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 13
3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 14
3772.32, 3772.99, 3793.032, 5747.063, 5753.01 to 15
5753.06, 5753.061, and 5753.07 to 5753.10, and to 16
repeal section 2915.06 of the Revised Code to 17
create the Ohio Casino Control Commission and 18
related provisions and to set forth casino gaming 19
statutes under Ohio Constitution, Article XV, 20
Section 6(C), to make changes to bingo and instant 21

bingo laws, to create charity card rooms, to 22
create an online small business resource center on 23
the Department of Development's internet web site, 24
to allow the Director of Development to compile a 25
report of companies with at least one hundred 26
employees that relocated outside Ohio in 2010, and 27
to make an appropriation. 28

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

Section 1. That sections 101.70, 102.02, 102.03, 109.32, 29
109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2915.01, 30
2915.02, 2915.061, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 31
2915.093, 2915.10, 2915.101, 2915.13, 3793.02, 4301.355, 4301.62, 32
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 33
5703.70, 5747.02, and 5747.98 be amended and sections 121.54, 34
122.014, 122.045, 122.09, 2915.083, 2915.14, 3517.1015, 3769.081, 35
3772.01, 3772.02, 3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 36
3772.04, 3772.05, 3772.051, 3772.06, 3772.061, 3772.062, 3772.07, 37
3772.08, 3772.081, 3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 38
3772.12, 3772.121, 3772.13, 3772.131, 3772.14, 3772.15, 3772.16, 39
3772.17, 3772.18, 3772.19, 3772.20, 3772.21, 3772.22, 3772.23, 40
3772.24, 3772.25, 3772.26, 3772.27, 3772.28, 3772.29, 3772.30, 41
3772.31, 3772.32, 3772.99, 3793.032, 5747.063, 5753.01, 5753.02, 42
5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, 43
5753.09, and 5753.10 of the Revised Code be enacted to read as 44
follows: 45

Sec. 101.70. As used in sections 101.70 to 101.79 and 101.99 46
of the Revised Code: 47

(A) "Person" means any individual, partnership, trust, 48
estate, business trust, association, or corporation; any labor 49
organization or manufacturer association; any department, 50

commission, board, publicly supported college or university, 51
division, institution, bureau, or other instrumentality of the 52
state; or any county, township, municipal corporation, school 53
district, or other political subdivision of the state. "Person" 54
includes the Ohio casino control commission, a member of the 55
commission, the executive director of the commission, an employee 56
of the commission, and an agent of the commission. 57

(B) "Legislation" means bills, resolutions, amendments, 58
nominations, and any other matter pending before the general 59
assembly, any matter pending before the controlling board, or the 60
executive approval or veto of any bill acted upon by the general 61
assembly. 62

(C) "Compensation" means a salary, gift, payment, benefit, 63
subscription, loan, advance, reimbursement, or deposit of money or 64
anything of value; or a contract, promise, or agreement, whether 65
or not legally enforceable, to make compensation. 66

(D) "Expenditure" means any of the following that is made to, 67
at the request of, for the benefit of, or on behalf of any member 68
of the general assembly, any member of the controlling board, the 69
governor, the director of a department created under section 70
121.02 of the Revised Code, or any member of the staff of any 71
public officer or employee listed in this division: 72

(1) A payment, distribution, loan, advance, deposit, 73
reimbursement, or gift of money, real estate, or anything of 74
value, including, but not limited to, food and beverages, 75
entertainment, lodging, or transportation; 76

(2) A contract, promise, or agreement to make an expenditure, 77
whether or not legally enforceable; 78

(3) The purchase, sale, or gift of services or any other 79
thing of value. 80

"Expenditure" does not include a contribution, gift, or grant to a 81

foundation or other charitable organization that is exempt from 82
federal income taxation under subsection 501(c)(3) of the Internal 83
Revenue Code. "Expenditure" does not include the purchase, sale, 84
or gift of services or any other thing of value that is available 85
to the general public on the same terms as it is available to the 86
persons listed in this division, or an offer or sale of securities 87
to any person listed in this division that is governed by 88
regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, 89
adopted under the authority of the "Securities Act of 1933," 48 90
Stat. 74, 15 U.S.C.A. and following, or that is governed by a 91
comparable provision under state law. 92

(E) "Actively advocate" means to promote, advocate, or oppose 93
the passage, modification, defeat, or executive approval or veto 94
of any legislation by direct communication with any member of the 95
general assembly, any member of the controlling board, the 96
governor, the director of any department listed in section 121.02 97
of the Revised Code, or any member of the staff of any public 98
officer or employee listed in this division. "Actively advocate" 99
does not include the action of any person not engaged by an 100
employer who has a direct interest in legislation if the person, 101
acting under Section 3 of Article I, Ohio Constitution, assembles 102
together with other persons to consult for their common good, 103
instructs a public officer or employee who is listed in this 104
division, or petitions that public officer or employee for the 105
redress of grievances. 106

(F) "Legislative agent" means any individual, except a member 107
of the general assembly, a member of the staff of the general 108
assembly, the governor, lieutenant governor, attorney general, 109
secretary of state, treasurer of state, or auditor of state, who 110
is engaged during at least a portion of ~~his~~ the individual's time 111
to actively advocate as one of ~~his~~ the individual's main purposes. 112
An individual engaged by the Ohio casino control commission, a 113

member of the commission, the executive director of the 114
commission, or an employee or agent of the commission to actively 115
advocate is a "legislative agent" even if the individual does not 116
during at least a portion of the individual's time actively 117
advocate as one of the individual's main purposes. 118

(G) "Employer" means any person who, directly or indirectly, 119
engages a legislative agent. 120

(H) "Engage" means to make any arrangement, and "engagement" 121
means any arrangement, whereby an individual is employed or 122
retained for compensation to act for or on behalf of an employer 123
to actively advocate. 124

(I) "Financial transaction" means a transaction or activity 125
that is conducted or undertaken for profit and arises from the 126
joint ownership or the ownership or part ownership in common of 127
any real or personal property or any commercial or business 128
enterprise of whatever form or nature between the following: 129

(1) A legislative agent, ~~his~~ an employer of a legislative 130
agent, or a member of the immediate family of the legislative 131
agent or ~~his~~ a legislative agent's employer; and 132

(2) Any member of the general assembly, any member of the 133
controlling board, the governor, the director of a department 134
created under section 121.02 of the Revised Code, or any member of 135
the staff of a public officer or employee listed in division 136
(I)(2) of this section. 137

"Financial transaction" does not include any transaction or 138
activity described in division (I) of this section if it is 139
available to the general public on the same terms, or if it is an 140
offer or sale of securities to any person listed in division 141
(I)(2) of this section that is governed by regulation D, 17 C.F.R. 142
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 143
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 144

following, or that is governed by a comparable provision under 145
state law. 146

(J) "Staff" means any state employee whose official duties 147
are to formulate policy and who exercises administrative or 148
supervisory authority or who authorizes the expenditure of state 149
funds. 150

Sec. 102.02. (A) Except as otherwise provided in division (H) 151
of this section, all of the following shall file with the 152
appropriate ethics commission the disclosure statement described 153
in this division on a form prescribed by the appropriate 154
commission: every person who is elected to or is a candidate for a 155
state, county, or city office and every person who is appointed to 156
fill a vacancy for an unexpired term in such an elective office; 157
all members of the state board of education; the director, 158
assistant directors, deputy directors, division chiefs, or persons 159
of equivalent rank of any administrative department of the state; 160
the president or other chief administrative officer of every state 161
institution of higher education as defined in section 3345.011 of 162
the Revised Code; the executive director and the members of the 163
capitol square review and advisory board appointed or employed 164
pursuant to section 105.41 of the Revised Code; all members of the 165
Ohio casino control commission, the executive director of the 166
commission, all professional employees of the commission, and all 167
technical employees of the commission who perform an internal 168
audit function; the chief executive officer and the members of the 169
board of each state retirement system; each employee of a state 170
retirement board who is a state retirement system investment 171
officer licensed pursuant to section 1707.163 of the Revised Code; 172
the members of the Ohio retirement study council appointed 173
pursuant to division (C) of section 171.01 of the Revised Code; 174
employees of the Ohio retirement study council, other than 175
employees who perform purely administrative or clerical functions; 176

the administrator of workers' compensation and each member of the 177
bureau of workers' compensation board of directors; the bureau of 178
workers' compensation director of investments; the chief 179
investment officer of the bureau of workers' compensation; the 180
director appointed by the workers' compensation council; all 181
members of the board of commissioners on grievances and discipline 182
of the supreme court and the ethics commission created under 183
section 102.05 of the Revised Code; every business manager, 184
treasurer, or superintendent of a city, local, exempted village, 185
joint vocational, or cooperative education school district or an 186
educational service center; every person who is elected to or is a 187
candidate for the office of member of a board of education of a 188
city, local, exempted village, joint vocational, or cooperative 189
education school district or of a governing board of an 190
educational service center that has a total student count of 191
twelve thousand or more as most recently determined by the 192
department of education pursuant to section 3317.03 of the Revised 193
Code; every person who is appointed to the board of education of a 194
municipal school district pursuant to division (B) or (F) of 195
section 3311.71 of the Revised Code; all members of the board of 196
directors of a sanitary district that is established under Chapter 197
6115. of the Revised Code and organized wholly for the purpose of 198
providing a water supply for domestic, municipal, and public use, 199
and that includes two municipal corporations in two counties; 200
every public official or employee who is paid a salary or wage in 201
accordance with schedule C of section 124.15 or schedule E-2 of 202
section 124.152 of the Revised Code; members of the board of 203
trustees and the executive director of the southern Ohio 204
agricultural and community development foundation; all members 205
appointed to the Ohio livestock care standards board under section 206
904.02 of the Revised Code; and every other public official or 207
employee who is designated by the appropriate ethics commission 208
pursuant to division (B) of this section. 209

The disclosure statement shall include all of the following: 210

(1) The name of the person filing the statement and each 211
member of the person's immediate family and all names under which 212
the person or members of the person's immediate family do 213
business; 214

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 215
and except as otherwise provided in section 102.022 of the Revised 216
Code, identification of every source of income, other than income 217
from a legislative agent identified in division (A)(2)(b) of this 218
section, received during the preceding calendar year, in the 219
person's own name or by any other person for the person's use or 220
benefit, by the person filing the statement, and a brief 221
description of the nature of the services for which the income was 222
received. If the person filing the statement is a member of the 223
general assembly, the statement shall identify the amount of every 224
source of income received in accordance with the following ranges 225
of amounts: zero or more, but less than one thousand dollars; one 226
thousand dollars or more, but less than ten thousand dollars; ten 227
thousand dollars or more, but less than twenty-five thousand 228
dollars; twenty-five thousand dollars or more, but less than fifty 229
thousand dollars; fifty thousand dollars or more, but less than 230
one hundred thousand dollars; and one hundred thousand dollars or 231
more. Division (A)(2)(a) of this section shall not be construed to 232
require a person filing the statement who derives income from a 233
business or profession to disclose the individual items of income 234
that constitute the gross income of that business or profession, 235
except for those individual items of income that are attributable 236
to the person's or, if the income is shared with the person, the 237
partner's, solicitation of services or goods or performance, 238
arrangement, or facilitation of services or provision of goods on 239
behalf of the business or profession of clients, including 240
corporate clients, who are legislative agents. A person who files 241

the statement under this section shall disclose the identity of 242
and the amount of income received from a person who the public 243
official or employee knows or has reason to know is doing or 244
seeking to do business of any kind with the public official's or 245
employee's agency. 246

(b) If the person filing the statement is a member of the 247
general assembly, the statement shall identify every source of 248
income and the amount of that income that was received from a 249
legislative agent during the preceding calendar year, in the 250
person's own name or by any other person for the person's use or 251
benefit, by the person filing the statement, and a brief 252
description of the nature of the services for which the income was 253
received. Division (A)(2)(b) of this section requires the 254
disclosure of clients of attorneys or persons licensed under 255
section 4732.12 of the Revised Code, or patients of persons 256
certified under section 4731.14 of the Revised Code, if those 257
clients or patients are legislative agents. Division (A)(2)(b) of 258
this section requires a person filing the statement who derives 259
income from a business or profession to disclose those individual 260
items of income that constitute the gross income of that business 261
or profession that are received from legislative agents. 262

(c) Except as otherwise provided in division (A)(2)(c) of 263
this section, division (A)(2)(a) of this section applies to 264
attorneys, physicians, and other persons who engage in the 265
practice of a profession and who, pursuant to a section of the 266
Revised Code, the common law of this state, a code of ethics 267
applicable to the profession, or otherwise, generally are required 268
not to reveal, disclose, or use confidences of clients, patients, 269
or other recipients of professional services except under 270
specified circumstances or generally are required to maintain 271
those types of confidences as privileged communications except 272
under specified circumstances. Division (A)(2)(a) of this section 273

does not require an attorney, physician, or other professional 274
subject to a confidentiality requirement as described in division 275
(A)(2)(c) of this section to disclose the name, other identity, or 276
address of a client, patient, or other recipient of professional 277
services if the disclosure would threaten the client, patient, or 278
other recipient of professional services, would reveal details of 279
the subject matter for which legal, medical, or professional 280
advice or other services were sought, or would reveal an otherwise 281
privileged communication involving the client, patient, or other 282
recipient of professional services. Division (A)(2)(a) of this 283
section does not require an attorney, physician, or other 284
professional subject to a confidentiality requirement as described 285
in division (A)(2)(c) of this section to disclose in the brief 286
description of the nature of services required by division 287
(A)(2)(a) of this section any information pertaining to specific 288
professional services rendered for a client, patient, or other 289
recipient of professional services that would reveal details of 290
the subject matter for which legal, medical, or professional 291
advice was sought or would reveal an otherwise privileged 292
communication involving the client, patient, or other recipient of 293
professional services. 294

(3) The name of every corporation on file with the secretary 295
of state that is incorporated in this state or holds a certificate 296
of compliance authorizing it to do business in this state, trust, 297
business trust, partnership, or association that transacts 298
business in this state in which the person filing the statement or 299
any other person for the person's use and benefit had during the 300
preceding calendar year an investment of over one thousand dollars 301
at fair market value as of the thirty-first day of December of the 302
preceding calendar year, or the date of disposition, whichever is 303
earlier, or in which the person holds any office or has a 304
fiduciary relationship, and a description of the nature of the 305
investment, office, or relationship. Division (A)(3) of this 306

section does not require disclosure of the name of any bank, 307
savings and loan association, credit union, or building and loan 308
association with which the person filing the statement has a 309
deposit or a withdrawable share account. 310

(4) All fee simple and leasehold interests to which the 311
person filing the statement holds legal title to or a beneficial 312
interest in real property located within the state, excluding the 313
person's residence and property used primarily for personal 314
recreation; 315

(5) The names of all persons residing or transacting business 316
in the state to whom the person filing the statement owes, in the 317
person's own name or in the name of any other person, more than 318
one thousand dollars. Division (A)(5) of this section shall not be 319
construed to require the disclosure of debts owed by the person 320
resulting from the ordinary conduct of a business or profession or 321
debts on the person's residence or real property used primarily 322
for personal recreation, except that the superintendent of 323
financial institutions shall disclose the names of all 324
state-chartered savings and loan associations and of all service 325
corporations subject to regulation under division (E)(2) of 326
section 1151.34 of the Revised Code to whom the superintendent in 327
the superintendent's own name or in the name of any other person 328
owes any money, and that the superintendent and any deputy 329
superintendent of banks shall disclose the names of all 330
state-chartered banks and all bank subsidiary corporations subject 331
to regulation under section 1109.44 of the Revised Code to whom 332
the superintendent or deputy superintendent owes any money. 333

(6) The names of all persons residing or transacting business 334
in the state, other than a depository excluded under division 335
(A)(3) of this section, who owe more than one thousand dollars to 336
the person filing the statement, either in the person's own name 337
or to any person for the person's use or benefit. Division (A)(6) 338

of this section shall not be construed to require the disclosure 339
of clients of attorneys or persons licensed under section 4732.12 340
or 4732.15 of the Revised Code, or patients of persons certified 341
under section 4731.14 of the Revised Code, nor the disclosure of 342
debts owed to the person resulting from the ordinary conduct of a 343
business or profession. 344

(7) Except as otherwise provided in section 102.022 of the 345
Revised Code, the source of each gift of over seventy-five 346
dollars, or of each gift of over twenty-five dollars received by a 347
member of the general assembly from a legislative agent, received 348
by the person in the person's own name or by any other person for 349
the person's use or benefit during the preceding calendar year, 350
except gifts received by will or by virtue of section 2105.06 of 351
the Revised Code, or received from spouses, parents, grandparents, 352
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 353
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 354
fathers-in-law, mothers-in-law, or any person to whom the person 355
filing the statement stands in loco parentis, or received by way 356
of distribution from any inter vivos or testamentary trust 357
established by a spouse or by an ancestor; 358

(8) Except as otherwise provided in section 102.022 of the 359
Revised Code, identification of the source and amount of every 360
payment of expenses incurred for travel to destinations inside or 361
outside this state that is received by the person in the person's 362
own name or by any other person for the person's use or benefit 363
and that is incurred in connection with the person's official 364
duties, except for expenses for travel to meetings or conventions 365
of a national or state organization to which any state agency, 366
including, but not limited to, any legislative agency or state 367
institution of higher education as defined in section 3345.011 of 368
the Revised Code, pays membership dues, or any political 369
subdivision or any office or agency of a political subdivision 370

pays membership dues; 371

(9) Except as otherwise provided in section 102.022 of the 372
Revised Code, identification of the source of payment of expenses 373
for meals and other food and beverages, other than for meals and 374
other food and beverages provided at a meeting at which the person 375
participated in a panel, seminar, or speaking engagement or at a 376
meeting or convention of a national or state organization to which 377
any state agency, including, but not limited to, any legislative 378
agency or state institution of higher education as defined in 379
section 3345.011 of the Revised Code, pays membership dues, or any 380
political subdivision or any office or agency of a political 381
subdivision pays membership dues, that are incurred in connection 382
with the person's official duties and that exceed one hundred 383
dollars aggregated per calendar year; 384

(10) If the disclosure statement is filed by a public 385
official or employee described in division (B)(2) of section 386
101.73 of the Revised Code or division (B)(2) of section 121.63 of 387
the Revised Code who receives a statement from a legislative 388
agent, executive agency lobbyist, or employer that contains the 389
information described in division (F)(2) of section 101.73 of the 390
Revised Code or division (G)(2) of section 121.63 of the Revised 391
Code, all of the nondisputed information contained in the 392
statement delivered to that public official or employee by the 393
legislative agent, executive agency lobbyist, or employer under 394
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 395
the Revised Code. 396

A person may file a statement required by this section in 397
person or by mail. A person who is a candidate for elective office 398
shall file the statement no later than the thirtieth day before 399
the primary, special, or general election at which the candidacy 400
is to be voted on, whichever election occurs soonest, except that 401
a person who is a write-in candidate shall file the statement no 402

later than the twentieth day before the earliest election at which 403
the person's candidacy is to be voted on. A person who holds 404
elective office shall file the statement on or before the 405
fifteenth day of April of each year unless the person is a 406
candidate for office. A person who is appointed to fill a vacancy 407
for an unexpired term in an elective office shall file the 408
statement within fifteen days after the person qualifies for 409
office. Other persons shall file an annual statement on or before 410
the fifteenth day of April or, if appointed or employed after that 411
date, within ninety days after appointment or employment. No 412
person shall be required to file with the appropriate ethics 413
commission more than one statement or pay more than one filing fee 414
for any one calendar year. 415

The appropriate ethics commission, for good cause, may extend 416
for a reasonable time the deadline for filing a statement under 417
this section. 418

A statement filed under this section is subject to public 419
inspection at locations designated by the appropriate ethics 420
commission except as otherwise provided in this section. 421

(B) The Ohio ethics commission, the joint legislative ethics 422
committee, and the board of commissioners on grievances and 423
discipline of the supreme court, using the rule-making procedures 424
of Chapter 119. of the Revised Code, may require any class of 425
public officials or employees under its jurisdiction and not 426
specifically excluded by this section whose positions involve a 427
substantial and material exercise of administrative discretion in 428
the formulation of public policy, expenditure of public funds, 429
enforcement of laws and rules of the state or a county or city, or 430
the execution of other public trusts, to file an annual statement 431
on or before the fifteenth day of April under division (A) of this 432
section. The appropriate ethics commission shall send the public 433
officials or employees written notice of the requirement by the 434

fifteenth day of February of each year the filing is required 435
unless the public official or employee is appointed after that 436
date, in which case the notice shall be sent within thirty days 437
after appointment, and the filing shall be made not later than 438
ninety days after appointment. 439

Except for disclosure statements filed by members of the 440
board of trustees and the executive director of the southern Ohio 441
agricultural and community development foundation, disclosure 442
statements filed under this division with the Ohio ethics 443
commission by members of boards, commissions, or bureaus of the 444
state for which no compensation is received other than reasonable 445
and necessary expenses shall be kept confidential. Disclosure 446
statements filed with the Ohio ethics commission under division 447
(A) of this section by business managers, treasurers, and 448
superintendents of city, local, exempted village, joint 449
vocational, or cooperative education school districts or 450
educational service centers shall be kept confidential, except 451
that any person conducting an audit of any such school district or 452
educational service center pursuant to section 115.56 or Chapter 453
117. of the Revised Code may examine the disclosure statement of 454
any business manager, treasurer, or superintendent of that school 455
district or educational service center. The Ohio ethics commission 456
shall examine each disclosure statement required to be kept 457
confidential to determine whether a potential conflict of interest 458
exists for the person who filed the disclosure statement. A 459
potential conflict of interest exists if the private interests of 460
the person, as indicated by the person's disclosure statement, 461
might interfere with the public interests the person is required 462
to serve in the exercise of the person's authority and duties in 463
the person's office or position of employment. If the commission 464
determines that a potential conflict of interest exists, it shall 465
notify the person who filed the disclosure statement and shall 466
make the portions of the disclosure statement that indicate a 467

potential conflict of interest subject to public inspection in the 468
same manner as is provided for other disclosure statements. Any 469
portion of the disclosure statement that the commission determines 470
does not indicate a potential conflict of interest shall be kept 471
confidential by the commission and shall not be made subject to 472
public inspection, except as is necessary for the enforcement of 473
Chapters 102. and 2921. of the Revised Code and except as 474
otherwise provided in this division. 475

(C) No person shall knowingly fail to file, on or before the 476
applicable filing deadline established under this section, a 477
statement that is required by this section. 478

(D) No person shall knowingly file a false statement that is 479
required to be filed under this section. 480

(E)(1) Except as provided in divisions (E)(2) and (3) of this 481
section, the statement required by division (A) or (B) of this 482
section shall be accompanied by a filing fee of forty dollars. 483

(2) The statement required by division (A) of this section 484
shall be accompanied by the following filing fee to be paid by the 485
person who is elected or appointed to, or is a candidate for, any 486
of the following offices: 487

For state office, except member of the		488
state board of education	\$65	489
For office of member of general assembly	\$40	490
For county office	\$40	491
For city office	\$25	492
For office of member of the state board		493
of education	\$25	494
For office of member of the Ohio		495
livestock care standards board	\$25	496
For office of member of a city, local,		497
exempted village, or cooperative		498

education board of	499
education or educational service	500
center governing board	\$20 501
For position of business manager,	502
treasurer, or superintendent of a	503
city, local, exempted village, joint	504
vocational, or cooperative education	505
school district or	506
educational service center	\$20 507
(3) No judge of a court of record or candidate for judge of a	508
court of record, and no referee or magistrate serving a court of	509
record, shall be required to pay the fee required under division	510
(E)(1) or (2) or (F) of this section.	511
(4) For any public official who is appointed to a nonelective	512
office of the state and for any employee who holds a nonelective	513
position in a public agency of the state, the state agency that is	514
the primary employer of the state official or employee shall pay	515
the fee required under division (E)(1) or (F) of this section.	516
(F) If a statement required to be filed under this section is	517
not filed by the date on which it is required to be filed, the	518
appropriate ethics commission shall assess the person required to	519
file the statement a late filing fee of ten dollars for each day	520
the statement is not filed, except that the total amount of the	521
late filing fee shall not exceed two hundred fifty dollars.	522
(G)(1) The appropriate ethics commission other than the Ohio	523
ethics commission and the joint legislative ethics committee shall	524
deposit all fees it receives under divisions (E) and (F) of this	525
section into the general revenue fund of the state.	526
(2) The Ohio ethics commission shall deposit all receipts,	527
including, but not limited to, fees it receives under divisions	528
(E) and (F) of this section and all moneys it receives from	529
settlements under division (G) of section 102.06 of the Revised	530

Code, into the Ohio ethics commission fund, which is hereby 531
created in the state treasury. All moneys credited to the fund 532
shall be used solely for expenses related to the operation and 533
statutory functions of the commission. 534

(3) The joint legislative ethics committee shall deposit all 535
receipts it receives from the payment of financial disclosure 536
statement filing fees under divisions (E) and (F) of this section 537
into the joint legislative ethics committee investigative fund. 538

(H) Division (A) of this section does not apply to a person 539
elected or appointed to the office of precinct, ward, or district 540
committee member under Chapter 3517. of the Revised Code; a 541
presidential elector; a delegate to a national convention; village 542
or township officials and employees; any physician or psychiatrist 543
who is paid a salary or wage in accordance with schedule C of 544
section 124.15 or schedule E-2 of section 124.152 of the Revised 545
Code and whose primary duties do not require the exercise of 546
administrative discretion; or any member of a board, commission, 547
or bureau of any county or city who receives less than one 548
thousand dollars per year for serving in that position. 549

Sec. 102.03. (A)(1) No present or former public official or 550
employee shall, during public employment or service or for twelve 551
months thereafter, represent a client or act in a representative 552
capacity for any person on any matter in which the public official 553
or employee personally participated as a public official or 554
employee through decision, approval, disapproval, recommendation, 555
the rendering of advice, investigation, or other substantial 556
exercise of administrative discretion. 557

(2) For twenty-four months after the conclusion of service, 558
no former commissioner or attorney examiner of the public 559
utilities commission shall represent a public utility, as defined 560
in section 4905.02 of the Revised Code, or act in a representative 561

capacity on behalf of such a utility before any state board, 562
commission, or agency. 563

(3) For twenty-four months after the conclusion of employment 564
or service, no former public official or employee who personally 565
participated as a public official or employee through decision, 566
approval, disapproval, recommendation, the rendering of advice, 567
the development or adoption of solid waste management plans, 568
investigation, inspection, or other substantial exercise of 569
administrative discretion under Chapter 343. or 3734. of the 570
Revised Code shall represent a person who is the owner or operator 571
of a facility, as defined in section 3734.01 of the Revised Code, 572
or who is an applicant for a permit or license for a facility 573
under that chapter, on any matter in which the public official or 574
employee personally participated as a public official or employee. 575

(4) For a period of one year after the conclusion of 576
employment or service as a member or employee of the general 577
assembly, no former member or employee of the general assembly 578
shall represent, or act in a representative capacity for, any 579
person on any matter before the general assembly, any committee of 580
the general assembly, or the controlling board. Division (A)(4) of 581
this section does not apply to or affect a person who separates 582
from service with the general assembly on or before December 31, 583
1995. As used in division (A)(4) of this section "person" does not 584
include any state agency or political subdivision of the state. 585

(5) As used in divisions (A)(1), (2), and (3) of this 586
section, "matter" includes any case, proceeding, application, 587
determination, issue, or question, but does not include the 588
proposal, consideration, or enactment of statutes, rules, 589
ordinances, resolutions, or charter or constitutional amendments. 590
As used in division (A)(4) of this section, "matter" includes the 591
proposal, consideration, or enactment of statutes, resolutions, or 592
constitutional amendments. As used in division (A) of this 593

section, "represent" includes any formal or informal appearance 594
before, or any written or oral communication with, any public 595
agency on behalf of any person. 596

(6) Nothing contained in division (A) of this section shall 597
prohibit, during such period, a former public official or employee 598
from being retained or employed to represent, assist, or act in a 599
representative capacity for the public agency by which the public 600
official or employee was employed or on which the public official 601
or employee served. 602

(7) Division (A) of this section shall not be construed to 603
prohibit the performance of ministerial functions, including, but 604
not limited to, the filing or amendment of tax returns, 605
applications for permits and licenses, incorporation papers, and 606
other similar documents. 607

(8) No present or former Ohio casino control commission 608
official shall, during public service or for twelve months 609
thereafter, represent a client, be employed or compensated by a 610
person regulated by the commission, or act in a representative 611
capacity for any person on any matter before or concerning the 612
commission. 613

No present or former commission employee shall, during public 614
employment or for twelve months thereafter, represent a client or 615
act in a representative capacity on any matter in which the 616
employee personally participated as a commission employee through 617
decision, approval, disapproval, recommendation, the rendering of 618
advice, investigation, or other substantial exercise of 619
administrative discretion. 620

(B) No present or former public official or employee shall 621
disclose or use, without appropriate authorization, any 622
information acquired by the public official or employee in the 623
course of the public official's or employee's official duties that 624

is confidential because of statutory provisions, or that has been 625
clearly designated to the public official or employee as 626
confidential when that confidential designation is warranted 627
because of the status of the proceedings or the circumstances 628
under which the information was received and preserving its 629
confidentiality is necessary to the proper conduct of government 630
business. 631

(C) No public official or employee shall participate within 632
the scope of duties as a public official or employee, except 633
through ministerial functions as defined in division (A) of this 634
section, in any license or rate-making proceeding that directly 635
affects the license or rates of any person, partnership, trust, 636
business trust, corporation, or association in which the public 637
official or employee or immediate family owns or controls more 638
than five per cent. No public official or employee shall 639
participate within the scope of duties as a public official or 640
employee, except through ministerial functions as defined in 641
division (A) of this section, in any license or rate-making 642
proceeding that directly affects the license or rates of any 643
person to whom the public official or employee or immediate 644
family, or a partnership, trust, business trust, corporation, or 645
association of which the public official or employee or the public 646
official's or employee's immediate family owns or controls more 647
than five per cent, has sold goods or services totaling more than 648
one thousand dollars during the preceding year, unless the public 649
official or employee has filed a written statement acknowledging 650
that sale with the clerk or secretary of the public agency and the 651
statement is entered in any public record of the agency's 652
proceedings. This division shall not be construed to require the 653
disclosure of clients of attorneys or persons licensed under 654
section 4732.12 or 4732.15 of the Revised Code, or patients of 655
persons certified under section 4731.14 of the Revised Code. 656

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

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

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

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

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of

the Revised Code shall solicit or accept, and no person shall give 688
to that public official or employee, an honorarium. Except as 689
provided in division (H)(2) of this section, this division and 690
divisions (D), (E), and (F) of this section do not prohibit a 691
public official or employee who is required to file a financial 692
disclosure statement under section 102.02 of the Revised Code from 693
accepting and do not prohibit a person from giving to that public 694
official or employee the payment of actual travel expenses, 695
including any expenses incurred in connection with the travel for 696
lodging, and meals, food, and beverages provided to the public 697
official or employee at a meeting at which the public official or 698
employee participates in a panel, seminar, or speaking engagement 699
or provided to the public official or employee at a meeting or 700
convention of a national organization to which any state agency, 701
including, but not limited to, any state legislative agency or 702
state institution of higher education as defined in section 703
3345.011 of the Revised Code, pays membership dues. Except as 704
provided in division (H)(2) of this section, this division and 705
divisions (D), (E), and (F) of this section do not prohibit a 706
public official or employee who is not required to file a 707
financial disclosure statement under section 102.02 of the Revised 708
Code from accepting and do not prohibit a person from promising or 709
giving to that public official or employee an honorarium or the 710
payment of travel, meal, and lodging expenses if the honorarium, 711
expenses, or both were paid in recognition of demonstrable 712
business, professional, or esthetic interests of the public 713
official or employee that exist apart from public office or 714
employment, including, but not limited to, such a demonstrable 715
interest in public speaking and were not paid by any person or 716
other entity, or by any representative or association of those 717
persons or entities, that is regulated by, doing business with, or 718
seeking to do business with the department, division, institution, 719
board, commission, authority, bureau, or other instrumentality of 720

the governmental entity with which the public official or employee serves. 721
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(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages. 723
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(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement. 731
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A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code. 743
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(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of 750
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such a character as to manifest a substantial and improper 753
influence on the public official or employee with respect to that 754
person's duties. As used in this division, "organization" means a 755
church or a religious, benevolent, fraternal, or professional 756
organization that is tax exempt under subsection 501(a) and 757
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 758
"Internal Revenue Code of 1986." This division does not apply to a 759
public official or employee who is an employee of an organization, 760
serves as a trustee, director, or officer of an organization, or 761
otherwise holds a fiduciary relationship with an organization. 762
This division does not allow a public official or employee who is 763
a member of an organization to participate, formally or 764
informally, in deliberations, discussions, or voting on a matter 765
or to use his official position with regard to the interests of 766
the organization on the matter if the public official or employee 767
has assumed a particular responsibility in the organization with 768
respect to the matter or if the matter would affect that person's 769
personal, pecuniary interests. 770

(K) It is not a violation of this section for a prosecuting 771
attorney to appoint assistants and employees in accordance with 772
division (B) of section 309.06 and section 2921.421 of the Revised 773
Code, for a chief legal officer of a municipal corporation or an 774
official designated as prosecutor in a municipal corporation to 775
appoint assistants and employees in accordance with sections 776
733.621 and 2921.421 of the Revised Code, for a township law 777
director appointed under section 504.15 of the Revised Code to 778
appoint assistants and employees in accordance with sections 779
504.151 and 2921.421 of the Revised Code, or for a coroner to 780
appoint assistants and employees in accordance with division (B) 781
of section 313.05 of the Revised Code. 782

As used in this division, "chief legal officer" has the same 783
meaning as in section 733.621 of the Revised Code. 784

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

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

(M) A member of the Ohio casino control commission, the executive director of the commission, or an employee of the commission shall not:

(1) Accept anything of value, including but not limited to a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;

(2) Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the commission, or to an

officer, attorney, agent, or employee of a casino operator, 817
management company, or other person subject to the jurisdiction of 818
the commission, the appointment of a person to an office, place, 819
position, or employment; 820

(3) Participate in casino gaming or any other amusement or 821
activity at a casino facility in this state or at an affiliate 822
gaming facility of a licensed casino operator, wherever located. 823

In addition to the penalty provided in section 102.99 of the 824
Revised Code, whoever violates division (M)(1), (2), or (3) of 825
this section forfeits the individual's office or employment. 826

Sec. 109.32. All annual filing fees obtained by the attorney 827
general pursuant to section 109.31 of the Revised Code, all 828
receipts obtained from the sale of the charitable foundations 829
directory, all registration fees received by the attorney general, 830
bond forfeitures, awards of costs and attorney's fees, and civil 831
penalties assessed under Chapter 1716. of the Revised Code, and 832
all license fees received by the attorney general under section 833
2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the Revised Code 834
shall be paid into the state treasury to the credit of the 835
charitable law fund. The charitable law fund shall be used insofar 836
as its moneys are available for the expenses of the charitable law 837
section of the office of the attorney general, except that all 838
annual license fees that are received by the attorney general 839
under section 2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the 840
Revised Code and that are credited to the fund shall be used by 841
the attorney general, or any law enforcement agency in cooperation 842
with the attorney general, for the purposes specified in division 843
~~(H)~~(I) of section 2915.10 of the Revised Code and to administer 844
and enforce Chapter 2915. of the Revised Code. The expenses of the 845
charitable law section in excess of moneys available in the 846
charitable law fund shall be paid out of regular appropriations to 847

the office of the attorney general. 848

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 849
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 850
a completed form prescribed pursuant to division (C)(1) of this 851
section, and a set of fingerprint impressions obtained in the 852
manner described in division (C)(2) of this section, the 853
superintendent of the bureau of criminal identification and 854
investigation shall conduct a criminal records check in the manner 855
described in division (B) of this section to determine whether any 856
information exists that indicates that the person who is the 857
subject of the request previously has been convicted of or pleaded 858
guilty to any of the following: 859

(a) A violation of section 2903.01, 2903.02, 2903.03, 860
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 861
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 862
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 863
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 864
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 865
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 866
2925.06, or 3716.11 of the Revised Code, felonious sexual 867
penetration in violation of former section 2907.12 of the Revised 868
Code, a violation of section 2905.04 of the Revised Code as it 869
existed prior to July 1, 1996, a violation of section 2919.23 of 870
the Revised Code that would have been a violation of section 871
2905.04 of the Revised Code as it existed prior to July 1, 1996, 872
had the violation been committed prior to that date, or a 873
violation of section 2925.11 of the Revised Code that is not a 874
minor drug possession offense; 875

(b) A violation of an existing or former law of this state, 876
any other state, or the United States that is substantially 877
equivalent to any of the offenses listed in division (A)(1)(a) of 878

this section. 879

(2) On receipt of a request pursuant to section 5123.081 of 880
the Revised Code with respect to an applicant for employment in 881
any position with the department of developmental disabilities, 882
pursuant to section 5126.28 of the Revised Code with respect to an 883
applicant for employment in any position with a county board of 884
developmental disabilities, or pursuant to section 5126.281 of the 885
Revised Code with respect to an applicant for employment in a 886
direct services position with an entity contracting with a county 887
board for employment, a completed form prescribed pursuant to 888
division (C)(1) of this section, and a set of fingerprint 889
impressions obtained in the manner described in division (C)(2) of 890
this section, the superintendent of the bureau of criminal 891
identification and investigation shall conduct a criminal records 892
check. The superintendent shall conduct the criminal records check 893
in the manner described in division (B) of this section to 894
determine whether any information exists that indicates that the 895
person who is the subject of the request has been convicted of or 896
pleaded guilty to any of the following: 897

(a) A violation of section 2903.01, 2903.02, 2903.03, 898
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 899
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 900
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 901
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 902
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 903
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 904
2925.03, or 3716.11 of the Revised Code; 905

(b) An existing or former municipal ordinance or law of this 906
state, any other state, or the United States that is substantially 907
equivalent to any of the offenses listed in division (A)(2)(a) of 908
this section. 909

(3) On receipt of a request pursuant to section 173.27, 910

173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 911
completed form prescribed pursuant to division (C)(1) of this 912
section, and a set of fingerprint impressions obtained in the 913
manner described in division (C)(2) of this section, the 914
superintendent of the bureau of criminal identification and 915
investigation shall conduct a criminal records check with respect 916
to any person who has applied for employment in a position for 917
which a criminal records check is required by those sections. The 918
superintendent shall conduct the criminal records check in the 919
manner described in division (B) of this section to determine 920
whether any information exists that indicates that the person who 921
is the subject of the request previously has been convicted of or 922
pleaded guilty to any of the following: 923

(a) A violation of section 2903.01, 2903.02, 2903.03, 924
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 925
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 926
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 927
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 928
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 929
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 930
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 931
2925.22, 2925.23, or 3716.11 of the Revised Code; 932

(b) An existing or former law of this state, any other state, 933
or the United States that is substantially equivalent to any of 934
the offenses listed in division (A)(3)(a) of this section. 935

(4) On receipt of a request pursuant to section 3701.881 of 936
the Revised Code with respect to an applicant for employment with 937
a home health agency as a person responsible for the care, 938
custody, or control of a child, a completed form prescribed 939
pursuant to division (C)(1) of this section, and a set of 940
fingerprint impressions obtained in the manner described in 941
division (C)(2) of this section, the superintendent of the bureau 942

of criminal identification and investigation shall conduct a 943
criminal records check. The superintendent shall conduct the 944
criminal records check in the manner described in division (B) of 945
this section to determine whether any information exists that 946
indicates that the person who is the subject of the request 947
previously has been convicted of or pleaded guilty to any of the 948
following: 949

(a) A violation of section 2903.01, 2903.02, 2903.03, 950
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 951
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 952
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 953
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 954
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 955
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 956
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 957
violation of section 2925.11 of the Revised Code that is not a 958
minor drug possession offense; 959

(b) An existing or former law of this state, any other state, 960
or the United States that is substantially equivalent to any of 961
the offenses listed in division (A)(4)(a) of this section. 962

(5) On receipt of a request pursuant to section 5111.032, 963
5111.033, or 5111.034 of the Revised Code, a completed form 964
prescribed pursuant to division (C)(1) of this section, and a set 965
of fingerprint impressions obtained in the manner described in 966
division (C)(2) of this section, the superintendent of the bureau 967
of criminal identification and investigation shall conduct a 968
criminal records check. The superintendent shall conduct the 969
criminal records check in the manner described in division (B) of 970
this section to determine whether any information exists that 971
indicates that the person who is the subject of the request 972
previously has been convicted of, has pleaded guilty to, or has 973
been found eligible for intervention in lieu of conviction for any 974

of the following, regardless of the date of the conviction, the 975
date of entry of the guilty plea, or the date the person was found 976
eligible for intervention in lieu of conviction: 977

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 978
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 979
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 980
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 981
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 982
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 983
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 984
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 985
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 986
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 987
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 988
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 989
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 990
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 991
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 992
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 993
penetration in violation of former section 2907.12 of the Revised 994
Code, a violation of section 2905.04 of the Revised Code as it 995
existed prior to July 1, 1996, a violation of section 2919.23 of 996
the Revised Code that would have been a violation of section 997
2905.04 of the Revised Code as it existed prior to July 1, 1996, 998
had the violation been committed prior to that date; 999

(b) A violation of an existing or former municipal ordinance 1000
or law of this state, any other state, or the United States that 1001
is substantially equivalent to any of the offenses listed in 1002
division (A)(5)(a) of this section. 1003

(6) On receipt of a request pursuant to section 3701.881 of 1004
the Revised Code with respect to an applicant for employment with 1005
a home health agency in a position that involves providing direct 1006

care to an older adult, a completed form prescribed pursuant to 1007
division (C)(1) of this section, and a set of fingerprint 1008
impressions obtained in the manner described in division (C)(2) of 1009
this section, the superintendent of the bureau of criminal 1010
identification and investigation shall conduct a criminal records 1011
check. The superintendent shall conduct the criminal records check 1012
in the manner described in division (B) of this section to 1013
determine whether any information exists that indicates that the 1014
person who is the subject of the request previously has been 1015
convicted of or pleaded guilty to any of the following: 1016

(a) A violation of section 2903.01, 2903.02, 2903.03, 1017
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1018
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1019
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1020
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1021
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1022
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1023
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1024
2925.22, 2925.23, or 3716.11 of the Revised Code; 1025

(b) An existing or former law of this state, any other state, 1026
or the United States that is substantially equivalent to any of 1027
the offenses listed in division (A)(6)(a) of this section. 1028

(7) When conducting a criminal records check upon a request 1029
pursuant to section 3319.39 of the Revised Code for an applicant 1030
who is a teacher, in addition to the determination made under 1031
division (A)(1) of this section, the superintendent shall 1032
determine whether any information exists that indicates that the 1033
person who is the subject of the request previously has been 1034
convicted of or pleaded guilty to any offense specified in section 1035
3319.31 of the Revised Code. 1036

(8) On receipt of a request pursuant to section 2151.86 of 1037
the Revised Code, a completed form prescribed pursuant to division 1038

(C)(1) of this section, and a set of fingerprint impressions 1039
obtained in the manner described in division (C)(2) of this 1040
section, the superintendent of the bureau of criminal 1041
identification and investigation shall conduct a criminal records 1042
check in the manner described in division (B) of this section to 1043
determine whether any information exists that indicates that the 1044
person who is the subject of the request previously has been 1045
convicted of or pleaded guilty to any of the following: 1046

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1047
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1048
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1049
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1050
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1051
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1052
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1053
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1054
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1055
of the Revised Code, a violation of section 2905.04 of the Revised 1056
Code as it existed prior to July 1, 1996, a violation of section 1057
2919.23 of the Revised Code that would have been a violation of 1058
section 2905.04 of the Revised Code as it existed prior to July 1, 1059
1996, had the violation been committed prior to that date, a 1060
violation of section 2925.11 of the Revised Code that is not a 1061
minor drug possession offense, two or more OVI or OVUAC violations 1062
committed within the three years immediately preceding the 1063
submission of the application or petition that is the basis of the 1064
request, or felonious sexual penetration in violation of former 1065
section 2907.12 of the Revised Code; 1066

(b) A violation of an existing or former law of this state, 1067
any other state, or the United States that is substantially 1068
equivalent to any of the offenses listed in division (A)(8)(a) of 1069
this section. 1070

(9) Upon receipt of a request pursuant to section 5104.012 or 1071
5104.013 of the Revised Code, a completed form prescribed pursuant 1072
to division (C)(1) of this section, and a set of fingerprint 1073
impressions obtained in the manner described in division (C)(2) of 1074
this section, the superintendent of the bureau of criminal 1075
identification and investigation shall conduct a criminal records 1076
check in the manner described in division (B) of this section to 1077
determine whether any information exists that indicates that the 1078
person who is the subject of the request has been convicted of or 1079
pleaded guilty to any of the following: 1080

(a) A violation of section 2903.01, 2903.02, 2903.03, 1081
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1082
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1083
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1084
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1085
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1086
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1087
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1088
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1089
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1090
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1091
3716.11 of the Revised Code, felonious sexual penetration in 1092
violation of former section 2907.12 of the Revised Code, a 1093
violation of section 2905.04 of the Revised Code as it existed 1094
prior to July 1, 1996, a violation of section 2919.23 of the 1095
Revised Code that would have been a violation of section 2905.04 1096
of the Revised Code as it existed prior to July 1, 1996, had the 1097
violation been committed prior to that date, a violation of 1098
section 2925.11 of the Revised Code that is not a minor drug 1099
possession offense, a violation of section 2923.02 or 2923.03 of 1100
the Revised Code that relates to a crime specified in this 1101
division, or a second violation of section 4511.19 of the Revised 1102
Code within five years of the date of application for licensure or 1103

certification. 1104

(b) A violation of an existing or former law of this state, 1105
any other state, or the United States that is substantially 1106
equivalent to any of the offenses or violations described in 1107
division (A)(9)(a) of this section. 1108

(10) Upon receipt of a request pursuant to section 5153.111 1109
of the Revised Code, a completed form prescribed pursuant to 1110
division (C)(1) of this section, and a set of fingerprint 1111
impressions obtained in the manner described in division (C)(2) of 1112
this section, the superintendent of the bureau of criminal 1113
identification and investigation shall conduct a criminal records 1114
check in the manner described in division (B) of this section to 1115
determine whether any information exists that indicates that the 1116
person who is the subject of the request previously has been 1117
convicted of or pleaded guilty to any of the following: 1118

(a) A violation of section 2903.01, 2903.02, 2903.03, 1119
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1120
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1121
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1122
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1123
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1124
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1125
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1126
felonious sexual penetration in violation of former section 1127
2907.12 of the Revised Code, a violation of section 2905.04 of the 1128
Revised Code as it existed prior to July 1, 1996, a violation of 1129
section 2919.23 of the Revised Code that would have been a 1130
violation of section 2905.04 of the Revised Code as it existed 1131
prior to July 1, 1996, had the violation been committed prior to 1132
that date, or a violation of section 2925.11 of the Revised Code 1133
that is not a minor drug possession offense; 1134

(b) A violation of an existing or former law of this state, 1135

any other state, or the United States that is substantially 1136
equivalent to any of the offenses listed in division (A)(10)(a) of 1137
this section. 1138

(11) On receipt of a request for a criminal records check 1139
from an individual pursuant to section 4749.03 or 4749.06 of the 1140
Revised Code, accompanied by a completed copy of the form 1141
prescribed in division (C)(1) of this section and a set of 1142
fingerprint impressions obtained in a manner described in division 1143
(C)(2) of this section, the superintendent of the bureau of 1144
criminal identification and investigation shall conduct a criminal 1145
records check in the manner described in division (B) of this 1146
section to determine whether any information exists indicating 1147
that the person who is the subject of the request has been 1148
convicted of or pleaded guilty to a felony in this state or in any 1149
other state. If the individual indicates that a firearm will be 1150
carried in the course of business, the superintendent shall 1151
require information from the federal bureau of investigation as 1152
described in division (B)(2) of this section. The superintendent 1153
shall report the findings of the criminal records check and any 1154
information the federal bureau of investigation provides to the 1155
director of public safety. 1156

(12) On receipt of a request pursuant to section 1321.37, 1157
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1158
Code, a completed form prescribed pursuant to division (C)(1) of 1159
this section, and a set of fingerprint impressions obtained in the 1160
manner described in division (C)(2) of this section, the 1161
superintendent of the bureau of criminal identification and 1162
investigation shall conduct a criminal records check with respect 1163
to any person who has applied for a license, permit, or 1164
certification from the department of commerce or a division in the 1165
department. The superintendent shall conduct the criminal records 1166
check in the manner described in division (B) of this section to 1167

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, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(13) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 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, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by a completed form prescribed under 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 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 has been convicted of or pleaded guilty to any criminal offense in this state or any other state. The superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(14) On receipt of a request pursuant to section 1121.23, 1201
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1202
Code, a completed form prescribed pursuant to division (C)(1) of 1203
this section, and a set of fingerprint impressions obtained in the 1204
manner described in division (C)(2) of this section, the 1205
superintendent of the bureau of criminal identification and 1206
investigation shall conduct a criminal records check in the manner 1207
described in division (B) of this section to determine whether any 1208
information exists that indicates that the person who is the 1209
subject of the request previously has been convicted of or pleaded 1210
guilty to any criminal offense under any existing or former law of 1211
this state, any other state, or the United States. 1212

(15) On receipt of a request for a criminal records check 1213
from an appointing or licensing authority under section 3772.07 of 1214
the Revised Code, a completed form prescribed under division 1215
(C)(1) of this section, and a set of fingerprint impressions 1216
obtained in the manner prescribed in division (C)(2) of this 1217
section, the superintendent of the bureau of criminal 1218
identification and investigation shall conduct a criminal records 1219
check in the manner described in division (B) of this section to 1220
determine whether any information exists that indicates that the 1221
person who is the subject of the request previously has been 1222
convicted of or pleaded guilty or no contest to any offense under 1223
any existing or former law of this state, any other state, or the 1224
United States that is a disqualifying offense as defined in 1225
section 3772.07 of the Revised Code or substantially equivalent to 1226
such an offense. 1227

(16) Not later than thirty days after the date the 1228
superintendent receives a request of a type described in division 1229
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 1230
~~or~~ (14), or (15) of this section, the completed form, and the 1231
fingerprint impressions, the superintendent shall send the person, 1232

board, or entity that made the request any information, other than 1233
information the dissemination of which is prohibited by federal 1234
law, the superintendent determines exists with respect to the 1235
person who is the subject of the request that indicates that the 1236
person previously has been convicted of or pleaded guilty to any 1237
offense listed or described in division (A)(1), (2), (3), (4), 1238
(5), (6), (7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of 1239
this section, as appropriate. The superintendent shall send the 1240
person, board, or entity that made the request a copy of the list 1241
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 1242
(7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of this section, 1243
as appropriate. If the request was made under section 3701.881 of 1244
the Revised Code with regard to an applicant who may be both 1245
responsible for the care, custody, or control of a child and 1246
involved in providing direct care to an older adult, the 1247
superintendent shall provide a list of the offenses specified in 1248
divisions (A)(4) and (6) of this section. 1249

Not later than thirty days after the superintendent receives 1250
a request for a criminal records check pursuant to section 113.041 1251
of the Revised Code, the completed form, and the fingerprint 1252
impressions, the superintendent shall send the treasurer of state 1253
any information, other than information the dissemination of which 1254
is prohibited by federal law, the superintendent determines exist 1255
with respect to the person who is the subject of the request that 1256
indicates that the person previously has been convicted of or 1257
pleaded guilty to any criminal offense in this state or any other 1258
state. 1259

(B) The superintendent shall conduct any criminal records 1260
check requested under section 113.041, 121.08, 173.27, 173.394, 1261
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1262
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1263
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 1264

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1265
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1266
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1267
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1268
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1269
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1270
5126.281, or 5153.111 of the Revised Code as follows: 1271

(1) The superintendent shall review or cause to be reviewed 1272
any relevant information gathered and compiled by the bureau under 1273
division (A) of section 109.57 of the Revised Code that relates to 1274
the person who is the subject of the request, including, if the 1275
criminal records check was requested under section 113.041, 1276
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1277
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1278
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1279
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1280
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1281
5153.111 of the Revised Code, any relevant information contained 1282
in records that have been sealed under section 2953.32 of the 1283
Revised Code; 1284

(2) If the request received by the superintendent asks for 1285
information from the federal bureau of investigation, the 1286
superintendent shall request from the federal bureau of 1287
investigation any information it has with respect to the person 1288
who is the subject of the request, including fingerprint-based 1289
checks of national crime information databases as described in 42 1290
U.S.C. 671 if the request is made pursuant to section 2151.86, 1291
5104.012, or 5104.013 of the Revised Code or if any other Revised 1292
Code section requires fingerprint-based checks of that nature, and 1293
shall review or cause to be reviewed any information the 1294
superintendent receives from that bureau. If a request under 1295
section 3319.39 of the Revised Code asks only for information from 1296

the federal bureau of investigation, the superintendent shall not 1297
conduct the review prescribed by division (B)(1) of this section. 1298

(3) The superintendent or the superintendent's designee may 1299
request criminal history records from other states or the federal 1300
government pursuant to the national crime prevention and privacy 1301
compact set forth in section 109.571 of the Revised Code. 1302

(C)(1) The superintendent shall prescribe a form to obtain 1303
the information necessary to conduct a criminal records check from 1304
any person for whom a criminal records check is requested under 1305
section 113.041 of the Revised Code or required by section 121.08, 1306
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1307
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1308
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 1309
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 1310
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1311
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 1312
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 1313
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1314
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1315
5126.281, or 5153.111 of the Revised Code. The form that the 1316
superintendent prescribes pursuant to this division may be in a 1317
tangible format, in an electronic format, or in both tangible and 1318
electronic formats. 1319

(2) The superintendent shall prescribe standard impression 1320
sheets to obtain the fingerprint impressions of any person for 1321
whom a criminal records check is requested under section 113.041 1322
of the Revised Code or required by section 121.08, 173.27, 1323
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1324
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1325
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 1326
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1327
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1328

4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1329
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1330
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1331
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1332
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1333
records check is requested under or required by any of those 1334
sections shall obtain the fingerprint impressions at a county 1335
sheriff's office, municipal police department, or any other entity 1336
with the ability to make fingerprint impressions on the standard 1337
impression sheets prescribed by the superintendent. The office, 1338
department, or entity may charge the person a reasonable fee for 1339
making the impressions. The standard impression sheets the 1340
superintendent prescribes pursuant to this division may be in a 1341
tangible format, in an electronic format, or in both tangible and 1342
electronic formats. 1343

(3) Subject to division (D) of this section, the 1344
superintendent shall prescribe and charge a reasonable fee for 1345
providing a criminal records check requested under section 1346
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1347
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1348
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1349
3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 1350
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1351
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 1352
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 1353
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 1354
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1355
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 1356
person making a criminal records request under any of those 1357
sections shall pay the fee prescribed pursuant to this division. A 1358
person making a request under section 3701.881 of the Revised Code 1359
for a criminal records check for an applicant who may be both 1360
responsible for the care, custody, or control of a child and 1361

involved in providing direct care to an older adult shall pay one 1362
fee for the request. In the case of a request under section 1363
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 1364
of the Revised Code, the fee shall be paid in the manner specified 1365
in that section. 1366

(4) The superintendent of the bureau of criminal 1367
identification and investigation may prescribe methods of 1368
forwarding fingerprint impressions and information necessary to 1369
conduct a criminal records check, which methods shall include, but 1370
not be limited to, an electronic method. 1371

(D) A determination whether any information exists that 1372
indicates that a person previously has been convicted of or 1373
pleaded guilty to any offense listed or described in division 1374
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1375
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1376
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), ~~or~~ (A)(14), or 1377
(A)(15) of this section, or that indicates that a person 1378
previously has been convicted of or pleaded guilty to any criminal 1379
offense in this state or any other state regarding a criminal 1380
records check of a type described in division (A)(13) of this 1381
section, and that is made by the superintendent with respect to 1382
information considered in a criminal records check in accordance 1383
with this section is valid for the person who is the subject of 1384
the criminal records check for a period of one year from the date 1385
upon which the superintendent makes the determination. During the 1386
period in which the determination in regard to a person is valid, 1387
if another request under this section is made for a criminal 1388
records check for that person, the superintendent shall provide 1389
the information that is the basis for the superintendent's initial 1390
determination at a lower fee than the fee prescribed for the 1391
initial criminal records check. 1392

(E) As used in this section: 1393

(1) "Criminal records check" means any criminal records check 1394
conducted by the superintendent of the bureau of criminal 1395
identification and investigation in accordance with division (B) 1396
of this section. 1397

(2) "Minor drug possession offense" has the same meaning as 1398
in section 2925.01 of the Revised Code. 1399

(3) "Older adult" means a person age sixty or older. 1400

(4) "OVI or OVUAC violation" means a violation of section 1401
4511.19 of the Revised Code or a violation of an existing or 1402
former law of this state, any other state, or the United States 1403
that is substantially equivalent to section 4511.19 of the Revised 1404
Code. 1405

Sec. 109.71. There is hereby created in the office of the 1406
attorney general the Ohio peace officer training commission. The 1407
commission shall consist of nine members appointed by the governor 1408
with the advice and consent of the senate and selected as follows: 1409
one member representing the public; two members who are incumbent 1410
sheriffs; two members who are incumbent chiefs of police; one 1411
member from the bureau of criminal identification and 1412
investigation; one member from the state highway patrol; one 1413
member who is the special agent in charge of a field office of the 1414
federal bureau of investigation in this state; and one member from 1415
the department of education, trade and industrial education 1416
services, law enforcement training. 1417

This section does not confer any arrest authority or any 1418
ability or authority to detain a person, write or issue any 1419
citation, or provide any disposition alternative, as granted under 1420
Chapter 2935. of the Revised Code. 1421

As used in sections 109.71 to 109.801 of the Revised Code: 1422

(A) "Peace officer" means: 1423

(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;

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

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

(4) An undercover drug agent;

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

(6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a park officer designated pursuant to section 1541.10, a forest officer designated pursuant to section 1503.29, a preserve officer designated pursuant to section

1517.10, a wildlife officer designated pursuant to section	1455
1531.13, or a state watercraft officer designated pursuant to	1456
section 1547.521 of the Revised Code;	1457
(7) An employee of a park district who is designated pursuant	1458
to section 511.232 or 1545.13 of the Revised Code;	1459
(8) An employee of a conservancy district who is designated	1460
pursuant to section 6101.75 of the Revised Code;	1461
(9) A police officer who is employed by a hospital that	1462
employs and maintains its own proprietary police department or	1463
security department, and who is appointed and commissioned by the	1464
secretary of state pursuant to sections 4973.17 to 4973.22 of the	1465
Revised Code;	1466
(10) Veterans' homes police officers designated under section	1467
5907.02 of the Revised Code;	1468
(11) A police officer who is employed by a qualified	1469
nonprofit corporation police department pursuant to section	1470
1702.80 of the Revised Code;	1471
(12) A state university law enforcement officer appointed	1472
under section 3345.04 of the Revised Code or a person serving as a	1473
state university law enforcement officer on a permanent basis on	1474
June 19, 1978, who has been awarded a certificate by the executive	1475
director of the Ohio peace officer training commission attesting	1476
to the person's satisfactory completion of an approved state,	1477
county, municipal, or department of natural resources peace	1478
officer basic training program;	1479
(13) A special police officer employed by the department of	1480
mental health pursuant to section 5119.14 of the Revised Code or	1481
the department of developmental disabilities pursuant to section	1482
5123.13 of the Revised Code;	1483
(14) A member of a campus police department appointed under	1484

section 1713.50 of the Revised Code; 1485

(15) A member of a police force employed by a regional 1486
transit authority under division (Y) of section 306.35 of the 1487
Revised Code; 1488

(16) Investigators appointed by the auditor of state pursuant 1489
to section 117.091 of the Revised Code and engaged in the 1490
enforcement of Chapter 117. of the Revised Code; 1491

(17) A special police officer designated by the 1492
superintendent of the state highway patrol pursuant to section 1493
5503.09 of the Revised Code or a person who was serving as a 1494
special police officer pursuant to that section on a permanent 1495
basis on October 21, 1997, and who has been awarded a certificate 1496
by the executive director of the Ohio peace officer training 1497
commission attesting to the person's satisfactory completion of an 1498
approved state, county, municipal, or department of natural 1499
resources peace officer basic training program; 1500

(18) A special police officer employed by a port authority 1501
under section 4582.04 or 4582.28 of the Revised Code or a person 1502
serving as a special police officer employed by a port authority 1503
on a permanent basis on May 17, 2000, who has been awarded a 1504
certificate by the executive director of the Ohio peace officer 1505
training commission attesting to the person's satisfactory 1506
completion of an approved state, county, municipal, or department 1507
of natural resources peace officer basic training program; 1508

(19) A special police officer employed by a municipal 1509
corporation who has been awarded a certificate by the executive 1510
director of the Ohio peace officer training commission for 1511
satisfactory completion of an approved peace officer basic 1512
training program and who is employed on a permanent basis on or 1513
after March 19, 2003, at a municipal airport, or other municipal 1514
air navigation facility, that has scheduled operations, as defined 1515

in section 119.3 of Title 14 of the Code of Federal Regulations, 1516
14 C.F.R. 119.3, as amended, and that is required to be under a 1517
security program and is governed by aviation security rules of the 1518
transportation security administration of the United States 1519
department of transportation as provided in Parts 1542. and 1544. 1520
of Title 49 of the Code of Federal Regulations, as amended; 1521

(20) A police officer who is employed by an owner or operator 1522
of an amusement park that has an average yearly attendance in 1523
excess of six hundred thousand guests and that employs and 1524
maintains its own proprietary police department or security 1525
department, and who is appointed and commissioned by a judge of 1526
the appropriate municipal court or county court pursuant to 1527
section 4973.17 of the Revised Code; 1528

(21) A police officer who is employed by a bank, savings and 1529
loan association, savings bank, credit union, or association of 1530
banks, savings and loan associations, savings banks, or credit 1531
unions, who has been appointed and commissioned by the secretary 1532
of state pursuant to sections 4973.17 to 4973.22 of the Revised 1533
Code, and who has been awarded a certificate by the executive 1534
director of the Ohio peace officer training commission attesting 1535
to the person's satisfactory completion of a state, county, 1536
municipal, or department of natural resources peace officer basic 1537
training program; 1538

(22) An investigator, as defined in section 109.541 of the 1539
Revised Code, of the bureau of criminal identification and 1540
investigation who is commissioned by the superintendent of the 1541
bureau as a special agent for the purpose of assisting law 1542
enforcement officers or providing emergency assistance to peace 1543
officers pursuant to authority granted under that section; 1544

(23) A state fire marshal law enforcement officer appointed 1545
under section 3737.22 of the Revised Code or a person serving as a 1546
state fire marshal law enforcement officer on a permanent basis on 1547

or after July 1, 1982, 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;

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

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

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

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

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

(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously 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:

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

(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;	1578
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	1579 1580
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1581 1582
(e) A state university law enforcement officer;	1583
(f) 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;	1584 1585 1586 1587
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1588 1589 1590
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	1591 1592
(i) 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;	1593 1594 1595 1596 1597 1598 1599 1600 1601
<u>(j) A gaming agent employed under section 3772.03 of the Revised Code.</u>	1602 1603
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time	1604 1605 1606 1607

prescribed by rules adopted by the attorney general pursuant to 1608
section 109.74 of the Revised Code, satisfactorily completes a 1609
state, county, municipal, or department of natural resources peace 1610
officer basic training program for temporary or probationary 1611
officers and is awarded a certificate by the director attesting to 1612
the satisfactory completion of the program: 1613

(a) A peace officer of any county, township, municipal 1614
corporation, regional transit authority, or metropolitan housing 1615
authority; 1616

(b) A natural resources law enforcement staff officer, park 1617
officer, forest officer, preserve officer, wildlife officer, or 1618
state watercraft officer of the department of natural resources; 1619

(c) An employee of a park district under section 511.232 or 1620
1545.13 of the Revised Code; 1621

(d) An employee of a conservancy district who is designated 1622
pursuant to section 6101.75 of the Revised Code; 1623

(e) A special police officer employed by the department of 1624
mental health pursuant to section 5119.14 of the Revised Code or 1625
the department of developmental disabilities pursuant to section 1626
5123.13 of the Revised Code; 1627

(f) An enforcement agent of the department of public safety 1628
whom the director of public safety designates under section 1629
5502.14 of the Revised Code; 1630

(g) A special police officer employed by a port authority 1631
under section 4582.04 or 4582.28 of the Revised Code; 1632

(h) A special police officer employed by a municipal 1633
corporation at a municipal airport, or other municipal air 1634
navigation facility, that has scheduled operations, as defined in 1635
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1636
C.F.R. 119.3, as amended, and that is required to be under a 1637

security program and is governed by aviation security rules of the 1638
transportation security administration of the United States 1639
department of transportation as provided in Parts 1542. and 1544. 1640
of Title 49 of the Code of Federal Regulations, as amended. 1641

(3) For purposes of division (B) of this section, a state, 1642
county, municipal, or department of natural resources peace 1643
officer basic training program, regardless of whether the program 1644
is to be completed by peace officers appointed on a permanent or 1645
temporary, probationary, or other nonpermanent basis, shall 1646
include training in the handling of the offense of domestic 1647
violence, other types of domestic violence-related offenses and 1648
incidents, and protection orders and consent agreements issued or 1649
approved under section 2919.26 or 3113.31 of the Revised Code and 1650
crisis intervention training. The requirement to complete training 1651
in the handling of the offense of domestic violence, other types 1652
of domestic violence-related offenses and incidents, and 1653
protection orders and consent agreements issued or approved under 1654
section 2919.26 or 3113.31 of the Revised Code does not apply to 1655
any person serving as a peace officer on March 27, 1979, and the 1656
requirement to complete training in crisis intervention does not 1657
apply to any person serving as a peace officer on April 4, 1985. 1658
Any person who is serving as a peace officer on April 4, 1985, who 1659
terminates that employment after that date, and who subsequently 1660
is hired as a peace officer by the same or another law enforcement 1661
agency shall complete training in crisis intervention as 1662
prescribed by rules adopted by the attorney general pursuant to 1663
section 109.742 of the Revised Code. No peace officer shall have 1664
employment as a peace officer terminated and then be reinstated 1665
with intent to circumvent this section. 1666

(4) Division (B) of this section does not apply to any person 1667
serving on a permanent basis on March 28, 1985, as a park officer, 1668
forest officer, preserve officer, wildlife officer, or state 1669

watercraft officer of the department of natural resources or as an 1670
employee of a park district under section 511.232 or 1545.13 of 1671
the Revised Code, to any person serving on a permanent basis on 1672
March 6, 1986, as an employee of a conservancy district designated 1673
pursuant to section 6101.75 of the Revised Code, to any person 1674
serving on a permanent basis on January 10, 1991, as a preserve 1675
officer of the department of natural resources, to any person 1676
employed on a permanent basis on July 2, 1992, as a special police 1677
officer by the department of mental health pursuant to section 1678
5119.14 of the Revised Code or by the department of developmental 1679
disabilities pursuant to section 5123.13 of the Revised Code, to 1680
any person serving on a permanent basis on May 17, 2000, as a 1681
special police officer employed by a port authority under section 1682
4582.04 or 4582.28 of the Revised Code, to any person serving on a 1683
permanent basis on March 19, 2003, as a special police officer 1684
employed by a municipal corporation at a municipal airport or 1685
other municipal air navigation facility described in division 1686
(A)(19) of section 109.71 of the Revised Code, to any person 1687
serving on a permanent basis on June 19, 1978, as a state 1688
university law enforcement officer pursuant to section 3345.04 of 1689
the Revised Code and who, immediately prior to June 19, 1978, was 1690
serving as a special police officer designated under authority of 1691
that section, or to any person serving on a permanent basis on 1692
September 20, 1984, as a liquor control investigator, known after 1693
June 30, 1999, as an enforcement agent of the department of public 1694
safety, engaged in the enforcement of Chapters 4301. and 4303. of 1695
the Revised Code. 1696

(5) Division (B) of this section does not apply to any person 1697
who is appointed as a regional transit authority police officer 1698
pursuant to division (Y) of section 306.35 of the Revised Code if, 1699
on or before July 1, 1996, the person has completed satisfactorily 1700
an approved state, county, municipal, or department of natural 1701
resources peace officer basic training program and has been 1702

awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of such an approved program and if, on July 1, 1996, the person is performing peace officer functions for a regional transit authority.

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously 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 police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

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

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

(2) Has successfully completed a firearms training program 1735
approved by the Ohio peace officer training commission prior to 1736
employment as a bailiff, deputy bailiff, or criminal investigator; 1737

(3) Prior to June 6, 1986, was authorized to carry a firearm 1738
by the court that employed the bailiff or deputy bailiff or, in 1739
the case of a criminal investigator, by the state public defender 1740
and has received training in the use of firearms that the Ohio 1741
peace officer training commission determines is equivalent to the 1742
training that otherwise is required by division (D) of this 1743
section. 1744

(E)(1) Before a person seeking a certificate completes an 1745
approved peace officer basic training program, the executive 1746
director of the Ohio peace officer training commission shall 1747
request the person to disclose, and the person shall disclose, any 1748
previous criminal conviction of or plea of guilty of that person 1749
to a felony. 1750

(2) Before a person seeking a certificate completes an 1751
approved peace officer basic training program, the executive 1752
director shall request a criminal history records check on the 1753
person. The executive director shall submit the person's 1754
fingerprints to the bureau of criminal identification and 1755
investigation, which shall submit the fingerprints to the federal 1756
bureau of investigation for a national criminal history records 1757
check. 1758

Upon receipt of the executive director's request, the bureau 1759
of criminal identification and investigation and the federal 1760
bureau of investigation shall conduct a criminal history records 1761
check on the person and, upon completion of the check, shall 1762
provide a copy of the criminal history records check to the 1763
executive director. The executive director shall not award any 1764
certificate prescribed in this section unless the executive 1765
director has received a copy of the criminal history records check 1766

on the person to whom the certificate is to be awarded. 1767

(3) The executive director of the commission shall not award 1768
a certificate prescribed in this section to a person who has been 1769
convicted of or has pleaded guilty to a felony or who fails to 1770
disclose any previous criminal conviction of or plea of guilty to 1771
a felony as required under division (E)(1) of this section. 1772

(4) The executive director of the commission shall revoke the 1773
certificate awarded to a person as prescribed in this section, and 1774
that person shall forfeit all of the benefits derived from being 1775
certified as a peace officer under this section, if the person, 1776
before completion of an approved peace officer basic training 1777
program, failed to disclose any previous criminal conviction of or 1778
plea of guilty to a felony as required under division (E)(1) of 1779
this section. 1780

(F)(1) Regardless of whether the person has been awarded the 1781
certificate or has been classified as a peace officer prior to, 1782
on, or after October 16, 1996, the executive director of the Ohio 1783
peace officer training commission shall revoke any certificate 1784
that has been awarded to a person as prescribed in this section if 1785
the person does either of the following: 1786

(a) Pleads guilty to a felony committed on or after January 1, 1997; 1787
1788

(b) Pleads guilty to a misdemeanor committed on or after 1789
January 1, 1997, pursuant to a negotiated plea agreement as 1790
provided in division (D) of section 2929.43 of the Revised Code in 1791
which the person agrees to surrender the certificate awarded to 1792
the person under this section. 1793

(2) The executive director of the commission shall suspend 1794
any certificate that has been awarded to a person as prescribed in 1795
this section if the person is convicted, after trial, of a felony 1796
committed on or after January 1, 1997. The executive director 1797

shall suspend the certificate pursuant to division (F)(2) of this 1798
section pending the outcome of an appeal by the person from that 1799
conviction to the highest court to which the appeal is taken or 1800
until the expiration of the period in which an appeal is required 1801
to be filed. If the person files an appeal that results in that 1802
person's acquittal of the felony or conviction of a misdemeanor, 1803
or in the dismissal of the felony charge against that person, the 1804
executive director shall reinstate the certificate awarded to the 1805
person under this section. If the person files an appeal from that 1806
person's conviction of the felony and the conviction is upheld by 1807
the highest court to which the appeal is taken or if the person 1808
does not file a timely appeal, the executive director shall revoke 1809
the certificate awarded to the person under this section. 1810

(G)(1) If a person is awarded a certificate under this 1811
section and the certificate is revoked pursuant to division (E)(4) 1812
or (F) of this section, the person shall not be eligible to 1813
receive, at any time, a certificate attesting to the person's 1814
satisfactory completion of a peace officer basic training program. 1815

(2) The revocation or suspension of a certificate under 1816
division (E)(4) or (F) of this section shall be in accordance with 1817
Chapter 119. of the Revised Code. 1818

(H)(1) A person who was employed as a peace officer of a 1819
county, township, or municipal corporation of the state on January 1820
1, 1966, and who has completed at least sixteen years of full-time 1821
active service as such a peace officer, or equivalent service as 1822
determined by the executive director of the Ohio peace officer 1823
training commission, may receive an original appointment on a 1824
permanent basis and serve as a peace officer of a county, 1825
township, or municipal corporation, or as a state university law 1826
enforcement officer, without complying with the requirements of 1827
division (B) of this section. 1828

(2) Any person who held an appointment as a state highway 1829

trooper on January 1, 1966, may receive an original appointment on 1830
a permanent basis and serve as a peace officer of a county, 1831
township, or municipal corporation, or as a state university law 1832
enforcement officer, without complying with the requirements of 1833
division (B) of this section. 1834

(I) No person who is appointed as a peace officer of a 1835
county, township, or municipal corporation on or after April 9, 1836
1985, shall serve as a peace officer of that county, township, or 1837
municipal corporation unless the person has received training in 1838
the handling of missing children and child abuse and neglect cases 1839
from an approved state, county, township, or municipal police 1840
officer basic training program or receives the training within the 1841
time prescribed by rules adopted by the attorney general pursuant 1842
to section 109.741 of the Revised Code. 1843

(J) No part of any approved state, county, or municipal basic 1844
training program for bailiffs and deputy bailiffs of courts of 1845
record and no part of any approved state, county, or municipal 1846
basic training program for criminal investigators employed by the 1847
state public defender shall be used as credit toward the 1848
completion by a peace officer of any part of the approved state, 1849
county, or municipal peace officer basic training program that the 1850
peace officer is required by this section to complete 1851
satisfactorily. 1852

(K) This section does not apply to any member of the police 1853
department of a municipal corporation in an adjoining state 1854
serving in this state under a contract pursuant to section 737.04 1855
of the Revised Code. 1856

Sec. 109.79. (A) The Ohio peace officer training commission 1857
shall establish and conduct a training school for law enforcement 1858
officers of any political subdivision of the state or of the state 1859
public defender's office. The school shall be known as the Ohio 1860

peace officer training academy. No bailiff or deputy bailiff of a 1861
court of record of this state and no criminal investigator 1862
employed by the state public defender shall be permitted to attend 1863
the academy for training unless the employing court of the bailiff 1864
or deputy bailiff or the state public defender, whichever is 1865
applicable, has authorized the bailiff, deputy bailiff, or 1866
investigator to attend the academy. 1867

The Ohio peace officer training commission shall develop the 1868
training program, which shall include courses in both the civil 1869
and criminal functions of law enforcement officers, a course in 1870
crisis intervention with six or more hours of training, and 1871
training in the handling of missing children and child abuse and 1872
neglect cases, and shall establish rules governing qualifications 1873
for admission to the academy. The commission may require 1874
competitive examinations to determine fitness of prospective 1875
trainees, so long as the examinations or other criteria for 1876
admission to the academy are consistent with the provisions of 1877
Chapter 124. of the Revised Code. 1878

The Ohio peace officer training commission shall determine 1879
tuition costs sufficient in the aggregate to pay the costs of 1880
operating the academy. The costs of acquiring and equipping the 1881
academy shall be paid from appropriations made by the general 1882
assembly to the Ohio peace officer training commission for that 1883
purpose, from gifts or grants received for that purpose, or from 1884
fees for goods related to the academy. 1885

The Ohio peace officer training commission shall create a 1886
gaming-related curriculum for gaming agents. The Ohio peace 1887
officer training commission shall use money distributed to the 1888
Ohio peace officer training academy from the Ohio law enforcement 1889
training fund to first support the academy's training programs for 1890
gaming agents and gaming-related curriculum. The Ohio peace 1891
officer training commission may utilize existing training programs 1892

in other states that specialize in training gaming agents. 1893

The law enforcement officers, during the period of their 1894
training, shall receive compensation as determined by the 1895
political subdivision that sponsors them or, if the officer is a 1896
criminal investigator employed by the state public defender, as 1897
determined by the state public defender. The political subdivision 1898
may pay the tuition costs of the law enforcement officers they 1899
sponsor and the state public defender may pay the tuition costs of 1900
criminal investigators of that office who attend the academy. 1901

If trainee vacancies exist, the academy may train and issue 1902
certificates of satisfactory completion to peace officers who are 1903
employed by a campus police department pursuant to section 1713.50 1904
of the Revised Code, by a qualified nonprofit corporation police 1905
department pursuant to section 1702.80 of the Revised Code, or by 1906
a railroad company, who are amusement park police officers 1907
appointed and commissioned by a judge of the appropriate municipal 1908
court or county court pursuant to section 4973.17 of the Revised 1909
Code, or who are bank, savings and loan association, savings bank, 1910
credit union, or association of banks, savings and loan 1911
associations, savings banks, or credit unions, or hospital police 1912
officers appointed and commissioned by the secretary of state 1913
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 1914
provided that no such officer shall be trained at the academy 1915
unless the officer meets the qualifications established for 1916
admission to the academy and the qualified nonprofit corporation 1917
police department; bank, savings and loan association, savings 1918
bank, credit union, or association of banks, savings and loan 1919
associations, savings banks, or credit unions; railroad company; 1920
hospital; or amusement park or the private college or university 1921
that established the campus police department prepays the entire 1922
cost of the training. A qualified nonprofit corporation police 1923
department; bank, savings and loan association, savings bank, 1924

credit union, or association of banks, savings and loan 1925
associations, savings banks, or credit unions; railroad company; 1926
hospital; or amusement park or a private college or university 1927
that has established a campus police department is not entitled to 1928
reimbursement from the state for any amount paid for the cost of 1929
training the bank, savings and loan association, savings bank, 1930
credit union, or association of banks, savings and loan 1931
associations, savings banks, or credit unions peace officers; the 1932
railroad company's peace officers; or the peace officers of the 1933
qualified nonprofit corporation police department, campus police 1934
department, hospital, or amusement park. 1935

The academy shall permit investigators employed by the state 1936
medical board to take selected courses that the board determines 1937
are consistent with its responsibilities for initial and 1938
continuing training of investigators as required under sections 1939
4730.26 and 4731.05 of the Revised Code. The board shall pay the 1940
entire cost of training that investigators receive at the academy. 1941

(B) As used in this section: 1942

(1) "Law enforcement officers" include any undercover drug 1943
agent, any bailiff or deputy bailiff of a court of record, and any 1944
criminal investigator who is employed by the state public 1945
defender. 1946

(2) "Undercover drug agent" means any person who: 1947

(a) Is employed by a county, township, or municipal 1948
corporation for the purposes set forth in division (B)(2)(b) of 1949
this section but who is not an employee of a county sheriff's 1950
department, of a township constable, or of the police department 1951
of a municipal corporation or township; 1952

(b) In the course of the person's employment by a county, 1953
township, or municipal corporation, investigates and gathers 1954
information pertaining to persons who are suspected of violating 1955

Chapter 2925. or 3719. of the Revised Code, and generally does not wear a uniform in the performance of the person's duties.

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

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

Sec. 121.54. As it relates in any way to state funds or public officials subject to the investigatory authority of the inspector general, the inspector general may investigate all wrongful acts or omissions that have been committed by or are being committed by any member of the Ohio casino control commission or its employees.

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

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

At the conclusion of an investigation conducted by the inspector general, the inspector general shall deliver to the executive director of the commission, depending on the subject of the investigation, and to the governor, any case for which remedial action is necessary. The inspector general shall maintain a public record of the activities of the inspector general to the

extent permitted under this section, ensuring that the rights of 1986
the parties involved in each case are protected. The inspector 1987
general shall include in the annual report required under section 1988
121.48 of the Revised Code a summary of the activities of the 1989
inspector general under this section during the previous year. 1990

No person shall disclose any information that is designated 1991
as confidential in accordance with section 121.44 of the Revised 1992
Code or any confidential information that is acquired in the 1993
course of an investigation conducted under this section to any 1994
person who is not legally entitled to disclosure of that 1995
information. 1996

As used in this section, "state agency" and "state employee" 1997
have the same meanings as in section 121.41 of the Revised Code. 1998

Sec. 121.60. As used in sections 121.60 to 121.69 of the 1999
Revised Code: 2000

(A) "Person" and "compensation" have the same meanings as in 2001
section 101.70 of the Revised Code. 2002

(B) "Expenditure" means any of the following that is made to, 2003
at the request of, for the benefit of, or on behalf of an elected 2004
executive official, the director of a department created under 2005
section 121.02 of the Revised Code, an executive agency official, 2006
or a member of the staff of any public officer or employee listed 2007
in this division: 2008

(1) A payment, distribution, loan, advance, deposit, 2009
reimbursement, or gift of money, real estate, or anything of 2010
value, including, but not limited to, food and beverages, 2011
entertainment, lodging, transportation, or honorariums; 2012

(2) A contract, promise, or agreement to make an expenditure, 2013
whether or not legally enforceable; 2014

(3) The purchase, sale, or gift of services or any other 2015

thing of value. "Expenditure" does not include a contribution, 2016
gift, or grant to a foundation or other charitable organization 2017
that is exempt from federal income taxation under subsection 2018
501(c)(3) of the Internal Revenue Code. "Expenditure" does not 2019
include the purchase, sale, or gift of services or any other thing 2020
of value that is available to the general public on the same terms 2021
as it is available to the persons listed in this division, or an 2022
offer or sale of securities to any person listed in this division 2023
that is governed by regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to 2024
~~2301.508~~ 230.508, adopted under the authority of the "Securities 2025
Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is 2026
governed by a comparable provision under state law. 2027

(C) "Employer" means any person who, directly or indirectly, 2028
engages an executive agency lobbyist. 2029

(D) "Engage" means to make any arrangement, and "engagement" 2030
means arrangement, whereby an individual is employed or retained 2031
for compensation to act for or on behalf of an employer to 2032
influence executive agency decisions or to conduct any executive 2033
agency lobbying activity. 2034

(E) "Financial transaction" means a transaction or activity 2035
that is conducted or undertaken for profit and arises from the 2036
joint ownership or the ownership or part ownership in common of 2037
any real or personal property or any commercial or business 2038
enterprise of whatever form or nature between the following: 2039

(1) An executive agency lobbyist, ~~his~~ the executive agency 2040
lobbyist's employer, or a member of the immediate family of the 2041
executive agency lobbyist or ~~his~~ the executive agency lobbyist's 2042
employer; and 2043

(2) Any elected executive official, the director of a 2044
department created under section 121.02 of the Revised Code, an 2045
executive agency official, or any member of the staff of a public 2046

officer or employee listed in division (E)(2) of this section. 2047

"Financial transaction" does not include any transaction or 2048
activity described in division (E) of this section if it is 2049
available to the general public on the same terms, or if it is an 2050
offer or sale of securities to any person listed in division 2051
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 2052
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 2053
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 2054
following, or that is governed by a comparable provision under 2055
state law. 2056

(F) "Executive agency" means the office of an elected 2057
executive official, a department created under section 121.02 of 2058
the Revised Code, or any other state agency, department, board, or 2059
commission controlled or directed by an elected executive official 2060
or otherwise subject to ~~his~~ an elected executive official's 2061
authority. "Executive agency" does not include any court, the 2062
general assembly, or the controlling board. 2063

(G) "Executive agency decision" means a decision of an 2064
executive agency regarding the expenditure of funds of the state 2065
or of an executive agency with respect to the award of a contract, 2066
grant, lease, or other financial arrangement under which such 2067
funds are distributed or allocated, or a regulatory decision of an 2068
executive agency or any board or commission of the state. 2069
"Executive agency decision" does not include either of the 2070
following: 2071

(1) A purchasing decision for which a vendor has filed a 2072
statement certifying that ~~he~~ the vendor has not made campaign 2073
contributions in an amount such that section 3517.13 of the 2074
Revised Code would invalidate the decision, if that vendor has not 2075
engaged an executive agency lobbyist; 2076

(2) The award of a competitively bid contract for which bid 2077

specifications were prepared and for which at least three eligible 2078
competitive bids were received by the executive agency. 2079

(H) "Executive agency lobbyist" means any person engaged to 2080
influence executive agency decisions or to conduct executive 2081
agency lobbying activity as one of ~~his~~ the person's main purposes 2082
on a regular and substantial basis. "Executive agency lobbyist" 2083
does not include an elected or appointed officer or employee of a 2084
federal or state agency, state college, state university, or 2085
political subdivision who attempts to influence or affect 2086
executive agency decisions in ~~his~~ a fiduciary capacity as a 2087
representative of ~~his~~ the officer's or employee's agency, college, 2088
university, or political subdivision. 2089

(I) "Executive agency lobbying activity" means contacts made 2090
to promote, oppose, or otherwise influence the outcome of an 2091
executive agency decision by direct communication with an elected 2092
executive official, the director of any department listed in 2093
section 121.02 of the Revised Code, any executive agency official, 2094
~~or~~ a member of the staff of any public officer or employee listed 2095
in this division, or the Ohio casino control commission. "Lobbying 2096
activity" does not include any of the following: 2097

(1) The action of any person having a direct interest in 2098
executive agency decisions who, under Section 3 of Article I, Ohio 2099
Constitution, assembles together with other persons to consult for 2100
their common good, instructs a person listed in the first 2101
paragraph of division (I) of this section, or petitions such a 2102
person for the redress of grievances; 2103

(2) Contacts made for the sole purpose of gathering 2104
information contained in a public record; 2105

(3) Appearances before an executive agency to give testimony. 2106

(J) "Executive agency official" means an officer or employee 2107
of an executive agency whose principal duties are to formulate 2108

policy or to participate directly or indirectly in the 2109
preparation, review, or award of contracts, grants, leases, or 2110
other financial arrangements with an executive agency. 2111

(K) "Aggrieved party" means a party entitled to resort to a 2112
remedy. 2113

(L) "Elected executive official" means the governor, 2114
lieutenant governor, secretary of state, auditor of state, 2115
treasurer of state, and the attorney general. 2116

(M) "Staff" means any officer or employee of an executive 2117
agency whose official duties are to formulate policy and who 2118
exercises administrative or supervisory authority or who 2119
authorizes the expenditure of state funds. 2120

Sec. 122.014. (A) The department of development shall 2121
coordinate with the secretary of state to create a single online 2122
small business resource center on the department's internet web 2123
site as a central location to provide a small business in this 2124
state with information relevant to small businesses and their 2125
operations. The online small business resource center shall 2126
provide direct information or an electronic link to information on 2127
at least the following: 2128

(1) Steps to starting a small business in this state; 2129

(2) Workforce availability for small businesses in this 2130
state; 2131

(3) Regulatory requirements for small businesses in this 2132
state; 2133

(4) Required licenses and permits for small businesses in 2134
this state; 2135

(5) Loan and financing opportunities for small businesses in 2136
this state; 2137

<u>(6) Tax requirements, deadlines, and forms applicable to</u>	2138
<u>small businesses in this state;</u>	2139
<u>(7) Small business advocacy opportunities;</u>	2140
<u>(8) Questions frequently asked by small businesses;</u>	2141
<u>(9) The Ohio business gateway;</u>	2142
<u>(10) State procurement opportunities for small businesses in</u>	2143
<u>this state;</u>	2144
<u>(11) Workers' compensation requirements for small businesses</u>	2145
<u>in this state.</u>	2146
<u>(B) The online small business resource center shall enable a</u>	2147
<u>person to register to receive regular electronic updates made to</u>	2148
<u>the online small business resource center. However, no</u>	2149
<u>registration shall be required for a person to access information</u>	2150
<u>on the online small business resource center.</u>	2151
<u>(C) The department shall annually consult or survey small</u>	2152
<u>business groups in this state to assess available online resources</u>	2153
<u>and to gather information and suggestions on useful online</u>	2154
<u>resources for small businesses in this state.</u>	2155
<u>(D) The department shall prominently include for each</u>	2156
<u>reference or item on the online small business resource center the</u>	2157
<u>date in which the reference or item was most recently updated.</u>	2158
<u>Sec. 122.045. The director of development shall establish,</u>	2159
<u>and thereafter shall maintain and improve, an urban workforce</u>	2160
<u>development initiative. The director shall use money in the urban</u>	2161
<u>workforce development fund, which is created in the state</u>	2162
<u>treasury, to establish and administer a competitive process for</u>	2163
<u>making grants under the initiative to one or more entities that</u>	2164
<u>meet criteria determined by the director. The director shall enter</u>	2165
<u>into contracts with grantees under which the grantees develop and</u>	2166
<u>administer programs that reimburse eligible employers for</u>	2167

qualified wage expenditures incurred in connection with the hiring 2168
of eligible employees. An eligible employer shall submit to the 2169
director its proposed wage expenditures, which the director shall 2170
approve if the director determines the expenditures to be 2171
qualified under the initiative. 2172

An individual is an "eligible employee" if the individual has 2173
been hired by an eligible employer who is eligible to receive 2174
reimbursements under the workforce development initiative, the 2175
individual, at the time of hiring, resides in the city in which 2176
the eligible employer's business is located, and the individual 2177
either: (1) was unemployed immediately before being hired by the 2178
eligible employer and, during the period of employment with the 2179
eligible employer, engages in a skills training program that has 2180
been approved by the director or (2) recently graduated from an 2181
educational program relevant to the employment that, upon 2182
completion of the program, granted a degree or certificate to the 2183
individual. The degree or certificate shall have been issued by a 2184
state institution of higher education as defined in section 2185
3345.011 of the Revised Code or otherwise approved by the 2186
director. 2187

An employer is an "eligible employer" if the employer 2188
operates a business that is located in an Ohio city having more 2189
than thirty thousand individuals whose incomes are below one 2190
hundred eighty-five per cent of the poverty rate determined by the 2191
United States bureau of the census in the 2006-2008 American 2192
community survey. 2193

The contracts between the director and the grantees shall 2194
obligate the grantees to encourage eligible employers to enter 2195
into partnerships with cooperative education programs and 2196
internship programs under section 3333.71 of the Revised Code in 2197
conjunction with participation in the urban workforce development 2198
initiative. 2199

The director shall adopt, and may amend and rescind, rules 2200
under Chapter 119. of the Revised Code as are necessary to carry 2201
out the urban workforce development initiative. 2202

Sec. 122.09. (A) The director of development, not later than 2203
July 31, 2011, may compile a report identifying companies formerly 2204
based in Ohio with at least one hundred employees that in the year 2205
2010 relocated outside of this state. Information to be included 2206
in the report shall include, but not be limited to, all of the 2207
following: 2208

(1) The name of the departed or departing company; 2209

(2) The line of business in which the company was or is 2210
engaged; 2211

(3) Location in Ohio from which the company departed or is 2212
departing; 2213

(4) Location to which the company departed or is departing; 2214

(5) The date of the relocation; 2215

(6) Reasons for the company's relocation; 2216

(7) Overhead the company contributed to Ohio, such as 2217
employment, tax base, or community service; 2218

(8) Costs Ohio incurred due to the company, such as tax 2219
incentives or nuisance; 2220

(9) Any other information the director of development 2221
believes will help create a model of relocations of companies that 2222
are departing or have departed this state. 2223

(B) The director of development shall develop a questionnaire 2224
that may be submitted to and returned by companies that have 2225
relocated, or that are relocating, outside of this state to 2226
acquire the information required to be included in the report, 2227
including the reasons that the companies have decided to leave 2228

Ohio. 2229

(C) Upon completion of the report, the director shall submit 2230
a copy of the report to the president, minority leader, and clerk 2231
of the senate and to the speaker, minority leader, and clerk of 2232
the house of representatives. 2233

Sec. 1705.48. Except as otherwise provided by this chapter or 2234
any other provision of the Revised Code, including, but not 2235
limited to, sections 3734.908, 5739.33, 5743.57, 5747.07, and 2236
~~5753.09~~ 5753.02 of the Revised Code, all of the following apply: 2237

(A) The debts, obligations, and liabilities of a limited 2238
liability company, whether arising in contract, tort, or 2239
otherwise, are solely the debts, obligations, and liabilities of 2240
the limited liability company. 2241

(B) Neither the members of the limited liability company nor 2242
any managers of the limited liability company are personally 2243
liable to satisfy any judgment, decree, or order of a court for, 2244
or are personally liable to satisfy in any other manner, a debt, 2245
obligation, or liability of the company solely by reason of being 2246
a member or manager of the limited liability company. 2247

(C) Nothing in this chapter affects any personal liability of 2248
a member of a limited liability company or any manager of a 2249
limited liability company for the member's or manager's own 2250
actions or omissions. 2251

(D) This chapter does not affect any statutory or common law 2252
of this or another state that pertains to the relationship between 2253
an individual who renders a professional service and a recipient 2254
of that service, including, but not limited to, any contract or 2255
tort liability arising out of acts or omissions committed or 2256
omitted during the course of rendering the professional service. 2257

Sec. 2915.01. As used in this chapter: 2258

(A) "Bookmaking" means the business of receiving or paying off bets.	2259 2260
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	2261 2262 2263
(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.	2264 2265 2266 2267 2268
(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.	2269 2270 2271 2272
(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo. <u>As used in this division, "income" includes consideration paid by participants for admission to any location where games of chance are conducted.</u>	2273 2274 2275 2276 2277 2278
(F) "Gambling device" means any of the following:	2279
(1) A book, totalizer, or other equipment for recording bets;	2280
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	2281 2282
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	2283 2284 2285
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	2286 2287
(5) Bingo supplies sold or otherwise provided, or used, in	2288

violation of this chapter.	2289
(G) "Gambling offense" means any of the following:	2290
(1) A violation of section 2915.02, 2915.03, 2915.04,	2291
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, <u>2915.083,</u>	2292
2915.09, 2915.091, 2915.092, <u>2915.093, 2915.094,</u> 2915.10, or	2293
<u>2915.101,</u> 2915.11, <u>or 2915.13</u> of the Revised Code;	2294
(2) A violation of an existing or former municipal ordinance	2295
or law of this or any other state or the United States	2296
substantially equivalent to any section listed in division (G)(1)	2297
of this section or a violation of section 2915.06 of the Revised	2298
Code as it existed prior to July 1, 1996;	2299
(3) An offense under an existing or former municipal	2300
ordinance or law of this or any other state or the United States,	2301
of which gambling is an element;	2302
(4) A conspiracy or attempt to commit, or complicity in	2303
committing, any offense under division (G)(1), (2), or (3) of this	2304
section.	2305
(H) Except as otherwise provided in this chapter, "charitable	2306
organization" means any tax exempt religious,	2307
veteran's, fraternal, sporting, service, nonprofit medical,	2308
volunteer rescue service, volunteer firefighter's, senior	2309
citizen's, historic railroad educational, youth athletic, amateur	2310
athletic, or youth athletic park organization. An organization is	2311
tax exempt if the organization is, and has received from the	2312
internal revenue service a determination letter that currently is	2313
in effect stating that the organization is, exempt from federal	2314
income taxation under subsection 501(a) and described in	2315
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or	2316
501(c)(19) of the Internal Revenue Code, or if the organization is	2317
a sporting organization that is exempt from federal income	2318
taxation under subsection 501(a) and is described in subsection	2319

501(c)(7) of the Internal Revenue Code. To qualify as a charitable 2320
organization, an organization, except a volunteer rescue service 2321
~~or~~, volunteer firefighter's, veteran's, or fraternal organization, 2322
shall have been in continuous existence as such in this state for 2323
a period of two years immediately preceding either the making of 2324
an application for a bingo license under section 2915.08 of the 2325
Revised Code or the conducting of any game of chance as provided 2326
in division (D) of section 2915.02 or in section 2915.14 or 2327
conducting a raffle as provided in section 2915.092 of the Revised 2328
Code. A charitable organization that is exempt from federal income 2329
taxation under subsection 501(a) and described in subsection 2330
501(c)(3) of the Internal Revenue Code and that is created by a 2331
veteran's organization, a fraternal organization, or a sporting 2332
organization does not have to have been in continuous existence as 2333
such in this state for a period of two years immediately preceding 2334
either the making of an application for a bingo license under 2335
section 2915.08 of the Revised Code or the conducting of any game 2336
of chance as provided in division (D) of section 2915.02 or in 2337
section 2915.14 of the Revised Code. 2338

(I) "Religious organization" means any church, body of 2339
communicants, or group that is not organized or operated for 2340
profit and that gathers in common membership for regular worship 2341
and religious observances. 2342

(J) "Educational organization" means any organization within 2343
this state that is not organized for profit, the primary purpose 2344
of which is to educate and develop the capabilities of individuals 2345
through instruction by means of operating or contributing to the 2346
support of a school, academy, college, or university. 2347

(K) "Veteran's organization" means any individual post or 2348
state headquarters of a national veteran's association or an 2349
auxiliary unit of any individual post of a national veteran's 2350
association, which post, state headquarters, or auxiliary unit ~~has~~ 2351

~~been in continuous existence in this state for at least two years~~ 2352
~~and~~ is incorporated as a nonprofit corporation and either has 2353
received a letter from the state headquarters of the national 2354
veteran's association indicating that the individual post or 2355
auxiliary unit is in good standing with the national veteran's 2356
association or has received a letter from the national veteran's 2357
association indicating that the state headquarters is in good 2358
standing with the national veteran's association. As used in this 2359
division, "national veteran's association" means any veteran's 2360
association that has been in continuous existence as such for a 2361
period of at least five years and either is incorporated by an act 2362
of the United States congress or has a national dues-paying 2363
membership of at least five thousand persons. 2364

(L) "Volunteer firefighter's organization" means any 2365
organization of volunteer firefighters, as defined in section 2366
146.01 of the Revised Code, that is organized and operated 2367
exclusively to provide financial support for a volunteer fire 2368
department or a volunteer fire company and that is recognized or 2369
ratified by a county, municipal corporation, or township. 2370

(M) "Fraternal organization" means any society, order, state 2371
headquarters, or association within this state, except a college 2372
or high school fraternity, that is not organized for profit, that 2373
is a branch, lodge, or chapter of a national or state 2374
organization, that exists exclusively for the common business or 2375
sodality of its members, ~~and that has been in continuous existence~~ 2376
~~in this state for a period of five years.~~ 2377

(N) "Volunteer rescue service organization" means any 2378
organization of volunteers organized to function as an emergency 2379
medical service organization, as defined in section 4765.01 of the 2380
Revised Code. 2381

(O) "Service organization" means either of the following: 2382

(1) Any organization, not organized for profit, that is 2383
organized and operated exclusively to provide, or to contribute to 2384
the support of organizations or institutions organized and 2385
operated exclusively to provide, medical and therapeutic services 2386
for persons who are crippled, born with birth defects, or have any 2387
other mental or physical defect or those organized and operated 2388
exclusively to protect, or to contribute to the support of 2389
organizations or institutions organized and operated exclusively 2390
to protect, animals from inhumane treatment or provide immediate 2391
shelter to victims of domestic violence; 2392

(2) Any organization that is described in subsection 2393
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2394
and is either a governmental unit or an organization that is tax 2395
exempt under subsection 501(a) and described in subsection 2396
501(c)(3) of the Internal Revenue Code and that is an 2397
organization, not organized for profit, that is organized and 2398
operated primarily to provide, or to contribute to the support of 2399
organizations or institutions organized and operated primarily to 2400
provide, medical and therapeutic services for persons who are 2401
crippled, born with birth defects, or have any other mental or 2402
physical defect. 2403

(P) "Nonprofit medical organization" means either of the 2404
following: 2405

(1) Any organization that has been incorporated as a 2406
nonprofit corporation for at least five years and that has 2407
continuously operated and will be operated exclusively to provide, 2408
or to contribute to the support of organizations or institutions 2409
organized and operated exclusively to provide, hospital, medical, 2410
research, or therapeutic services for the public; 2411

(2) Any organization that is described and qualified under 2412
subsection 501(c)(3) of the Internal Revenue Code, that has been 2413
incorporated as a nonprofit corporation for at least five years, 2414

and that has continuously operated and will be operated primarily 2415
to provide, or to contribute to the support of organizations or 2416
institutions organized and operated primarily to provide, 2417
hospital, medical, research, or therapeutic services for the 2418
public. 2419

(Q) "Senior citizen's organization" means any private 2420
organization, not organized for profit, that is organized and 2421
operated exclusively to provide recreational or social services 2422
for persons who are fifty-five years of age or older and that is 2423
described and qualified under subsection 501(c)(3) of the Internal 2424
Revenue Code. 2425

(R) "Charitable bingo game" means any bingo game described in 2426
division (S)(1) or (2) of this section that is conducted by a 2427
charitable organization that has obtained a license pursuant to 2428
section 2915.08 of the Revised Code and the proceeds of which are 2429
used for a charitable purpose. 2430

(S) "Bingo" means either of the following: 2431

(1) A game with all of the following characteristics: 2432

(a) The participants use bingo cards or sheets, including 2433
paper formats and electronic representation or image formats, that 2434
are divided into twenty-five spaces arranged in five horizontal 2435
and five vertical rows of spaces, with each space, except the 2436
central space, being designated by a combination of a letter and a 2437
number and with the central space being designated as a free 2438
space. 2439

(b) The participants cover the spaces on the bingo cards or 2440
sheets that correspond to combinations of letters and numbers that 2441
are announced by a bingo game operator. 2442

(c) A bingo game operator announces combinations of letters 2443
and numbers that appear on objects that a bingo game operator 2444
selects by chance, either manually or mechanically, from a 2445

receptacle that contains seventy-five objects at the beginning of 2446
each game, each object marked by a different combination of a 2447
letter and a number that corresponds to one of the seventy-five 2448
possible combinations of a letter and a number that can appear on 2449
the bingo cards or sheets. 2450

(d) The winner of the bingo game includes any participant who 2451
properly announces during the interval between the announcements 2452
of letters and numbers as described in division (S)(1)(c) of this 2453
section, that a predetermined and preannounced pattern of spaces 2454
has been covered on a bingo card or sheet being used by the 2455
participant. 2456

(2) Instant bingo, punch boards, and raffles. 2457

(T) "Conduct" means to back, promote, organize, manage, carry 2458
on, sponsor, or prepare for the operation of bingo or a game of 2459
chance. 2460

(U) "Bingo game operator" means any person, except security 2461
personnel, who performs work or labor at the site of bingo, 2462
including, but not limited to, collecting money from participants, 2463
handing out bingo cards or sheets or objects to cover spaces on 2464
bingo cards or sheets, selecting from a receptacle the objects 2465
that contain the combination of letters and numbers that appear on 2466
bingo cards or sheets, calling out the combinations of letters and 2467
numbers, distributing prizes, selling or redeeming instant bingo 2468
tickets or cards, supervising the operation of a punch board, 2469
selling raffle tickets, selecting raffle tickets from a receptacle 2470
and announcing the winning numbers in a raffle, and preparing, 2471
selling, and serving food or beverages. 2472

(V) "Participant" means any person who plays bingo. 2473

(W) "Bingo session" means a period that includes both of the 2474
following: 2475

(1) Not to exceed five continuous hours for the conduct of 2476

one or more games described in division (S)(1) of this section, 2477
instant bingo, and seal cards; 2478

(2) A period for the conduct of instant bingo and seal cards 2479
for not more than two hours before and not more than two hours 2480
after the period described in division (W)(1) of this section. 2481

(X) "Gross receipts" means all money or assets, including 2482
admission fees, that a person receives from bingo without the 2483
deduction of any amounts for prizes paid out or for the expenses 2484
of conducting bingo. "Gross receipts" does not include any money 2485
directly taken in from the sale of food or beverages by a 2486
charitable organization conducting bingo, or by a bona fide 2487
auxiliary unit or society of a charitable organization conducting 2488
bingo, provided ~~all~~ both of the following apply: 2489

~~(1) The auxiliary unit or society has been in existence as a 2490
bona fide auxiliary unit or society of the charitable organization 2491
for at least two years prior to conducting bingo. 2492~~

~~(2)~~ The person who purchases the food or beverage receives 2493
nothing of value except the food or beverage and items customarily 2494
received with the purchase of that food or beverage. 2495

~~(3)~~(2) The food and beverages are sold at customary and 2496
reasonable prices. 2497

(Y) "Security personnel" includes any person who either is a 2498
sheriff, deputy sheriff, marshal, deputy marshal, township 2499
constable, or member of an organized police department of a 2500
municipal corporation or has successfully completed a peace 2501
officer's training course pursuant to sections 109.71 to 109.79 of 2502
the Revised Code and who is hired to provide security for the 2503
premises on which bingo is conducted. 2504

(Z) "Charitable purpose" means that the net profit of bingo, 2505
other than instant bingo, is used by, or is given, donated, or 2506
otherwise transferred to, any of the following: 2507

(1) Any organization that is described in subsection 2508
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2509
and is either a governmental unit or an organization that is tax 2510
exempt under subsection 501(a) and described in subsection 2511
501(c)(3) of the Internal Revenue Code; 2512

(2) A veteran's organization that is a post, chapter, or 2513
organization of veterans, or an auxiliary unit or society of, or a 2514
trust or foundation for, any such post, chapter, or organization 2515
organized in the United States or any of its possessions, at least 2516
seventy-five per cent of the members of which are veterans and 2517
substantially all of the other members of which are individuals 2518
who are spouses, widows, or widowers of veterans, or such 2519
individuals, provided that no part of the net earnings of such 2520
post, chapter, or organization inures to the benefit of any 2521
private shareholder or individual, and further provided that the 2522
net profit is used by the post, chapter, or organization for the 2523
charitable purposes set forth in division (B)(12) of section 2524
5739.02 of the Revised Code, is used for awarding scholarships to 2525
or for attendance at an institution mentioned in division (B)(12) 2526
of section 5739.02 of the Revised Code, is donated to a 2527
governmental agency, or is used for nonprofit youth activities, 2528
the purchase of United States or Ohio flags that are donated to 2529
schools, youth groups, or other bona fide nonprofit organizations, 2530
promotion of patriotism, or disaster relief; 2531

(3) A fraternal organization that has been in continuous 2532
existence in this state for fifteen years and that uses the net 2533
profit exclusively for religious, charitable, scientific, 2534
literary, or educational purposes, or for the prevention of 2535
cruelty to children or animals, if contributions for such use 2536
would qualify as a deductible charitable contribution under 2537
subsection 170 of the Internal Revenue Code; 2538

(4) A volunteer firefighter's organization that uses the net 2539

profit for the purposes set forth in division (L) of this section. 2540

(AA) "Internal Revenue Code" means the "Internal Revenue Code 2541
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 2542
amended. 2543

(BB) "Youth athletic organization" means any organization, 2544
not organized for profit, that is organized and operated 2545
exclusively to provide financial support to, or to operate, 2546
athletic activities for persons who are twenty-one years of age or 2547
younger by means of sponsoring, organizing, operating, or 2548
contributing to the support of an athletic team, club, league, or 2549
association. 2550

(CC) "Youth athletic park organization" means any 2551
organization, not organized for profit, that satisfies both of the 2552
following: 2553

(1) It owns, operates, and maintains playing fields that 2554
satisfy both of the following: 2555

(a) The playing fields are used at least one hundred days per 2556
year for athletic activities by one or more organizations, not 2557
organized for profit, each of which is organized and operated 2558
exclusively to provide financial support to, or to operate, 2559
athletic activities for persons who are eighteen years of age or 2560
younger by means of sponsoring, organizing, operating, or 2561
contributing to the support of an athletic team, club, league, or 2562
association. 2563

(b) The playing fields are not used for any profit-making 2564
activity at any time during the year. 2565

(2) It uses the proceeds of bingo it conducts exclusively for 2566
the operation, maintenance, and improvement of its playing fields 2567
of the type described in division (CC)(1) of this section. 2568

(DD) "Amateur athletic organization" means any organization, 2569

not organized for profit, that is organized and operated 2570
exclusively to provide financial support to, or to operate, 2571
athletic activities for persons who are training for amateur 2572
athletic competition that is sanctioned by a national governing 2573
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 2574
3045, 36 U.S.C.A. 373. 2575

(EE) "Bingo supplies" means bingo cards or sheets; instant 2576
bingo tickets or cards; electronic bingo aids; raffle tickets; 2577
punch boards; seal cards; instant bingo ticket dispensers; ~~and~~ 2578
devices for selecting or displaying the combination of bingo 2579
letters and numbers or raffle tickets; and durable bingo 2580
equipment. Items that are "bingo supplies" are not gambling 2581
devices if sold or otherwise provided, and used, in accordance 2582
with this chapter. For purposes of this chapter, "bingo supplies" 2583
are not to be considered equipment, such as tables and chairs, 2584
used to conduct a bingo game. 2585

(FF) "Instant bingo" means a form of bingo that uses folded 2586
or banded tickets or paper cards with perforated break-open tabs, 2587
a face of which is covered or otherwise hidden from view to 2588
conceal a number, letter, or symbol, or set of numbers, letters, 2589
or symbols, some of which have been designated in advance as prize 2590
winners, and games in which winners are determined by the random 2591
selection of one or more bingo numbers, by the use of a seal card 2592
or bingo blower. "Instant bingo" includes seal cards. "Instant 2593
bingo" does not include any device that is activated by the 2594
insertion of a coin, currency, token, or an equivalent, and that 2595
contains as one of its components a video display monitor that is 2596
capable of displaying numbers, letters, symbols, or characters in 2597
winning or losing combinations. 2598

(GG) "Seal card" means a form of instant bingo that uses 2599
instant bingo tickets in conjunction with a board or placard that 2600
contains one or more seals that, when removed or opened, reveal 2601

predesignated winning numbers, letters, or symbols. 2602

(HH) "Raffle" means a form of bingo in which the one or more 2603
prizes are won by one or more persons who have purchased a raffle 2604
ticket. The one or more winners of the raffle are determined by 2605
drawing a ticket stub or other detachable section from a 2606
receptacle containing ticket stubs or detachable sections 2607
corresponding to all tickets sold for the raffle. 2608

(II) "Punch board" means a board containing a number of holes 2609
or receptacles of uniform size in which are placed, mechanically 2610
and randomly, serially numbered slips of paper that may be punched 2611
or drawn from the hole or receptacle when used in conjunction with 2612
instant bingo. A player may punch or draw the numbered slips of 2613
paper from the holes or receptacles and obtain the prize 2614
established for the game if the number drawn corresponds to a 2615
winning number or, if the punch board includes the use of a seal 2616
card, a potential winning number. 2617

(JJ) "Gross profit" means gross receipts minus the amount 2618
actually expended for the payment of prize awards. 2619

(KK) "Net profit" means gross profit minus expenses. 2620

(LL) "Expenses" means the reasonable amount of gross profit 2621
actually expended for all of the following: 2622

(1) The purchase or lease of bingo supplies; 2623

(2) The annual license fee required under section 2915.08 of 2624
the Revised Code; 2625

(3) Bank fees and service charges for a bingo session or game 2626
account described in section 2915.10 of the Revised Code; 2627

(4) Audits and accounting services; 2628

(5) Safes; 2629

(6) Cash registers; 2630

(7) Hiring security personnel;	2631
(8) Advertising bingo;	2632
(9) Renting premises in which to conduct a bingo session;	2633
(10) Tables and chairs;	2634
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	2635 2636 2637 2638
(12) <u>Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;</u>	2639 2640
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	2641 2642 2643 2644
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	2645 2646 2647
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082, <u>or 2915.083</u> of the Revised Code or a charitable gaming license issued by another jurisdiction.	2648 2649 2650 2651
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082, <u>or 2915.083</u> of the Revised Code or a charitable gaming license issued by another jurisdiction.	2652 2653 2654 2655
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	2656 2657
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state, <u>except that this division does not apply to a licensed</u>	2658 2659 2660

lessor providing durable bingo equipment to charitable 2661
organizations in compliance with section 2915.083 of the Revised 2662
Code; 2663

(2) Modifies, converts, adds to, or removes parts from the 2664
bingo supplies to further their promotion or sale for use in this 2665
state. 2666

(QQ) "Manufacturer" means any person who assembles completed 2667
bingo supplies from raw materials, other items, or subparts or who 2668
modifies, converts, adds to, or removes parts from bingo supplies 2669
to further their promotion or sale. 2670

(RR) "Gross annual revenues" means the annual gross receipts 2671
derived from the conduct of bingo described in division (S)(1) of 2672
this section plus the annual net profit derived from the conduct 2673
of bingo described in division (S)(2) of this section. 2674

(SS) "Instant bingo ticket dispenser" means a mechanical 2675
device that dispenses an instant bingo ticket or card as the sole 2676
item of value dispensed and that has the following 2677
characteristics: 2678

(1) It is activated upon the insertion of United States 2679
currency. 2680

(2) It performs no gaming functions. 2681

(3) It does not contain a video display monitor or generate 2682
noise. 2683

(4) It is not capable of displaying any numbers, letters, 2684
symbols, or characters in winning or losing combinations. 2685

(5) It does not simulate or display rolling or spinning 2686
reels. 2687

(6) It is incapable of determining whether a dispensed bingo 2688
ticket or card is a winning or nonwinning ticket or card and 2689
requires a winning ticket or card to be paid by a bingo game 2690

operator. 2691

(7) It may provide accounting and security features to aid in 2692
accounting for the instant bingo tickets or cards it dispenses. 2693

(8) It is not part of an electronic network and is not 2694
interactive. 2695

(TT)(1) "Electronic bingo aid" means an electronic device 2696
used by a participant to monitor bingo cards or sheets purchased 2697
at the time and place of a bingo session and that does all of the 2698
following: 2699

(a) It provides a means for a participant to input numbers 2700
and letters announced by a bingo caller. 2701

(b) It compares the numbers and letters entered by the 2702
participant to the bingo faces previously stored in the memory of 2703
the device. 2704

(c) It identifies a winning bingo pattern. 2705

(2) "Electronic bingo aid" does not include any device into 2706
which a coin, currency, token, or an equivalent is inserted to 2707
activate play. 2708

(UU) "Deal of instant bingo tickets" means a single game of 2709
instant bingo tickets all with the same serial number. 2710

(VV)(1) "Slot machine" means either of the following: 2711

(a) Any mechanical, electronic, video, or digital device that 2712
is capable of accepting anything of value, directly or indirectly, 2713
from or on behalf of a player who gives the thing of value in the 2714
hope of gain; 2715

(b) Any mechanical, electronic, video, or digital device that 2716
is capable of accepting anything of value, directly or indirectly, 2717
from or on behalf of a player to conduct ~~or dispense~~ bingo or a 2718
scheme or game of chance. 2719

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

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

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

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

- (1) The name of the game;
- (2) The manufacturer's name or distinctive logo;
- (3) The form number;
- (4) The ticket count;

(5) The prize structure, including the number of winning 2750
instant bingo tickets by denomination and the respective winning 2751
symbol or number combinations for the winning instant bingo 2752
tickets; 2753

(6) The cost per play; 2754

(7) The serial number of the game. 2755

(ZZ) "Historic railroad educational organization" means an 2756
organization that is exempt from federal income taxation under 2757
subsection 501(a) and described in subsection 501(c)(3) of the 2758
Internal Revenue Code, that owns in fee simple the tracks and the 2759
right of way of a historic railroad that the organization restores 2760
or maintains and on which the organization provides excursions as 2761
part of a program to promote tourism and educate visitors 2762
regarding the role of railroad transportation in Ohio history, and 2763
that received as donations from a charitable organization that 2764
holds a license to conduct bingo under this chapter an amount 2765
equal to at least fifty per cent of that licensed charitable 2766
organization's net proceeds from the conduct of bingo during each 2767
of the five years preceding June 30, 2003. "Historic railroad" 2768
means all or a portion of the tracks and right-of-way of a 2769
railroad that was owned and operated by a for-profit common 2770
carrier in this state at any time prior to January 1, 1950. 2771

(AAA)~~(1)~~ "Skill-based amusement machine" means a mechanical, 2772
video, digital, or electronic device that rewards the player or 2773
players, ~~if at all, only with merchandise prizes or with~~ 2774
~~redeemable vouchers redeemable only for merchandise prizes,~~ 2775
provided that with respect to rewards for playing the game all of 2776
the following apply: 2777

~~(a) The wholesale value of a merchandise prize awarded as a~~ 2778
~~result of the single play of a machine does not exceed ten~~ 2779
~~dollars;~~ 2780

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

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

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

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

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

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

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

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

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

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

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

~~(a) As used in this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.~~ 2811
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~~(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.~~ 2818
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~~(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.~~ 2823
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~~(4) For purposes of division (AAA)(1) of this section, the mere presence of a device, such as a pin setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.~~ 2830
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~~(BBB) "Merchandise prize" means any item of value, but shall not include any of the following:~~ 2835
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~~(1) Cash, gift cards, or any equivalent thereof;~~ 2837

~~(2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;~~ 2838
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~~(3) Firearms, tobacco, or alcoholic beverages; or~~ 2840

~~(4) A redeemable voucher that is redeemable for any of the items listed in division (BBB)(1), (2), or (3) of this section.~~ 2841
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~~(CCC) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.~~ 2843
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(1) The player or players have the ability to successfully complete the game task or objective on each play of the game. 2845
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(2) The player or players know or are provided the opportunity to know the prize or reward of successfully completing the game task or objective before the start of the game or play. 2847
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~~(DDD)(BBB)~~ "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants. 2850
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~~(EEE)(CCC)~~ "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio league of sportsmen, and that has been in continuous existence in this state for a period of three years. 2854
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~~(FFF)(DDD)~~ "Community action agency" has the same meaning as in section 122.66 of the Revised Code. 2861
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(EEE) "Durable bingo equipment" means the following: 2863

(1) A bingo ball, which is a ball imprinted with numbers and letters used in the selection process of a bingo game; 2864
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(2) A bingo or flash board, which are display boards, usually electronic, that display numbers and letters after the numbers and letters are called; 2866
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(3) A bingo machine, which is a type of selection device with a receptacle, or hopper, for the unselected bingo balls, a blower 2869
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for selecting the balls, and a ball tray that contains 2871
seventy-five holes in which to place the ball once it is called; 2872

(4) A bingo blower, which is a forced-air device that mixes 2873
the bingo balls and dispenses them to the bingo game operator; 2874

(5) Electronic bingo aids; 2875

(6) Audio-visual equipment, which is electronic equipment 2876
used to play bingo, such as a display monitor; 2877

(7) Instant bingo ticket dispensers. 2878

(FFF) "Lessor" means a person that provides the premises to a 2879
charitable organization for conducting bingo as described in 2880
division (S)(1) of section 2915.01 of the Revised Code for a 2881
rental amount in compliance with division (B)(1) of section 2882
2915.09 of the Revised Code or a person that provides premises to 2883
a charitable instant bingo organization for conducting instant 2884
bingo other than at a bingo session. 2885

(GGG) "Permitted location" means a building leased by a 2886
county in Ohio under a lease pursuant to which charitable 2887
organizations have operated festivals weekly for the eighteen 2888
months immediately preceding the effective date of this section, 2889
at which games of chance were offered. 2890

(HHH) "Charity card room" means a facility at a permitted 2891
location that offers games of chance conducted by a charitable 2892
organization. 2893

Sec. 2915.02. (A) No person shall do any of the following: 2894

(1) Engage in bookmaking, or knowingly engage in conduct that 2895
facilitates bookmaking; 2896

(2) Establish, promote, or operate or knowingly engage in 2897
conduct that facilitates any game of chance conducted for profit 2898
or any scheme of chance; 2899

(3) Knowingly procure, transmit, exchange, or engage in 2900
conduct that facilitates the procurement, transmission, or 2901
exchange of information for use in establishing odds or 2902
determining winners in connection with bookmaking or with any game 2903
of chance conducted for profit or any scheme of chance; 2904

(4) Engage in betting or in playing any scheme or game of 2905
chance as a substantial source of income or livelihood; 2906

(5) With purpose to violate division (A)(1), (2), (3), or (4) 2907
of this section, acquire, possess, control, or operate any 2908
gambling device. 2909

(B) For purposes of division (A)(1) of this section, a person 2910
facilitates bookmaking if the person in any way knowingly aids an 2911
illegal bookmaking operation, including, without limitation, 2912
placing a bet with a person engaged in or facilitating illegal 2913
bookmaking. For purposes of division (A)(2) of this section, a 2914
person facilitates a game of chance conducted for profit or a 2915
scheme of chance if the person in any way knowingly aids in the 2916
conduct or operation of any such game or scheme, including, 2917
without limitation, playing any such game or scheme. 2918

(C) This section does not prohibit conduct in connection with 2919
gambling expressly permitted by law. 2920

(D) This section does not apply to any of the following: 2921

(1) Games of chance, if all of the following apply: 2922

(a) The games of chance are not craps for money or roulette 2923
for money. 2924

(b) The games of chance are conducted by a charitable 2925
organization that is, and has received from the internal revenue 2926
service a determination letter that is currently in effect, 2927
stating that the organization is, exempt from federal income 2928
taxation under subsection 501(a) and described in subsection 2929

501(c)(3) of the Internal Revenue Code. 2930

(c) The games of chance are conducted at festivals of the 2931
charitable organization that are conducted either for a period of 2932
four consecutive days or less and not more than twice a year or 2933
for a period of five consecutive days not more than once a year, 2934
and are conducted on premises owned by the charitable organization 2935
for a period of no less than one year immediately preceding the 2936
conducting of the games of chance, on premises leased from a 2937
governmental unit, or on premises that are leased from a veteran's 2938
or fraternal organization and that have been owned by the lessor 2939
veteran's or fraternal organization for a period of no less than 2940
one year immediately preceding the conducting of the games of 2941
chance. 2942

A charitable organization shall not lease premises from a 2943
veteran's or fraternal organization to conduct a festival 2944
described in division (D)(1)(c) of this section if the veteran's 2945
or fraternal organization already has leased the premises ~~four~~ 2946
twelve times during the preceding year to charitable organizations 2947
for that purpose. If a charitable organization leases premises 2948
from a veteran's or fraternal organization to conduct a festival 2949
described in division (D)(1)(c) of this section, the charitable 2950
organization shall not pay a rental rate for the premises per day 2951
of the festival that exceeds the rental rate per bingo session 2952
that a charitable organization may pay under division (B)(1) of 2953
section 2915.09 of the Revised Code when it leases premises from 2954
another charitable organization to conduct bingo games. 2955

(d) All of the money or assets received from the games of 2956
chance after deduction only of prizes paid out during the conduct 2957
of the games of chance are used by, or given, donated, or 2958
otherwise transferred to, any organization that is described in 2959
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 2960
Revenue Code and is either a governmental unit or an organization 2961

that is tax exempt under subsection 501(a) and described in 2962
subsection 501(c)(3) of the Internal Revenue Code; 2963

(e) The games of chance are not conducted during, or within 2964
ten hours of, a bingo game conducted for amusement purposes only 2965
pursuant to section 2915.12 of the Revised Code. 2966

No person shall receive any commission, wage, salary, reward, 2967
tip, donation, gratuity, or other form of compensation, directly 2968
or indirectly, for operating or assisting in the operation of any 2969
game of chance. 2970

(2) Any tag fishing tournament operated under a permit issued 2971
under section 1533.92 of the Revised Code, as "tag fishing 2972
tournament" is defined in section 1531.01 of the Revised Code; 2973

(3) Bingo conducted by a charitable organization that holds a 2974
license issued under section 2915.08 of the Revised Code; 2975

(4) Casino gaming as defined by and conducted under Chapter 2976
3772. of the Revised Code. 2977

(E) Division (D) of this section shall not be construed to 2978
authorize the sale, lease, or other temporary or permanent 2979
transfer of the right to conduct games of chance, as granted by 2980
that division, by any charitable organization that is granted that 2981
right. 2982

(F) Whoever violates this section is guilty of gambling, a 2983
misdemeanor of the first degree. If the offender previously has 2984
been convicted of any gambling offense, gambling is a felony of 2985
the fifth degree. 2986

Sec. 2915.061. Any regulation of skill-based amusement 2987
machines shall be governed by ~~this chapter~~ Chapter 3772. and not 2988
by Chapter 1345. of the Revised Code. 2989

Sec. 2915.08. (A)(1) Annually before the first day of 2990

January, a charitable organization that desires to conduct bingo, 2991
instant bingo at a bingo session, or instant bingo other than at a 2992
bingo session shall make out, upon a form to be furnished by the 2993
attorney general for that purpose, an application for a license to 2994
conduct bingo, instant bingo at a bingo session, or instant bingo 2995
other than at a bingo session and deliver that application to the 2996
attorney general together with a license fee as follows: 2997

(a) Except as otherwise provided in this division, for a 2998
license for the conduct of bingo, two hundred dollars; 2999

(b) For a license for the conduct of instant bingo at a bingo 3000
session or instant bingo other than at a bingo session for a 3001
charitable organization that previously has not been licensed 3002
under this chapter to conduct instant bingo at a bingo session or 3003
instant bingo other than at a bingo session, a license fee of five 3004
hundred dollars, and for any other charitable organization, a 3005
license fee that is based upon the gross profits received by the 3006
charitable organization from the operation of instant bingo at a 3007
bingo session or instant bingo other than at a bingo session, 3008
during the one-year period ending on the thirty-first day of 3009
October of the year immediately preceding the year for which the 3010
license is sought, and that is one of the following: 3011

(i) Five hundred dollars, if the total is fifty thousand 3012
dollars or less; 3013

(ii) One thousand two hundred fifty dollars plus one-fourth 3014
per cent of the gross profit, if the total is more than fifty 3015
thousand dollars but less than two hundred fifty thousand one 3016
dollars; 3017

(iii) Two thousand two hundred fifty dollars plus one-half 3018
per cent of the gross profit, if the total is more than two 3019
hundred fifty thousand dollars but less than five hundred thousand 3020
one dollars; 3021

(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;

(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;

(c) A reduced license fee established by the attorney general pursuant to division (G) of this section.

(d) For a license to conduct bingo for a charitable organization that prior to ~~the effective date of this amendment July 1, 2003,~~ 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.

(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:

(a) The name and post-office address of the applicant;

(b) A statement that the applicant is a charitable organization and that, if applicable, 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;

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

(d) A statement of the applicant's previous history, record, 3052
and association that is sufficient to establish that the applicant 3053
is a charitable organization, and a copy of a determination letter 3054
that is issued by the Internal Revenue Service and states that the 3055
organization is tax exempt under subsection 501(a) and described 3056
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 3057
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 3058

(e) A statement as to whether the applicant has ever had any 3059
previous application refused, whether it previously has had a 3060
license revoked or suspended, and the reason stated by the 3061
attorney general for the refusal, revocation, or suspension; 3062

(f) A statement of the charitable purposes for which the net 3063
profit derived from bingo, other than instant bingo, will be used, 3064
and a statement of how the net profit derived from instant bingo 3065
will be distributed in accordance with section 2915.101 of the 3066
Revised Code; 3067

(g) Other necessary and reasonable information that the 3068
attorney general may require by rule adopted pursuant to section 3069
111.15 of the Revised Code; 3070

(h) If the applicant is a charitable trust as defined in 3071
section 109.23 of the Revised Code, a statement as to whether it 3072
has registered with the attorney general pursuant to section 3073
109.26 of the Revised Code or filed annual reports pursuant to 3074
section 109.31 of the Revised Code, and, if it is not required to 3075
do either, the exemption in section 109.26 or 109.31 of the 3076
Revised Code that applies to it; 3077

(i) If the applicant is a charitable organization as defined 3078
in section 1716.01 of the Revised Code, a statement as to whether 3079
it has filed with the attorney general a registration statement 3080
pursuant to section 1716.02 of the Revised Code and a financial 3081
report pursuant to section 1716.04 of the Revised Code, and, if it 3082

is not required to do both, the exemption in section 1716.03 of 3083
the Revised Code that applies to it; 3084

(j) In the case of an applicant seeking to qualify as a youth 3085
athletic park organization, a statement issued by a board or body 3086
vested with authority under Chapter 755. of the Revised Code for 3087
the supervision and maintenance of recreation facilities in the 3088
territory in which the organization is located, certifying that 3089
the playing fields owned by the organization were used for at 3090
least one hundred days during the year in which the statement is 3091
issued, and were open for use to all residents of that territory, 3092
regardless of race, color, creed, religion, sex, or national 3093
origin, for athletic activities by youth athletic organizations 3094
that do not discriminate on the basis of race, color, creed, 3095
religion, sex, or national origin, and that the fields were not 3096
used for any profit-making activity at any time during the year. 3097
That type of board or body is authorized to issue the statement 3098
upon request and shall issue the statement if it finds that the 3099
applicant's playing fields were so used. 3100

(3) The attorney general, within thirty days after receiving 3101
a timely filed application from a charitable organization that has 3102
been issued a license under this section that has not expired and 3103
has not been revoked or suspended, shall send a temporary permit 3104
to the applicant specifying the date on which the application was 3105
filed with the attorney general and stating that, pursuant to 3106
section 119.06 of the Revised Code, the applicant may continue to 3107
conduct bingo until a new license is granted or, if the 3108
application is rejected, until fifteen days after notice of the 3109
rejection is mailed to the applicant. The temporary permit does 3110
not affect the validity of the applicant's application and does 3111
not grant any rights to the applicant except those rights 3112
specifically granted in section 119.06 of the Revised Code. The 3113
issuance of a temporary permit by the attorney general pursuant to 3114

this division does not prohibit the attorney general from 3115
rejecting the applicant's application because of acts that the 3116
applicant committed, or actions that the applicant failed to take, 3117
before or after the issuance of the temporary permit. 3118

(4) Within thirty days after receiving an initial license 3119
application from a charitable organization to conduct bingo, 3120
instant bingo at a bingo session, or instant bingo other than at a 3121
bingo session, the attorney general shall conduct a preliminary 3122
review of the application and notify the applicant regarding any 3123
deficiencies. Once an application is deemed complete, or beginning 3124
on the thirtieth day after the application is filed, if the 3125
attorney general failed to notify the applicant of any 3126
deficiencies, the attorney general shall have an additional sixty 3127
days to conduct an investigation and either grant or deny the 3128
application based on findings established and communicated in 3129
accordance with divisions (B) and (E) of this section. As an 3130
option to granting or denying an initial license application, the 3131
attorney general may grant a temporary license and request 3132
additional time to conduct the investigation if the attorney 3133
general has cause to believe that additional time is necessary to 3134
complete the investigation and has notified the applicant in 3135
writing about the specific concerns raised during the 3136
investigation. 3137

(B)(1) The attorney general shall adopt rules to enforce 3138
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 3139
Code to ensure that bingo ~~or~~, instant bingo is, games of chance 3140
conducted for profit, and raffles are conducted in accordance with 3141
those sections and to maintain proper control over the conduct of 3142
bingo ~~or~~, instant bingo, games of chance conducted for profit, and 3143
raffles. The rules, except rules adopted pursuant to divisions 3144
(A)(2)(g) and (G) of this section, shall be adopted pursuant to 3145
Chapter 119. of the Revised Code. The attorney general shall 3146

license charitable organizations to conduct bingo, instant bingo 3147
at a bingo session, or instant bingo other than at a bingo session 3148
in conformance with this chapter and with the licensing provisions 3149
of Chapter 119. of the Revised Code. 3150

(2) The attorney general may refuse to grant a license to any 3151
organization, or revoke or suspend the license of any 3152
organization, that does any of the following or to which any of 3153
the following applies: 3154

(a) Fails or has failed at any time to meet any requirement 3155
of section 109.26, 109.31, or 1716.02, or sections ~~2915.07~~ 2915.02 3156
to 2915.11 of the Revised Code, or violates or has violated any 3157
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 3158
Code or any rule adopted by the attorney general pursuant to this 3159
section; 3160

(b) Makes or has made an incorrect or false statement that is 3161
material to the granting of the license in an application filed 3162
pursuant to division (A) of this section; 3163

(c) Submits or has submitted any incorrect or false 3164
information relating to an application if the information is 3165
material to the granting of the license; 3166

(d) Maintains or has maintained any incorrect or false 3167
information that is material to the granting of the license in the 3168
records required to be kept pursuant to divisions (A) and (C) of 3169
section 2915.10 of the Revised Code, if applicable; 3170

(e) The attorney general has good cause to believe that the 3171
organization will not conduct bingo, instant bingo at a bingo 3172
session, or instant bingo other than at a bingo session in 3173
accordance with sections 2915.07 to 2915.13 of the Revised Code or 3174
with any rule adopted by the attorney general pursuant to this 3175
section. 3176

(3) For the purposes of division (B) of this section, any 3177

action of an officer, trustee, agent, representative, or bingo 3178
game operator of an organization is an action of the organization. 3179

(C) The attorney general may grant licenses to charitable 3180
organizations that are branches, lodges, or chapters of national 3181
charitable organizations. 3182

(D) The attorney general shall send notice in writing or 3183
provide notice on the attorney general's web site to the 3184
prosecuting attorney and sheriff of the county in which the 3185
organization will conduct bingo, instant bingo at a bingo session, 3186
or instant bingo other than at a bingo session, as stated in its 3187
application for a license or amended license, and to any other law 3188
enforcement agency in that county that so requests, of all of the 3189
following: 3190

(1) The issuance of the license; 3191

(2) The issuance of the amended license; 3192

(3) The rejection of an application for and refusal to grant 3193
a license; 3194

(4) The revocation of any license previously issued; 3195

(5) The suspension of any license previously issued. 3196

(E) A license issued by the attorney general shall set forth 3197
the information contained on the application of the charitable 3198
organization that the attorney general determines is relevant, 3199
including, but not limited to, the location at which the 3200
organization will conduct bingo, instant bingo at a bingo session, 3201
or instant bingo other than at a bingo session and the days of the 3202
week and the times on each of those days when bingo will be 3203
conducted. If the attorney general refuses to grant or revokes or 3204
suspends a license, the attorney general shall notify the 3205
applicant in writing and specifically identify the reason for the 3206
refusal, revocation, or suspension in narrative form and, if 3207

applicable, by identifying the section of the Revised Code 3208
violated. The failure of the attorney general to give the written 3209
notice of the reasons for the refusal, revocation, or suspension 3210
or a mistake in the written notice does not affect the validity of 3211
the attorney general's refusal to grant, or the revocation or 3212
suspension of, a license. If the attorney general fails to give 3213
the written notice or if there is a mistake in the written notice, 3214
the applicant may bring an action to compel the attorney general 3215
to comply with this division or to correct the mistake, but the 3216
attorney general's order refusing to grant, or revoking or 3217
suspending, a license shall not be enjoined during the pendency of 3218
the action. 3219

(F) A charitable organization that has been issued a license 3220
pursuant to division (B) of this section but that cannot conduct 3221
bingo or instant bingo at the location, or on the day of the week 3222
or at the time, specified on the license due to circumstances that 3223
make it impractical to do so may apply in writing, together with 3224
an application fee of two hundred fifty dollars, to the attorney 3225
general, at least thirty days prior to a change in location, day 3226
of the week, or time, and request an amended license. The 3227
application shall describe the causes making it impractical for 3228
the organization to conduct bingo or instant bingo in conformity 3229
with its license and shall indicate the location, days of the 3230
week, and times on each of those days when it desires to conduct 3231
bingo or instant bingo. Except as otherwise provided in this 3232
division, the attorney general shall issue the amended license in 3233
accordance with division (E) of this section, and the organization 3234
shall surrender its original license to the attorney general. The 3235
attorney general may refuse to grant an amended license according 3236
to the terms of division (B) of this section. 3237

(G) The attorney general, by rule adopted pursuant to section 3238
111.15 of the Revised Code, shall establish a schedule of reduced 3239

license fees for charitable organizations that desire to conduct 3240
bingo or instant bingo during fewer than twenty-six weeks in any 3241
calendar year. 3242

(H) The attorney general, by rule adopted pursuant to section 3243
111.15 of the Revised Code, shall establish license fees for the 3244
conduct of bingo, instant bingo at a bingo session, or instant 3245
bingo other than at a bingo session for charitable organizations 3246
that prior to ~~the effective date of this amendment~~ July 1, 2003, 3247
have not been licensed to conduct bingo, instant bingo at a bingo 3248
session, or instant bingo other than at a bingo session under this 3249
chapter. 3250

(I) The attorney general may enter into a written contract 3251
with any other state agency to delegate to that state agency the 3252
powers prescribed to the attorney general under Chapter 2915. of 3253
the Revised Code. 3254

(J) The attorney general, by rule adopted pursuant to section 3255
111.15 of the Revised Code, may adopt rules to determine the 3256
requirements for a charitable organization that is exempt from 3257
federal income taxation under subsection 501(a) and described in 3258
subsection 501(c)(3) of the Internal Revenue Code to be in good 3259
standing in the state. 3260

Sec. 2915.081. (A) No distributor shall sell, offer to sell, 3261
or otherwise provide or offer to provide bingo supplies to another 3262
person, or modify, convert, add to, or remove parts from bingo 3263
supplies to further their promotion or sale, for use in this state 3264
without having obtained a license from the attorney general under 3265
this section. 3266

(B) The attorney general may issue a distributor license to 3267
any person that meets the requirements of this section. The 3268
application for the license shall be on a form prescribed by the 3269
attorney general and be accompanied by the annual fee prescribed 3270

by this section. The license is valid for a period of one year, 3271
and the annual fee for the license is five thousand dollars. 3272

(C) The attorney general may refuse to issue a distributor 3273
license to any person to which any of the following applies, or to 3274
any person that has an officer, partner, or other person who has 3275
an ownership interest of ten per cent or more and to whom any of 3276
the following applies: 3277

(1) The person, officer, or partner has been convicted of a 3278
felony under the laws of this state, another state, or the United 3279
States. 3280

(2) The person, officer, or partner has been convicted of any 3281
gambling offense. 3282

(3) The person, officer, or partner has made an incorrect or 3283
false statement that is material to the granting of a license in 3284
an application submitted to the attorney general under this 3285
section or in a similar application submitted to a gambling 3286
licensing authority in another jurisdiction if the statement 3287
resulted in license revocation through administrative action in 3288
the other jurisdiction. 3289

(4) The person, officer, or partner has submitted any 3290
incorrect or false information relating to the application to the 3291
attorney general under this section, if the information is 3292
material to the granting of the license. 3293

(5) The person, officer, or partner has failed to correct any 3294
incorrect or false information that is material to the granting of 3295
the license in the records required to be maintained under 3296
division (E) of section 2915.10 of the Revised Code. 3297

(6) The person, officer, or partner has had a license related 3298
to gambling revoked or suspended under the laws of this state, 3299
another state, or the United States. 3300

(D) The attorney general shall not issue a distributor 3301
license to any person that is involved in the conduct of bingo on 3302
behalf of a charitable organization or that is a lessor of 3303
premises used for the conduct of bingo. This division does not 3304
prohibit a distributor from advising charitable organizations on 3305
the use and benefit of specific bingo supplies or prohibit a 3306
distributor from advising a customer on operational methods to 3307
improve bingo profitability. 3308

(E)(1) No distributor shall sell, offer to sell, or otherwise 3309
provide or offer to provide bingo supplies to any person, or 3310
modify, convert, add to, or remove parts from bingo supplies to 3311
further their promotion or sale, for use in this state except to 3312
or for the use of a charitable organization that has been issued a 3313
license under section 2915.08 of the Revised Code or to another 3314
distributor that has been issued a license under this section, or, 3315
in the case of durable bingo equipment, to a lessor that has been 3316
issued a license under section 2915.083 of the Revised Code. No 3317
distributor shall accept payment for the sale or other provision 3318
of bingo supplies other than by check or electronic fund transfer. 3319

(2) No distributor may donate, give, loan, lease, or 3320
otherwise provide any bingo supplies or equipment, or modify, 3321
convert, add to, or remove parts from bingo supplies to further 3322
their promotion or sale, to or for the use of a charitable 3323
organization for use in a bingo session conditioned on or in 3324
consideration for an exclusive right to provide bingo supplies to 3325
the charitable organization. A distributor may provide a licensed 3326
charitable organization with free samples of the distributor's 3327
products to be used as prizes or to be used for the purpose of 3328
sampling. 3329

(3) No distributor shall purchase bingo supplies for use in 3330
this state from any person except from a manufacturer issued a 3331
license under section 2915.082 of the Revised Code or from another 3332

distributor issued a license under this section. Subject to 3333
division (D) of section 2915.082 of the Revised Code, no 3334
distributor shall pay for purchased bingo supplies other than by 3335
check or electronic fund transfer. 3336

(4) No distributor shall participate in the conduct of bingo 3337
on behalf of a charitable organization or have any direct or 3338
indirect ownership interest in a premises used for the conduct of 3339
bingo. 3340

(5) No distributor shall knowingly solicit, offer, pay, or 3341
receive any kickback, bribe, or undocumented rebate, directly or 3342
indirectly, overtly or covertly, in cash or in kind, in return for 3343
providing bingo supplies to any person in this state. 3344

(F) The attorney general may suspend or revoke a distributor 3345
license for any of the reasons for which the attorney general may 3346
refuse to issue a distributor license specified in division (C) of 3347
this section or if the distributor holding the license violates 3348
any provision of this chapter or any rule adopted by the attorney 3349
general under this chapter. 3350

(G) Whoever violates division (A) or (E) of this section is 3351
guilty of illegally operating as a distributor. Except as 3352
otherwise provided in this division, illegally operating as a 3353
distributor is a misdemeanor of the first degree. If the offender 3354
previously has been convicted of a violation of division (A) or 3355
(E) of this section, illegally operating as a distributor is a 3356
felony of the fifth degree. 3357

Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, 3358
or otherwise provide or offer to provide bingo supplies for use in 3359
this state without having obtained a license from the attorney 3360
general under this section. 3361

(B) The attorney general may issue a manufacturer license to 3362

any person that meets the requirements of this section. The 3363
application for the license shall be on a form prescribed by the 3364
attorney general and be accompanied by the annual fee prescribed 3365
by this section. The license is valid for a period of one year, 3366
and the annual fee for the license is five thousand dollars. 3367

(C) The attorney general may refuse to issue a manufacturer 3368
license to any person to which any of the following applies, or to 3369
any person that has an officer, partner, or other person who has 3370
an ownership interest of ten per cent or more and to whom any of 3371
the following applies: 3372

(1) The person, officer, or partner has been convicted of a 3373
felony under the laws of this state, another state, or the United 3374
States. 3375

(2) The person, officer, or partner has been convicted of any 3376
gambling offense. 3377

(3) The person, officer, or partner has made an incorrect or 3378
false statement that is material to the granting of a license in 3379
an application submitted to the attorney general under this 3380
section or in a similar application submitted to a gambling 3381
licensing authority in another jurisdiction if the statement 3382
resulted in license revocation through administrative action in 3383
the other jurisdiction. 3384

(4) The person, officer, or partner has submitted any 3385
incorrect or false information relating to the application to the 3386
attorney general under this section, if the information is 3387
material to the granting of the license. 3388

(5) The person, officer, or partner has failed to correct any 3389
incorrect or false information that is material to the granting of 3390
the license in the records required to be maintained under 3391
division (F) of section 2915.10 of the Revised Code. 3392

(6) The person, officer, or partner has had a license related 3393

to gambling revoked or suspended under the laws of this state, 3394
another state, or the United States. 3395

(D)(1) No manufacturer shall sell, offer to sell, or 3396
otherwise provide or offer to provide bingo supplies to any person 3397
for use in this state except to a distributor that has been issued 3398
a license under section 2915.081 of the Revised Code. No 3399
manufacturer shall accept payment for the sale of bingo supplies 3400
other than by check or electronic fund transfer. 3401

(2) No manufacturer shall knowingly solicit, offer, pay, or 3402
receive any kickback, bribe, or undocumented rebate, directly or 3403
indirectly, overtly or covertly, in cash or in kind, in return for 3404
providing bingo supplies to any person in this state. 3405

(E)(1) The attorney general may suspend or revoke a 3406
manufacturer license for any of the reasons for which the attorney 3407
general may refuse to issue a manufacturer license specified in 3408
division (C) of this section or if the manufacturer holding the 3409
license violates any provision of this chapter or any rule adopted 3410
by the attorney general under this chapter. 3411

(2) The attorney general may perform an onsite inspection of 3412
a manufacturer of bingo supplies that is selling, offering to 3413
sell, or otherwise providing or offering to provide bingo supplies 3414
or that is applying for a license to sell, offer to sell, or 3415
otherwise provide or offer to provide bingo supplies in this 3416
state. 3417

(F) Whoever violates division (A) or (D) of this section is 3418
guilty of illegally operating as a manufacturer. Except as 3419
otherwise provided in this division, illegally operating as a 3420
manufacturer is a misdemeanor of the first degree. If the offender 3421
previously has been convicted of a violation of division (A) or 3422
(D) of this section, illegally operating as a manufacturer is a 3423
felony of the fifth degree. 3424

Sec. 2915.083. (A) No lessor shall purchase, obtain, possess, sell, offer to sell, lease, or otherwise provide or offer to provide durable bingo equipment to another person or lease or provide premises for the conduct of bingo as described in division (S)(1) of section 2915.01 of the Revised Code to more than one charitable organization without having obtained a license from the attorney general under this section. No license is needed for a lessor that does not purchase, obtain, possess, sell, offer to sell, lease, or otherwise provides or offers to provide durable bingo equipment or leases or provides premises for the conduct of bingo as described in division (S)(1) of section 2915.01 of the Revised Code to less than two charitable organizations.

(B) The attorney general may issue a lessor license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five hundred dollars.

(C) The attorney general may refuse to issue a lessor license to any person to which any of the following applies or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner is not a lessor as defined in section 2915.01 of the Revised Code.

(2) The person, officer, or partner leases or has leased premises to a charitable organization to conduct bingo as defined in division (S)(1) of section 2915.01 of the Revised Code in excess of allowable rental amounts under division (B)(1) of section 2915.09 of the Revised Code.

(3) The person, officer, or partner provides or has provided

bingo game operators, security personnel, concessions, bingo
supplies other than durable bingo equipment, or any other type of
service to a charitable organization conducting bingo on the
premises. 3456
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(4) The person, officer, or partner provides or has provided
durable bingo equipment to a charitable organization conducting
bingo on the premises without first obtaining a license under this
section. 3460
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(5) The person, officer, or partner has been convicted of a
felony under the laws of this state, another state, or the United
States. 3464
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(6) The person, officer, or partner has been convicted of any
gambling offense. 3467
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(7) The person, officer, or partner has made an incorrect or
false statement that is material to the granting of a license in
an application submitted to the attorney general under this
section or in a similar application submitted to a gambling
licensing authority in another jurisdiction if the statement
resulted in license revocation through administrative action in
the other jurisdiction. 3469
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(8) The person, officer, or partner has submitted any
incorrect or false information relating to the application to the
attorney general under this section, if the information is
material to the granting of a license. 3476
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(9) The person, officer, or partner has failed to correct any
incorrect or false information that is material to the granting of
the license in the records required to be maintained under
division (H) of section 2915.10 of the Revised Code. 3480
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(D) The attorney general shall not issue a lessor license to
any person that is involved in the conduct of bingo on behalf of a
charitable organization. This division does not prohibit a lessor 3484
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from leasing the premises used for the conduct of bingo to a 3487
licensed charitable organization or from providing durable bingo 3488
equipment and training to a charitable organization's bingo game 3489
operators on the proper use and maintenance of durable bingo 3490
equipment. This division does not prohibit a lessor from repairing 3491
durable bingo equipment at any time, including during a bingo 3492
session. 3493

(E)(1) No lessor shall sell, offer to sell, or otherwise 3494
provide or offer to provide durable bingo equipment to any person, 3495
except to and for the use of a charitable organization that has 3496
been issued a license under section 2915.08 of the Revised Code. 3497
No lessor shall accept payment for the sale, lease, or other 3498
provision of durable bingo equipment other than by check. 3499

(2) No lessor shall purchase durable bingo equipment from any 3500
person except from a distributor issued a license under section 3501
2915.081 of the Revised Code. No lessor shall pay for durable 3502
bingo equipment other than by check. 3503

(3) No lessor shall participate in the conduct of bingo on 3504
behalf of a charitable organization. 3505

(4) No lessor shall knowingly solicit, offer, pay, or receive 3506
any kickback, bribe, or undocumented rebate, directly or 3507
indirectly, overtly or covertly, in cash or in kind, in return 3508
from providing durable bingo equipment to any person in this 3509
state. 3510

(F) The attorney general may suspend or revoke a lessor 3511
license for any of the reasons for which the attorney general may 3512
refuse to issue a lessor license specified in division (C) of this 3513
section or if the lessor holding the license violates any 3514
provision of this chapter or any rule adopted by the attorney 3515
general under this chapter. 3516

(G) Whoever violates division (A) or (E) of this section is 3517

guilty of illegally operating as a lessor. Except as otherwise 3518
provided in this division, illegally operating as a lessor is a 3519
misdemeanor of the first degree. If the offender has previously 3520
been convicted of a violation of division (A) or (E) of this 3521
section, illegally operating as a lessor is a felony of the fifth 3522
degree. 3523

Sec. 2915.09. (A) No charitable organization that conducts 3524
bingo shall fail to do any of the following: 3525

(1) Own all of the equipment used to conduct bingo or lease 3526
that equipment from a charitable organization that is licensed to 3527
conduct bingo, or, for durable bingo equipment, from the licensed 3528
lessor of a premises where bingo is conducted, for a rental rate 3529
that is not more than is customary and reasonable for that 3530
equipment; 3531

(2) Except as otherwise provided in division (A)(3) of this 3532
section, use all of the gross receipts from bingo for paying 3533
prizes, for reimbursement of expenses for or for renting premises 3534
in which to conduct a bingo session, for reimbursement of expenses 3535
for or for purchasing or leasing bingo supplies used in conducting 3536
bingo, for reimbursement of expenses for or for hiring security 3537
personnel, for reimbursement of expenses for or for advertising 3538
bingo, or for reimbursement of other expenses or for other 3539
expenses listed in division (LL) of section 2915.01 of the Revised 3540
Code, provided that the amount of the receipts so spent is not 3541
more than is customary and reasonable for a similar purchase, 3542
lease, hiring, advertising, or expense. If the building in which 3543
bingo is conducted is owned by the charitable organization 3544
conducting bingo and the bingo conducted includes a form of bingo 3545
described in division (S)(1) of section 2915.01 of the Revised 3546
Code, the charitable organization may deduct from the total amount 3547
of the gross receipts from each session a sum equal to the lesser 3548

of six hundred dollars or forty-five per cent of the gross 3549
receipts from the bingo described in that division as 3550
consideration for the use of the premises. 3551

(3) Use, or give, donate, or otherwise transfer, all of the 3552
net profit derived from bingo, other than instant bingo, for a 3553
charitable purpose listed in its license application and described 3554
in division (Z) of section 2915.01 of the Revised Code, or 3555
distribute all of the net profit from the proceeds of the sale of 3556
instant bingo as stated in its license application and in 3557
accordance with section 2915.101 of the Revised Code. 3558

(B) No charitable organization that conducts a bingo game 3559
described in division (S)(1) of section 2915.01 of the Revised 3560
Code shall fail to do any of the following: 3561

(1) Conduct the bingo game on premises that are owned by the 3562
charitable organization, on premises that are owned by another 3563
charitable organization and leased from that charitable 3564
organization for a rental rate not in excess of the lesser of six 3565
hundred dollars per bingo session or forty-five per cent of the 3566
gross receipts of the bingo session, on premises that are leased 3567
from a person other than a charitable organization for a rental 3568
rate that is not more than is customary and reasonable for 3569
premises that are similar in location, size, and quality but not 3570
in excess of four hundred fifty dollars per bingo session, or on 3571
premises that are owned by a person other than a charitable 3572
organization, that are leased from that person by another 3573
charitable organization, and that are subleased from that other 3574
charitable organization by the charitable organization for a 3575
rental rate not in excess of four hundred fifty dollars per bingo 3576
session. In no case shall a charitable organization pay property 3577
taxes or assessments on premises that the charitable organization 3578
leases from another person to conduct bingo. If the charitable 3579
organization leases from a person other than a charitable 3580

organization the premises on which it conducts bingo sessions, the 3581
lessor of the premises shall provide ~~only~~ the premises to the 3582
organization and shall not provide the organization with bingo 3583
game operators, security personnel, concessions or concession 3584
operators, bingo supplies, or any other type of service ~~or~~ 3585
~~equipment, except in the case of a licensed lessor providing~~ 3586
durable bingo equipment under section 2915.083 of the Revised 3587
Code. A charitable organization shall not lease or sublease 3588
premises that it owns or leases to more than one other charitable 3589
organization per calendar week for the purpose of conducting bingo 3590
sessions on the premises. A person that is not a charitable 3591
organization shall not lease premises that it owns, leases, or 3592
otherwise is empowered to lease to more than ~~one~~ three charitable 3593
~~organization~~ organizations per calendar week for conducting bingo 3594
sessions on the premises. In no case shall more than ~~two~~ nine 3595
bingo sessions be conducted on any premises in any calendar week. 3596

(2) Display its license conspicuously at the premises where 3597
the bingo session is conducted; 3598

(3) Conduct the bingo session in accordance with the 3599
definition of bingo set forth in division (S)(1) of section 3600
2915.01 of the Revised Code. 3601

(C) No charitable organization that conducts a bingo game 3602
described in division (S)(1) of section 2915.01 of the Revised 3603
Code shall do any of the following: 3604

(1) Pay any compensation to a bingo game operator for 3605
operating a bingo session that is conducted by the charitable 3606
organization or for preparing, selling, or serving food or 3607
beverages at the site of the bingo session, permit any auxiliary 3608
unit or society of the charitable organization to pay compensation 3609
to any bingo game operator who prepares, sells, or serves food or 3610
beverages at a bingo session conducted by the charitable 3611
organization, or permit any auxiliary unit or society of the 3612

charitable organization to prepare, sell, or serve food or 3613
beverages at a bingo session conducted by the charitable 3614
organization, if the auxiliary unit or society pays any 3615
compensation to the bingo game operators who prepare, sell, or 3616
serve the food or beverages; 3617

(2) Pay consulting fees to any person for any services 3618
performed in relation to the bingo session; 3619

(3) Pay concession fees to any person who provides 3620
refreshments to the participants in the bingo session; 3621

(4) Except as otherwise provided in division (C)(4) of this 3622
section, conduct more than ~~two~~ three bingo sessions in any 3623
seven-day period. A volunteer firefighter's organization or a 3624
volunteer rescue service organization that conducts not more than 3625
five bingo sessions in a calendar year may conduct more than ~~two~~ 3626
three bingo sessions in a seven-day period after notifying the 3627
attorney general when it will conduct the sessions. 3628

(5) Pay out more than ~~three~~ six thousand ~~five hundred~~ dollars 3629
in prizes for bingo games described in division (S)(1) of section 3630
2915.01 of the Revised Code during any bingo session that is 3631
conducted by the charitable organization. "Prizes" does not 3632
include awards from the conduct of instant bingo. 3633

(6) Conduct a bingo session at any time during the ten-hour 3634
period between midnight and ten a.m., at any time during, or 3635
within ten hours of, a bingo game conducted for amusement only 3636
pursuant to section 2915.12 of the Revised Code, at any premises 3637
not specified on its license, or on any day of the week or during 3638
any time period not specified on its license. Division (A)(6) of 3639
this section does not prohibit the sale of instant bingo tickets 3640
beginning at nine a.m. for a bingo session that begins at ten a.m. 3641
If circumstances make it impractical for the charitable 3642
organization to conduct a bingo session at the premises, or on the 3643

day of the week or at the time, specified on its license or if a 3644
charitable organization wants to conduct bingo sessions on a day 3645
of the week or at a time other than the day or time specified on 3646
its license, the charitable organization may apply in writing to 3647
the attorney general for an amended license pursuant to division 3648
(F) of section 2915.08 of the Revised Code. A charitable 3649
organization may apply twice in each calendar year for an amended 3650
license to conduct bingo sessions on a day of the week or at a 3651
time other than the day or time specified on its license. If the 3652
amended license is granted, the organization may conduct bingo 3653
sessions at the premises, on the day of the week, and at the time 3654
specified on its amended license. 3655

(7) Permit any person whom the charitable organization knows, 3656
or should have known, is under the age of eighteen to work as a 3657
bingo game operator; 3658

(8) Permit any person whom the charitable organization knows, 3659
or should have known, has been convicted of a felony or gambling 3660
offense in any jurisdiction to be a bingo game operator; 3661

(9) Permit the lessor of the premises on which the bingo 3662
session is conducted, if the lessor is not a charitable 3663
organization, to provide the charitable organization with bingo 3664
game operators, security personnel, concessions, bingo supplies, 3665
or any other type of service ~~or equipment~~, except in the case of a 3666
licensed lessor providing durable bingo equipment under section 3667
2915.083 of the Revised Code; 3668

(10) Purchase or lease bingo supplies from any person except 3669
a distributor issued a license under section 2915.081 of the 3670
Revised Code, except a charitable organization may purchase or 3671
lease durable bingo equipment from a lessor licensed under section 3672
2915.083 of the Revised Code; 3673

(11)(a) Use or permit the use of electronic bingo aids except 3674

under the following circumstances: 3675

(i) For any single participant, not more than ninety bingo 3676
faces can be played using an electronic bingo aid or aids. 3677

(ii) The charitable organization shall provide a participant 3678
using an electronic bingo aid with corresponding paper bingo cards 3679
or sheets. 3680

(iii) The total price of bingo faces played with an 3681
electronic bingo aid shall be equal to the total price of the same 3682
number of bingo faces played with a paper bingo card or sheet sold 3683
at the same bingo session but without an electronic bingo aid. 3684

(iv) An electronic bingo aid cannot be part of an electronic 3685
network other than a network that includes only bingo aids and 3686
devices that are located on the premises at which the bingo is 3687
being conducted or be interactive with any device not located on 3688
the premises at which the bingo is being conducted. 3689

(v) An electronic bingo aid cannot be used to participate in 3690
bingo that is conducted at a location other than the location at 3691
which the bingo session is conducted and at which the electronic 3692
bingo aid is used. 3693

(vi) An electronic bingo aid cannot be used to provide for 3694
the input of numbers and letters announced by a bingo caller other 3695
than the bingo caller who physically calls the numbers and letters 3696
at the location at which the bingo session is conducted and at 3697
which the electronic bingo aid is used. 3698

(b) The attorney general may adopt rules in accordance with 3699
Chapter 119. of the Revised Code that govern the use of electronic 3700
bingo aids. The rules may include a requirement that an electronic 3701
bingo aid be capable of being audited by the attorney general to 3702
verify the number of bingo cards or sheets played during each 3703
bingo session. 3704

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

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

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

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

(E) Notwithstanding division (B)(1) of this section, a
charitable organization that, prior to December 6, 1977, has
entered into written agreements for the lease of premises it owns
to another charitable organization or other charitable
organizations for the conducting of bingo sessions so that more
than two bingo sessions are conducted per calendar week on the
premises, and a person that is not a charitable organization and
that, prior to December 6, 1977, has entered into written

agreements for the lease of premises it owns to charitable 3737
organizations for the conducting of more than two bingo sessions 3738
per calendar week on the premises, may continue to lease the 3739
premises to those charitable organizations, provided that no more 3740
than four sessions are conducted per calendar week, that the 3741
lessor organization or person has notified the attorney general in 3742
writing of the organizations that will conduct the sessions and 3743
the days of the week and the times of the day on which the 3744
sessions will be conducted, that the initial lease entered into 3745
with each organization that will conduct the sessions was filed 3746
with the attorney general prior to December 6, 1977, and that each 3747
organization that will conduct the sessions was issued a license 3748
to conduct bingo games by the attorney general prior to December 3749
6, 1977. 3750

(F) This section does not prohibit a bingo licensed 3751
charitable organization or a bingo game operator from giving any 3752
person an instant bingo ticket as a prize in place of a cash prize 3753
won by a participant in an instant bingo game. In no case shall an 3754
instant bingo ticket or card be sold or provided for a price 3755
different from the price printed on it by the manufacturer on 3756
either the instant bingo ticket or card or on the game flare. 3757

(G) Whoever violates division (A)(2) of this section is 3758
guilty of illegally conducting a bingo game, a felony of the 3759
fourth degree. Except as otherwise provided in this division, 3760
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 3761
(C)(1) to (12), or (D) of this section is guilty of a minor 3762
misdemeanor. If the offender previously has been convicted of a 3763
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 3764
to (11), or (D) of this section, a violation of division (A)(1) 3765
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 3766
misdemeanor of the first degree. Whoever violates division (C)(12) 3767
of this section is guilty of a misdemeanor of the first degree, if 3768

the offender previously has been convicted of a violation of 3769
division (C)(12) of this section, a felony of the fourth degree. 3770

Sec. 2915.091. (A) No charitable organization that conducts 3771
instant bingo shall do any of the following: 3772

(1) Fail to comply with the requirements of divisions (A)(1), 3773
(2), and (3) of section 2915.09 of the Revised Code; 3774

(2) Conduct instant bingo unless either of the following 3775
~~apply~~ applies: 3776

(a) That organization is, and has received from the internal 3777
revenue service a determination letter that is currently in effect 3778
stating that the organization is, exempt from federal income 3779
taxation under subsection 501(a), is described in subsection 3780
501(c)(3) of the Internal Revenue Code, is a charitable 3781
organization as defined in section 2915.01 of the Revised Code, is 3782
in good standing in the state pursuant to section 2915.08 of the 3783
Revised Code, and is in compliance with Chapter 1716. of the 3784
Revised Code; 3785

(b) That organization is, and has received from the internal 3786
revenue service a determination letter that is currently in effect 3787
stating that the organization is, exempt from federal income 3788
taxation under subsection 501(a), is described in subsection 3789
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 3790
organization described in subsection 501(c)(4) of the Internal 3791
Revenue Code, and conducts instant bingo under section 2915.13 of 3792
the Revised Code. 3793

(3) Conduct instant bingo on any day, at any time, or at any 3794
premises not specified on the organization's license issued 3795
pursuant to section 2915.08 of the Revised Code; 3796

(4) Permit any person whom the organization knows or should 3797
have known has been convicted of a felony or gambling offense in 3798

any jurisdiction to be a bingo game operator in the conduct of	3799
instant bingo;	3800
(5) Purchase or lease supplies used to conduct instant bingo	3801
or punch board games from any person except a distributor licensed	3802
under section 2915.081 of the Revised Code;	3803
(6) Sell or provide any instant bingo ticket or card for a	3804
price different from the price printed on it by the manufacturer	3805
on either the instant bingo ticket or card or on the game flare;	3806
(7) Sell an instant bingo ticket or card to a person under	3807
eighteen years of age;	3808
(8) Fail to keep unsold instant bingo tickets or cards for	3809
less than three years;	3810
(9) Pay any compensation to a bingo game operator for	3811
conducting instant bingo that is conducted by the organization or	3812
for preparing, selling, or serving food or beverages at the site	3813
of the instant bingo game, permit any auxiliary unit or society of	3814
the organization to pay compensation to any bingo game operator	3815
who prepares, sells, or serves food or beverages at an instant	3816
bingo game conducted by the organization, or permit any auxiliary	3817
unit or society of the organization to prepare, sell, or serve	3818
food or beverages at an instant bingo game conducted by the	3819
organization, if the auxiliary unit or society pays any	3820
compensation to the bingo game operators who prepare, sell, or	3821
serve the food or beverages;	3822
(10) Pay fees to any person for any services performed in	3823
relation to an instant bingo game;	3824
(11) Pay fees to any person who provides refreshments to the	3825
participants in an instant bingo game;	3826
(12)(a) Allow instant bingo tickets or cards to be sold to	3827
bingo game operators at a premises at which the organization sells	3828

instant bingo tickets or cards or to be sold to employees of a D 3829
permit holder who are working at a premises at which instant bingo 3830
tickets or cards are sold; 3831

(b) Division (A)(12)(a) of this section does not prohibit a 3832
licensed charitable organization or a bingo game operator from 3833
giving any person an instant bingo ~~tickets~~ ticket as a prize in 3834
place of a cash prize won by a participant in an instant bingo 3835
game. In no case shall an instant bingo ticket or card be sold or 3836
provided for a price different from the price printed on it by the 3837
manufacturer on either the instant bingo ticket or card or on the 3838
game flare. 3839

(13) Fail to display its bingo license, and the serial 3840
numbers of the deal of instant bingo tickets or cards to be sold, 3841
conspicuously at each premises at which it sells instant bingo 3842
tickets or cards; 3843

(14) Possess a deal of instant bingo tickets or cards that 3844
was not purchased from a distributor licensed under section 3845
2915.081 of the Revised Code as reflected on an invoice issued by 3846
the distributor that contains all of the information required by 3847
division (E) of section 2915.10 of the Revised Code; 3848

~~(15) Fail, once it opens a deal of instant bingo tickets or 3849
cards, to continue to sell the tickets or cards in that deal until 3850
the tickets or cards with the top two highest tiers of prizes in 3851
that deal are sold;~~ 3852

~~(16) Purchase, lease, or use instant bingo ticket dispensers 3853
to sell instant bingo tickets or cards;~~ 3854

~~(17)~~ Possess bingo supplies that were not obtained in 3855
accordance with sections 2915.01 to 2915.13 of the Revised Code. 3856

(B)(1) A charitable organization may conduct instant bingo 3857
other than at a bingo session at not more than five separate 3858
locations. A charitable organization that is exempt from federal 3859

taxation under subsection 501(a) and described in subsection 3860
501(c)(3) of the Internal Revenue Code and that is created by a 3861
veteran's organization or a fraternal organization is not limited 3862
in the number of separate locations the charitable organization 3863
may conduct instant bingo other than at a bingo session. 3864

(2) A charitable organization may purchase, lease, or use 3865
instant bingo ticket dispensers to sell instant bingo tickets or 3866
cards. 3867

(C) The attorney general may adopt rules in accordance with 3868
Chapter 119. of the Revised Code that govern the conduct of 3869
instant bingo by charitable organizations. Before those rules are 3870
adopted, the attorney general shall reference the recommended 3871
standards for opacity, randomization, minimum information, winner 3872
protection, color, and cutting for instant bingo tickets or cards, 3873
seal cards, and punch boards established by the North American 3874
gaming regulators association. 3875

(D) Whoever violates division (A) of this section or a rule 3876
adopted under division (C) of this section is guilty of illegal 3877
instant bingo conduct. Except as otherwise provided in this 3878
division, illegal instant bingo conduct is a misdemeanor of the 3879
first degree. If the offender previously has been convicted of a 3880
violation of division (A) of this section or of such a rule, 3881
illegal instant bingo conduct is a felony of the fifth degree. 3882

Sec. 2915.093. (A) As used in this section, "retail income 3883
from all commercial activity" means the income that a person 3884
receives from the provision of goods, services, or activities that 3885
are provided at the location where instant bingo other than at a 3886
bingo session is conducted, including the sale of instant bingo 3887
tickets. A religious organization that is exempt from federal 3888
income taxation under subsection 501(a) and described in 3889
subsection 501(c)(3) of the Internal Revenue Code, at not more 3890

than one location at which it conducts its charitable programs, 3891
may include donations from its members and guests as retail 3892
income. 3893

(B) A charitable instant bingo organization may conduct 3894
instant bingo other than at a bingo session at not more than five 3895
separate locations. 3896

(C)(1) If a charitable instant bingo organization conducts 3897
instant bingo other than at a bingo session, the charitable 3898
instant bingo organization shall enter into a written contract 3899
with the owner or lessor of the location at which the instant 3900
bingo is conducted to allow the owner or lessor to assist in the 3901
conduct of instant bingo other than at a bingo session, identify 3902
each location where the instant bingo other than at a bingo 3903
session is being conducted, and identify the owner or lessor of 3904
each location. 3905

(2) A charitable instant bingo organization that conducts 3906
instant bingo other than at a bingo session is not required to 3907
enter into a written contract with the owner or lessor of the 3908
location at which the instant bingo is conducted, provided that 3909
the owner or lessor is not assisting in the conduct of the instant 3910
bingo other than at a bingo session and provided that the conduct 3911
of the instant bingo other than at a bingo session at that 3912
location is not more than five days per calendar year and not more 3913
than ten hours per day. 3914

(D) Except as provided in division (G) of this section, no 3915
charitable instant bingo organization shall conduct instant bingo 3916
other than at a bingo session at a location where the primary 3917
source of retail income from all commercial activity at that 3918
location is the sale of instant bingo tickets. 3919

(E) The owner or lessor of a location that enters into a 3920
contract pursuant to division (C) of this section shall pay the 3921

full gross profit to the charitable instant bingo organization by 3922
check, in return for the deal of instant bingo tickets. The owner 3923
or lessor may retain the money that the owner or lessor receives 3924
for selling the instant bingo tickets, provided, however, that 3925
after the deal has been sold, the owner or lessor shall pay to the 3926
charitable instant bingo organization the value of any unredeemed 3927
instant bingo prizes remaining in the deal of instant bingo 3928
tickets by check. 3929

As used in this division, "full gross profit" means the 3930
amount by which the total receipts of all instant bingo tickets, 3931
if the deal had been sold in full, exceeds the amount that would 3932
be paid out if all prizes were redeemed. 3933

(F) A charitable instant bingo organization shall provide the 3934
attorney general with all of the following information: 3935

(1) That the charitable instant bingo organization has 3936
terminated a contract entered into pursuant to division (C) of 3937
this section with an owner or lessor of a location; 3938

(2) That the charitable instant bingo organization has 3939
entered into a written contract pursuant to division (C) of this 3940
section with a new owner or lessor of a location; 3941

(3) That the charitable instant bingo organization is aware 3942
of conduct by the owner or lessor of a location at which instant 3943
bingo is conducted that is in violation of this chapter. 3944

(G) Division (D) of this section does not apply to a 3945
volunteer firefighter's organization that is exempt from federal 3946
income taxation under subsection 501(a) and described in 3947
subsection 501(c)(3) of the Internal Revenue Code, that conducts 3948
instant bingo other than at a bingo session on the premises where 3949
the organization conducts firefighter training, that has conducted 3950
instant bingo continuously for at least five years prior to July 3951
1, 2003, and that, during each of those five years, had gross 3952

receipts of at least one million five hundred thousand dollars. 3953

Sec. 2915.10. (A) No charitable organization that conducts 3954
bingo, instant bingo, or a game of chance ~~pursuant to division (D)~~ 3955
~~of section 2915.02 of the Revised Code~~ conducted for profit or a 3956
raffle shall fail to maintain the following records for at least 3957
three years from the date on which the bingo, instant bingo, or 3958
game of chance conducted for profit or raffle is conducted: 3959

(1) An itemized list of the gross receipts of each bingo 3960
session, each game of instant bingo by serial number, each raffle, 3961
each punch board game, and each game of chance conducted for 3962
profit, and an itemized list of the gross profits of each game of 3963
instant bingo by serial number; 3964

(2) An itemized list of all expenses, other than prizes, that 3965
are incurred in conducting bingo ~~or~~, instant bingo, a game of 3966
chance conducted for profit, or a raffle, the name of each person 3967
to whom the expenses are paid, and a receipt for all of the 3968
expenses; 3969

(3) A list of all prizes awarded during each bingo session, 3970
each raffle, each punch board game, and each game of chance 3971
conducted for profit by the charitable organization, the total 3972
prizes awarded from each game of instant bingo by serial number, 3973
and the name, address, and social security number of all persons 3974
who are winners of prizes of six hundred dollars or more in value; 3975

(4) An itemized list of the recipients of the net profit of 3976
~~the~~ bingo, instant bingo, raffle, or game of chance conducted for 3977
profit, including the name and address of each recipient to whom 3978
the money is distributed, and if the organization uses the net 3979
profit of bingo, ~~or the money or assets received from a game of~~ 3980
~~chance~~, net profit from the proceeds from the sale of instant 3981
bingo, net profit from the proceeds of a game of chance conducted 3982
for profit, or net profit from a raffle for any charitable or 3983

other purpose set forth in division (Z) of section 2915.01, 3984
division (D) of section 2915.02, section 2915.092, or section 3985
2915.101 of the Revised Code, a list of each purpose and an 3986
itemized list of each expenditure for each purpose; 3987

(5) The number of persons who participate in any bingo 3988
session or game of chance conducted for profit that is conducted 3989
by the charitable organization; 3990

(6) A list of receipts from the sale of food and beverages by 3991
the charitable organization or one of its auxiliary units or 3992
societies, if the receipts were excluded from gross receipts under 3993
division (X) of section 2915.01 of the Revised Code; 3994

(7) An itemized list of all expenses incurred at each bingo 3995
session, each raffle, each punch board game, each game of chance 3996
conducted for profit, or each game of instant bingo conducted by 3997
the charitable organization in the sale of food and beverages by 3998
the charitable organization or by an auxiliary unit or society of 3999
the charitable organization, the name of each person to whom the 4000
expenses are paid, and a receipt for all of the expenses. 4001

(B) A charitable organization shall keep the records that it 4002
is required to maintain pursuant to division (A) of this section 4003
at its principal place of business in this state or at its 4004
headquarters in this state and shall notify the attorney general 4005
of the location at which those records are kept. 4006

(C) The gross profit from each bingo session or game 4007
described in division (S)(1) or (2) of section 2915.01 of the 4008
Revised Code shall be deposited into a checking account devoted 4009
exclusively to the bingo session or game. Payments for allowable 4010
expenses incurred in conducting the bingo session or game and 4011
payments to recipients of some or all of the net profit of the 4012
bingo session or game shall be made only by checks drawn on the 4013
bingo session or game account or by electronic funds transfer from 4014

the bingo session or game account. 4015

(D) Each charitable organization shall conduct and record an 4016
inventory of all of its bingo supplies as of the first day of 4017
November of each year. 4018

(E) The attorney general may adopt rules in accordance with 4019
Chapter 119. of the Revised Code that establish standards of 4020
accounting, record keeping, and reporting to ensure that gross 4021
receipts from bingo, instant bingo, or games of chance conducted 4022
for profit are properly accounted for. 4023

(F) A distributor shall maintain, for a period of three years 4024
after the date of its sale or other provision, a record of each 4025
instance of its selling or otherwise providing to another person 4026
bingo supplies for use in this state. The record shall include all 4027
of the following for each instance: 4028

(1) The name of the manufacturer from which the distributor 4029
purchased the bingo supplies and the date of the purchase; 4030

(2) The name and address of the charitable organization or 4031
other distributor to which the bingo supplies were sold or 4032
otherwise provided; 4033

(3) A description that clearly identifies the bingo supplies; 4034

(4) Invoices that include the nonrepeating serial numbers of 4035
all paper bingo cards and sheets and all instant bingo deals sold 4036
or otherwise provided to each charitable organization and the 4037
manufacturer of each instant bingo deal sold or otherwise 4038
provided. 4039

(G) A manufacturer shall maintain, for a period of three 4040
years after the date of its sale or other provision, a record of 4041
each instance of its selling or otherwise providing bingo supplies 4042
for use in this state. The record shall include all of the 4043
following for each instance: 4044

(1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;	4045 4046
(2) A description that clearly identifies the bingo supplies, including serial numbers;	4047 4048
(3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.	4049 4050 4051
(H) <u>A licensed lessor shall maintain, for a period of three years after the date of its purchase, sale, lease, or other provision of durable bingo equipment, a record of each instance of its purchasing or acquiring of durable bingo equipment and its selling, leasing, or otherwise providing to another person durable bingo equipment. The record shall include all of the following for each instance:</u>	4052 4053 4054 4055 4056 4057 4058
<u>(1) The name of the distributor from which the licensed lessor purchased the durable bingo equipment and the date of purchase;</u>	4059 4060 4061
<u>(2) The name and address of the charitable organization to which the durable bingo equipment was sold, leased, or otherwise provided;</u>	4062 4063 4064
<u>(3) A description that clearly identifies the durable bingo equipment;</u>	4065 4066
<u>(4) Invoices, purchase agreements, contracts, or lease agreements of all durable bingo equipment sold, leased, or otherwise provided to each charitable organization;</u>	4067 4068 4069
<u>(5) Invoices, purchase agreements, contracts, or lease agreements of all durable bingo equipment purchased, leased, or otherwise obtained from each distributor.</u>	4070 4071 4072
<u>(I) The attorney general or any law enforcement agency may do all of the following:</u>	4073 4074

(1) Investigate any charitable organization or any officer, agent, trustee, member, bingo game operator, or employee of the organization; 4075
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(2) Examine the accounts and records of the organization or of any distributor, manufacturer, or lessor; 4078
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(3) Conduct inspections, audits, and observations of bingo instant bingo, raffles, or games of chance conducted for profit; 4080
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(4) Conduct inspections of the premises where bingo or games of chance conducted for profit are conducted and conduct inspections of any distributor, manufacturer, or lessor; 4082
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(5) Take any other necessary and reasonable action to determine if a violation of any provision of sections 2915.01 to 2915.13 of the Revised Code has occurred and to determine whether section 2915.11 of the Revised Code has been complied with. 4085
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If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member, bingo game operator, or employee of the organization has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the attorney general when commencing an action as described in this division. 4089
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~~(I)~~(J) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, distributor, manufacturer, or lessor that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo ~~or~~, instant bingo, a game of chance conducted for profit, or a raffle or premises where bingo ~~or~~, instant bingo, a game of chance conducted for profit, or a raffle is conducted, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any 4097
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other reasonable action undertaken by, the attorney general or a 4106
law enforcement agency ~~pursuant to~~ under division ~~(H)~~(I) of this 4107
section. 4108

~~(J)~~(K) Whoever violates division (A) or ~~(I)~~(J) of this 4109
section is guilty of a misdemeanor of the first degree. 4110

Sec. 2915.101. Except as otherwise provided by law, a 4111
charitable organization that conducts instant bingo shall 4112
distribute the net profit from the proceeds of the sale of instant 4113
bingo as follows: 4114

(A)(1) If a veteran's organization, a fraternal organization, 4115
or a sporting organization conducted the instant bingo, the 4116
organization shall distribute the net profit from the proceeds of 4117
the sale of instant bingo, as follows: 4118

(a) For the first ~~one~~ two hundred fifty thousand dollars, or 4119
a greater amount prescribed by the attorney general to adjust for 4120
changes in prices as measured by the consumer price index as 4121
defined in section 325.18 of the Revised Code and other factors 4122
affecting the organization's expenses as defined in division (LL) 4123
of section 2915.01 of the Revised Code, or less of net profit from 4124
the proceeds of the sale of instant bingo generated in a calendar 4125
year: 4126

(i) At least twenty-five per cent shall be distributed to an 4127
organization described in division (Z)(1) of section 2915.01 of 4128
the Revised Code or to a department or agency of the federal 4129
government, the state, or any political subdivision. 4130

(ii) Not more than seventy-five per cent may be deducted and 4131
retained by the organization for reimbursement of or for the 4132
organization's expenses, as defined in division (LL) of section 4133
2915.01 of the Revised Code, in conducting the instant bingo game. 4134

(b) For any net profit from the proceeds of the sale of 4135

instant bingo of more than ~~one~~ two hundred fifty thousand dollars 4136
or an adjusted amount generated in a calendar year: 4137

(i) A minimum of fifty per cent shall be distributed to an 4138
organization described in division (Z)(1) of section 2915.01 of 4139
the Revised Code or to a department or agency of the federal 4140
government, the state, or any political subdivision. 4141

(ii) Five per cent may be distributed for the organization's 4142
own charitable purposes or to a community action agency. 4143

(iii) Forty-five per cent may be deducted and retained by the 4144
organization for reimbursement of or for the organization's 4145
expenses, as defined in division (LL) of section 2915.01 of the 4146
Revised Code, in conducting the instant bingo game. 4147

(2) If a veteran's organization, a fraternal organization, or 4148
a sporting organization does not distribute the full percentages 4149
specified in divisions (A)(1)(a) and (b) of this section for the 4150
purposes specified in those divisions, the organization shall 4151
distribute the balance of the net profit from the proceeds of the 4152
sale of instant bingo not distributed or retained for those 4153
purposes to an organization described in division (Z)(1) of 4154
section 2915.01 of the Revised Code. 4155

(B) If a charitable organization other than a veteran's 4156
organization, a fraternal organization, or a sporting organization 4157
conducted the instant bingo, the organization shall distribute one 4158
hundred per cent of the net profit from the proceeds of the sale 4159
of instant bingo to an organization described in division (Z)(1) 4160
of section 2915.01 of the Revised Code or to a department or 4161
agency of the federal government, the state, or any political 4162
subdivision. 4163

(C) Nothing in this section prohibits a veteran's 4164
organization, a fraternal organization, or a sporting organization 4165
from distributing any net profit from the proceeds of the sale of 4166

instant bingo to an organization that is described in subsection 4167
501(c)(3) of the Internal Revenue Code when the organization that 4168
is described in subsection 501(c)(3) of the Internal Revenue Code 4169
is one that makes donations to other organizations and permits 4170
donors to advise or direct such donations so long as the donations 4171
comply with requirements established in or pursuant to subsection 4172
501(c)(3) of the Internal Revenue Code. 4173

(D) All distributions required under this section shall be 4174
distributed within the same calendar year in which the net profit 4175
from the proceeds from the sale of instant bingo is generated. 4176

Sec. 2915.13. (A) A licensed veteran's organization, a 4177
fraternal organization, or a sporting organization ~~authorized to~~ 4178
~~conduct a bingo session pursuant to sections 2915.01 to 2915.12 of~~ 4179
~~the Revised Code~~ that also qualifies as a charitable organization 4180
may conduct instant bingo other than at a bingo session if all of 4181
the following apply: 4182

(1) The veteran's organization, fraternal organization, or 4183
sporting organization limits the sale of instant bingo to twelve 4184
hours during any day, provided that the sale does not begin 4185
earlier than ten a.m. and ends not later than two a.m. 4186

(2) The veteran's organization, fraternal organization, or 4187
sporting organization limits the sale of instant bingo to its own 4188
premises and to its own members and invited guests. 4189

(3) The veteran's organization, fraternal organization, or 4190
sporting organization is raising money for an organization that is 4191
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the 4192
Internal Revenue Code and is either a governmental unit or an 4193
organization that maintains its principal place of business in 4194
this state, that is exempt from federal income taxation under 4195
subsection 501(a) and described in subsection 501(c)(3) of the 4196
Internal Revenue Code, and that is in good standing in this state 4197

and executes a written contract with that organization as required 4198
in division (B) of this section. 4199

(B) If a veteran's organization, fraternal organization, or 4200
sporting organization authorized to conduct instant bingo pursuant 4201
to division (A) of this section is raising money for another 4202
organization that is described in subsection 509(a)(1), 509(a)(2), 4203
or 509(a)(3) of the Internal Revenue Code and is either a 4204
governmental unit or an organization that maintains its principal 4205
place of business in this state, that is exempt from federal 4206
income taxation under subsection 501(a) and described in 4207
subsection 501(c)(3) of the Internal Revenue Code, and that is in 4208
good standing in this state, the veteran's organization, fraternal 4209
organization, or sporting organization shall execute a written 4210
contract with the organization that is described in subsection 4211
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 4212
and is either a governmental unit or an organization that 4213
maintains its principal place of business in this state, that is 4214
exempt from federal income taxation under subsection 501(a) and 4215
described in subsection 501(c)(3) of the Internal Revenue Code, 4216
and that is in good standing in this state in order to conduct 4217
instant bingo. That contract shall include a statement of the 4218
percentage of the net proceeds that the veteran's, fraternal, or 4219
sporting organization will be distributing to the organization 4220
that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) 4221
of the Internal Revenue Code and is either a governmental unit or 4222
an organization that maintains its principal place of business in 4223
this state, that is exempt from federal income taxation under 4224
subsection 501(a) and described in subsection 501(c)(3) of the 4225
Internal Revenue Code, and that is in good standing in this state. 4226

(C)(1) If a veteran's organization, fraternal organization, 4227
or sporting organization authorized to conduct instant bingo 4228
pursuant to division (A) of this section has been issued a liquor 4229

permit under Chapter 4303. of the Revised Code, that permit may be 4230
subject to suspension, revocation, or cancellation if the 4231
veteran's organization, fraternal organization, or sporting 4232
organization violates a provision of this chapter. 4233

(2) No veteran's organization, fraternal organization, or 4234
sporting organization that enters into a written contract pursuant 4235
to division (B) of this section shall violate any provision of 4236
this chapter or permit, aid, or abet any other person in violating 4237
any provision of this chapter. 4238

(D) A veteran's organization, fraternal organization, or 4239
sporting organization shall give all required proceeds earned from 4240
the conduct of instant bingo to the organization with which the 4241
veteran's organization, fraternal organization, or sporting 4242
organization has entered into a written contract according to the 4243
requirements of section 2915.101 of the Revised Code. 4244

(E) Whoever violates this section is guilty of illegal 4245
instant bingo conduct. Except as otherwise provided in this 4246
division, illegal instant bingo conduct is a misdemeanor of the 4247
first degree. If the offender previously has been convicted of a 4248
violation of this section, illegal instant bingo conduct is a 4249
felony of the fifth degree. 4250

Sec. 2915.14. (A) The owner of a permitted location may 4251
establish a charity card room on the premises of the permitted 4252
location. The owner shall provide necessary game tables, chairs, 4253
surveillance, and other equipment in the charity card room. 4254

(B) A charitable organization may conduct games of chance in 4255
a charity card room for up to one hundred twenty-eight hours 4256
annually. Such hours need not be on consecutive days. More than 4257
one charitable organization may conduct games of chance in a 4258
charity card room simultaneously. 4259

(C)(1) The charitable organization shall pay rent to the 4260
owner of a permitted location in the amount of fifteen per cent of 4261
the revenue made from conducting the games of chance in the 4262
charity card room. 4263

(2) A charitable organization shall pay expenses for 4264
conducting games of chance in a charity card room, including 4265
expenses for the following: dealers, payroll administration, 4266
security, accounting, auditing, shuffle machine rental, insurance, 4267
marketing, advertising, utilities, cleanup, maintenance, and 4268
repair. A charitable organization may pay these expenses from its 4269
share of the revenue made from conducting games of chance in the 4270
charity card room. 4271

(3) Charitable organizations may pool revenue and expenses 4272
when applicable in a charity card room. 4273

(4) One hundred per cent of the net revenue in a charity card 4274
room remaining after payment of expenses and rent shall be paid to 4275
each charitable organization on a pro rata basis, based on 4276
volunteer hours of each charitable organization. 4277

(D) Notwithstanding division (D) of section 2915.02, a 4278
charitable organization may compensate dealers, dealer 4279
supervisors, human resource personnel, and other related personnel 4280
for operating games of chance in a charity card room. Dealers may 4281
also accept tips from games of chance players. 4282

(E) For the purposes of division (D)(1)(c) of section 2915.02 4283
of the Revised Code, a charitable organization may conduct games 4284
of chance at a permitted location and conducting those games of 4285
chance in a charity card room is considered a festival if the 4286
charitable organization provides a display booth about the 4287
charitable organization in the charity card room at all times when 4288
it is conducting games of chance. 4289

Sec. 3517.1015. Each person licensed under Chapter 3772. of 4290
the Revised Code shall disclose quarterly to the secretary of 4291
state any contribution of one hundred dollars or more made to the 4292
holder of or any candidate for a statewide office, a member of the 4293
general assembly, a local government official of a jurisdiction 4294
where a casino facility is located, or to any ballot issue. 4295

Sec. 3769.081. The state racing commission shall administer 4296
the Ohio state racing commission fund. The commission shall use 4297
the money in the fund to support purses, breeding programs, race 4298
track operations, and commission operations. The commission, 4299
considering the relative importance of these purposes in light of 4300
prevailing circumstances in the horse racing industry, shall 4301
determine the percentage of the money in the fund that is to be 4302
applied to each of these purposes. 4303

Sec. 3772.01. As used in this chapter: 4304

(A) "Applicant" means any person who applies to the 4305
commission for a license under this chapter. 4306

(B) "Casino control commission fund" means the casino control 4307
commission fund described in Section 6(C)(3)(d) of Article XV, 4308
Ohio Constitution, the money in which shall be used to fund the 4309
commission and its related affairs. 4310

(C) "Casino facility" means a casino facility as defined in 4311
Section 6(C)(9) of Article XV, Ohio Constitution, and includes one 4312
or more locations, buildings, or rooms within the boundaries of 4313
the properties described in Section 6(C)(9) of Article XV, Ohio 4314
Constitution. 4315

(D) "Casino gaming" means any type of slot machine or table 4316
game wagering, using money, casino credit, or any representative 4317
of value, authorized in any of the states of Indiana, Michigan, 4318

Pennsylvania, and West Virginia as of January 1, 2009, and 4319
includes slot machine and table game wagering subsequently 4320
authorized by, but shall not be limited by, subsequent 4321
restrictions placed on such wagering in such states. "Casino 4322
gaming" does not include bingo, as authorized in Section 6 of 4323
Article XV, Ohio Constitution and conducted as of January 1, 2009, 4324
or horse racing where the pari-mutuel system of wagering is 4325
conducted, as authorized under the laws of this state as of 4326
January 1, 2009. 4327

(E) "Casino gaming employee" means any employee of a casino 4328
operator or management company, but not a key employee, and as 4329
further defined in section 3772.131 of the Revised Code. 4330

(F) "Casino operator" means any person, trust, corporation, 4331
partnership, limited partnership, association, limited liability 4332
company, or other business enterprise that directly holds an 4333
ownership or leasehold interest in a casino facility. "Casino 4334
operator" does not include an agency of the state, any political 4335
subdivision of the state, any person, trust, corporation, 4336
partnership, limited partnership, association, limited liability 4337
company, or other business enterprise that may have an interest in 4338
a casino facility, but who is legally or contractually restricted 4339
from conducting casino gaming. 4340

(G) "Central system" means a computer system that provides 4341
the following functions related to casino gaming equipment used in 4342
connection with casino gaming authorized under this chapter: 4343
security, auditing, data and information retrieval, and other 4344
purposes deemed necessary and authorized by the commission. 4345

(H) "Commission" means the Ohio casino control commission. 4346

(I) "Economic development programs fund" consists of the 4347
proceeds from the upfront license fee to be paid by each initial 4348
licensed casino operator described in Section 6(C)(4) of Article 4349

XV, Ohio Constitution, the money in which shall be used to fund 4350
state economic development programs that support regional job 4351
training efforts to equip the workforce of this state with 4352
additional skills and to grow the economy. 4353

(J) "Gaming agent" means a peace officer employed by the 4354
commission that is vested with duties to enforce this chapter and 4355
conduct other investigations into the conduct of the casino gaming 4356
and the maintenance of the equipment that the commission considers 4357
necessary and proper and is in compliance with section 109.77 of 4358
the Revised Code. 4359

(K) "Gaming-related vendor" means any individual, 4360
partnership, corporation, association, trust, or any other group 4361
of individuals, however organized, who supplies any equipment, 4362
goods, or services to a casino operator or management company. 4363

(L) "Goods and services" does not include the following: 4364
testing by certified testing laboratories; utilities; taxes; 4365
financing costs, mortgages, loans, or other debt; medical 4366
insurance; fees and payments to a parent or affiliated company of 4367
a casino operator, other than fees and payments for goods and 4368
services supplied by nonaffiliated persons through an affiliated 4369
company for use or benefit of the casino operator; and rents for 4370
real property or payments constituting the price of an interest in 4371
real property as a result of a real estate transaction. 4372

(M) "Holding company" means any corporation, firm, 4373
partnership, limited partnership, limited liability company, 4374
trust, or other form of business organization not a natural person 4375
which directly owns, has the power or right to control, or holds 4376
with power to vote, any part of an applicant, casino operator, 4377
management company, or gaming-related vendor license. 4378

(N) "Initial investment" includes costs related to expenses 4379
and fees, financing, personal property, demolition, engineering, 4380

architecture, design, site preparation improvements, construction, 4381
infrastructure improvements, land acquisition, fixtures, insurance 4382
related to construction, and leasehold improvements. "Initial 4383
investment" does not include costs related to any state incentives 4384
or costs related to the acquisition and use of slot machines. 4385

(O) "Institutional investor" means any of the following 4386
entities owning five per cent or less, or a percentage between 4387
five and ten per cent as approved by the commission through a 4388
waiver on a case-by-case basis, ownership interest in a casino 4389
facility, casino operator, management company, or holding company: 4390
a corporation, bank, insurance company, pension fund or pension 4391
fund trust, retirement fund, including funds administered by a 4392
public agency, employees' profit-sharing fund or employees' 4393
profit-sharing trust, any association engaged, as a substantial 4394
part of its business or operations, in purchasing or holding 4395
securities, or any trust in respect of which a bank is trustee or 4396
cotrustee, investment company registered under the "Investment 4397
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 4398
investment trust organized by banks under Part Nine of the Rules 4399
of the Comptroller of the Currency, closed-end investment trust, 4400
chartered or licensed life insurance company or property and 4401
casualty insurance company, investment advisor registered under 4402
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 4403
and such other persons as the commission may reasonably determine 4404
to qualify as an institutional investor for reasons consistent 4405
with this chapter. 4406

(P) "Key employee" means any executive, employee, or agent of 4407
a casino operator or management company licensee having the power 4408
to exercise significant influence over decisions concerning any 4409
part of the operation of such licensee, including: 4410

(1) An officer, director, trustee, or partner of a person 4411
that has applied for or holds a casino operator, management 4412

company, or gaming-related vendor license or of a holding company 4413
that has control of a person that has applied for or holds a 4414
casino operator, management company, or gaming-related vendor 4415
license; 4416

(2) A person that holds a direct ownership interest of more 4417
than five per cent in a person that has applied for or holds a 4418
casino operator, management company, or gaming-related vendor 4419
license or holding company that has control of a person that has 4420
applied for or holds a casino operator, management company, or 4421
gaming-related vendor license; 4422

(3) A managerial employee of a person that has applied for or 4423
holds a casino operator or gaming-related vendor license in Ohio, 4424
or a managerial employee of a holding company that has control of 4425
a person that has applied for or holds a casino operator or 4426
gaming-related vendor license in Ohio, who performs the function 4427
of principal executive officer, principal operating officer, 4428
principal accounting officer, or an equivalent officer or other 4429
person the commission determines to have the power to exercise 4430
significant influence over decisions concerning any part of the 4431
operation of such licensee. 4432

The commission shall determine whether an individual whose 4433
duties or status varies from those described in this division also 4434
is considered a key employee. 4435

(O) "Licensed casino operator" means a casino operator that 4436
has been issued a license by the commission and that has been 4437
certified annually by the commission to have paid all applicable 4438
fees, taxes, and debts to the state. 4439

(R) "Majority ownership interest" in a license or in a casino 4440
facility, as the case may be, means ownership of more than fifty 4441
per cent of such license or casino facility, as the case may be. 4442
For purposes of the foregoing, whether a majority ownership 4443

interest is held in a license or in a casino facility, as the case 4444
may be, shall be determined under the rules for constructive 4445
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 4446
in effect on January 1, 2009. 4447

(S) "Management company" means an organization retained by a 4448
casino operator to manage a casino facility and provide services 4449
such as accounting, general administration, maintenance, 4450
recruitment, and other operational services. 4451

(T) "Ohio law enforcement training fund" means the state law 4452
enforcement training fund described in Section 6(C)(3)(f) of 4453
Article XV, Ohio Constitution, the money in which shall be used to 4454
enhance public safety by providing additional training 4455
opportunities to the law enforcement community. 4456

(U) "Person" includes, but is not limited to, an individual 4457
or a combination of individuals; a sole proprietorship, a firm, a 4458
company, a joint venture, a partnership of any type, a joint-stock 4459
company, a corporation of any type, a corporate subsidiary of any 4460
type, a limited liability company, a business trust, or any other 4461
business entity or organization; an assignee; a receiver; a 4462
trustee in bankruptcy; an unincorporated association, club, 4463
society, or other unincorporated entity or organization; entities 4464
that are disregarded for federal income tax purposes; and any 4465
other nongovernmental, artificial, legal entity that is capable of 4466
engaging in business. 4467

(V) "Problem casino gambling and addictions fund" means the 4468
state problem gambling and addictions fund described in Section 4469
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 4470
shall be used for treatment of problem gambling and substance 4471
abuse, and for related research. 4472

(W) "Slot machine" means any mechanical, electrical, or other 4473
device or machine which, upon insertion of a coin, token, ticket, 4474

or similar object, or upon payment of any consideration, is 4475
available to play or operate, the play or operation of which, 4476
whether by reason of the skill of the operator or application of 4477
the element of chance, or both, makes individual prize 4478
determinations for individual participants in cash, premiums, 4479
merchandise, tokens, or any thing of value, whether the payoff is 4480
made automatically from the machine or in any other manner. 4481

(X) "Table game" means any game played with cards, dice, or 4482
any mechanical, electromechanical, or electronic device or machine 4483
for money, casino credit, or any representative of value. "Table 4484
game" does not include slot machines. 4485

(Y) "Upfront license" means the first plenary license issued 4486
to a casino operator. 4487

(Z) "Voluntary exclusion program" means a program provided by 4488
the commission that allows persons to voluntarily exclude 4489
themselves from the gaming areas of facilities under the 4490
jurisdiction of the commission by placing their name on a 4491
voluntary exclusion list and following the procedures set forth by 4492
the commission. 4493

Sec. 3772.02. (A) There is hereby created the Ohio casino 4494
control commission described in Section 6(C)(1) of Article XV, 4495
Ohio Constitution. 4496

(B) The commission shall consist of seven members appointed 4497
within one month of the effective date of this section by the 4498
governor with the advice and consent of the senate. 4499

(1) Each commission member is eligible for reappointment at 4500
the discretion of the governor. No commission member shall be 4501
appointed for more than three terms in total. 4502

(2) Each commission member shall be a resident of Ohio. 4503

(3) At least one commission member shall be experienced in 4504

law enforcement and criminal investigation. 4505

(4) At least one commission member shall be a certified public accountant experienced in accounting and auditing. 4506
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(5) At least one commission member shall be an attorney admitted to the practice of law in Ohio. 4508
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(6) At least one commission member shall be a resident of a county where one of the casino facilities is located. 4510
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(7) Not more than four commission members shall be of the same political party. 4512
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(8) No commission member shall have any affiliation with an Ohio casino operator or facility. 4514
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(C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party. 4516
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(D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A vacancy in the commission membership shall be filled in the same manner as the original appointment. 4524
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(E) The governor shall select one member to serve as 4534

chairperson and the commission members shall select one member 4535
from a different party than the chairperson to serve as 4536
vice-chairperson. The governor may remove and replace the 4537
chairperson at any time. No such member shall serve as chairperson 4538
for more than six successive years. The vice-chairperson shall 4539
assume the duties of the chairperson in the absence of the 4540
chairperson. The chairperson and vice-chairperson shall perform 4541
but shall not be limited to additional duties as are prescribed by 4542
commission rule. 4543

(F) A commission member is not required to devote the 4544
member's full time to membership on the commission. Each member of 4545
the commission shall receive compensation of sixty thousand 4546
dollars per year, payable in monthly installments for the first 4547
four years of the commission's existence. Each member shall 4548
receive the member's actual and necessary expenses incurred in the 4549
discharge of the member's official duties. 4550

(G) The governor shall not appoint an individual to the 4551
commission, and an individual shall not serve on the commission, 4552
if the individual has been convicted of or pleaded guilty or no 4553
contest to a disqualifying offense as defined in section 3772.07 4554
of the Revised Code. Members coming under indictment or bill of 4555
information of a disqualifying offense shall resign from the 4556
commission immediately upon indictment. 4557

(H) At least five commission members shall be present for the 4558
commission to meet. The concurrence of four members is necessary 4559
for the commission to take any action. All members shall vote on 4560
the adoption of rules, and the approval of, and the suspension or 4561
revocation of, the licenses of casino operators or management 4562
companies, unless a member has a written leave of absence filed 4563
with and approved by the chairperson. 4564

(I) A commission member may be removed or suspended from 4565
office in accordance with section 3.04 of the Revised Code. 4566

(J) Each commission member, before entering upon the 4567
discharge of the member's official duties, shall make an oath to 4568
uphold the Ohio Constitution and laws of the state of Ohio and 4569
shall give a bond, payable by the commission, to the treasurer of 4570
state, in the sum of ten thousand dollars with sufficient sureties 4571
to be approved by the treasurer of state, which bond shall be 4572
filed with the secretary of state. 4573

(K) The commission shall hold one regular meeting each month 4574
and shall convene other meetings at the request of the chairperson 4575
or a majority of the members. A member who fails to attend at 4576
least three-fifths of the regular and special meetings of the 4577
commission during any two-year period forfeits membership on the 4578
commission. All meetings of the commission shall be open meetings 4579
under section 121.22 of the Revised Code except as otherwise 4580
allowed by law. 4581

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 4582
the commission shall have authority to complete the functions of 4583
licensing, regulating, investigating, and penalizing casino 4584
operators, management companies, holding companies, key employees, 4585
casino gaming employees, and gaming-related vendors. The 4586
commission also shall have jurisdiction over all persons 4587
participating in casino gaming authorized by Section 6(C) of 4588
Article XV, Ohio Constitution, and this chapter. 4589

(B) All rules adopted by the commission under this chapter 4590
shall be adopted under procedures established in Chapter 119. of 4591
the Revised Code. The commission may contract for the services of 4592
experts and consultants to assist the commission in carrying out 4593
its duties under this section. 4594

(C) Within six months of the effective date of this section, 4595
the commission shall adopt initial rules as are necessary for 4596
completing the functions stated in division (A) of this section 4597

and for addressing the subjects enumerated in division (D) of this section. 4598
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(D) The commission shall adopt, and as advisable and necessary shall amend or repeal, rules that include all of the following: 4600
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(1) The prevention of practices detrimental to the public interest, and providing for the best interests of casino gaming; 4603
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(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; 4605
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(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code; 4608
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(4) Describing the certification standards and 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; 4611
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(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor; 4615
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(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; 4618
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(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors; 4621
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(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 4623
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provided in section 3772.20 of the Revised Code; 4628

(9) Tournament play in any casino facility; 4629

(10) Establishing and implementing a voluntary exclusion 4630
program that provides all of the following: 4631

(a) Except as provided by commission rule, a person who 4632
participates in the program shall agree to refrain from entering a 4633
casino facility. 4634

(b) The name of a person participating in the program shall 4635
be included on a list of persons excluded from all casino 4636
facilities. 4637

(c) Except as provided by commission rule, no person who 4638
participates in the program shall petition the commission for 4639
admittance into a casino facility. 4640

(d) The list of persons participating in the program and the 4641
personal information of those persons shall be confidential and 4642
shall only be disseminated by the commission to a casino operator 4643
and the agents and employees of the casino operator for purposes 4644
of enforcement and to other entities, upon request of the 4645
participant and agreement by the commission. 4646

(e) A casino operator shall make all reasonable attempts as 4647
determined by the commission to cease all direct marketing efforts 4648
to a person participating in the program. 4649

(f) A casino operator shall not cash the check of a person 4650
participating in the program or extend credit to the person in any 4651
manner. However, the program shall not exclude a casino operator 4652
from seeking the payment of a debt accrued by a person before 4653
participating in the program. 4654

(g) Any and all locations at which a person may register as a 4655
participant in the program shall be published. 4656

(11) Requiring the commission to adopt standards regarding 4657

the marketing materials of a licensed casino operator, including 4658
allowing the commission to prohibit marketing materials that are 4659
contrary to the adopted standards; 4660

(12) Requiring that the records, including financial 4661
statements, of any casino operator, management company, holding 4662
company, and gaming-related vendor be maintained in the manner 4663
prescribed by the commission and made available for inspection 4664
upon demand by the commission, but shall be subject to section 4665
3772.16 of the Revised Code; 4666

(13) Permitting a licensed casino operator, management 4667
company, key employee, or casino gaming employee to question a 4668
person suspected of violating this chapter, immediately after 4669
which the licensed casino operator, management company, key 4670
employee, or casino gaming employee shall notify the commission of 4671
such questioning; 4672

(14) The chips, tokens, tickets, electronic cards, or similar 4673
objects that may be purchased by means of an agreement under which 4674
credit is extended to a wagerer by a casino operator; 4675

(15) Establishing standards for provisional key employee 4676
licenses for a person who is required to be licensed as a key 4677
employee and is in exigent circumstances and provisional licenses 4678
for casino gaming employees and gaming-related vendors. A 4679
provisional license shall be valid not longer than three months. A 4680
provisional license may be renewed one time, at the commission's 4681
discretion, for an additional three months. 4682

(16) Establishing approval procedures for third-party 4683
engineering or accounting firms, as described in section 3772.09 4684
of the Revised Code; 4685

(17) Prescribing the manner in which winnings, compensation 4686
from casino gaming, and gross revenue must be computed and 4687
reported by a licensee as described in Chapter 5753. of the 4688

<u>Revised Code;</u>	4689
<u>(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;</u>	4690 4691 4692
<u>(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;</u>	4693 4694
<u>(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;</u>	4695 4696 4697 4698 4699 4700
<u>(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;</u>	4701 4702 4703 4704
<u>(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;</u>	4705 4706 4707 4708 4709
<u>(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the approval of the joint committee on gaming and wagering;</u>	4710 4711 4712
<u>(24) Regulating the conduct and playing of all skill-based amusement machines, as defined in section 2915.01 of the Revised Code, in this state, including setting payouts, establishing game parameters for the methods and media allowable, including all internet-based playing, establishing licensing procedures, establishing technical standards, criteria, fees for entities and locations, and permissible methods for the procurement of</u>	4713 4714 4715 4716 4717 4718 4719

skill-based amusement machines; 4720

(25) Establishing standards for decertifying contractors that 4721
violate statutes or rules of this state or the federal government; 4722

(26) Establishing standards for the repair of casino gaming 4723
equipment; 4724

(27) Providing for any other thing necessary and proper for 4725
successful and efficient regulation of casino gaming under this 4726
chapter. 4727

(E) The commission shall employ and assign gaming agents as 4728
necessary to assist the commission in carrying out the duties of 4729
this chapter. In order to maintain employment as a gaming agent, 4730
the gaming agent shall successfully complete all continuing 4731
training programs required by the commission and shall not have 4732
been convicted of or pleaded guilty or no contest to a 4733
disqualifying offense as defined in section 3772.07 of the Revised 4734
Code. 4735

(F) The commission and its gaming agents shall have authority 4736
with regard to the detection and investigation of, the seizure of 4737
evidence allegedly relating to, and the apprehension and arrest of 4738
persons allegedly committing gaming offenses, and shall have 4739
access to casino facilities to carry out the requirements of this 4740
chapter. 4741

(G) The commission may eject or exclude or authorize the 4742
ejection or exclusion of and a gaming agent may eject a person 4743
from a casino facility for any of the following reasons: 4744

(1) The person's name is on the list of persons voluntarily 4745
excluding themselves from all casinos in a program established 4746
according to rules adopted by the commission; 4747

(2) The person violates or conspires to violate this chapter 4748
or a rule adopted thereunder; or 4749

(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. 4750
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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. 4755
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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 section. The licensee shall immediately notify the commission of an ejection or exclusion. 4759
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(J) The commission shall submit a written annual report with the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives before the first day of September each year. The annual report shall include a statement describing the receipts and disbursements of the commission, relevant financial data regarding casino gaming, including gross revenues and disbursements made under this chapter, actions taken by the commission, and any additional information that the commission considers useful or that the governor, president or minority leader of the senate, or speaker or minority leader of the house of representatives requests. 4764
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Sec. 3772.031. (A) The general assembly finds that the exclusion or ejection of certain persons from casino facilities is necessary to effectuate the intents and purposes of this chapter and to maintain strict and effective regulation of casino gaming. The commission, by rule, shall provide for a list of persons who are to be excluded or ejected from a casino facility. Persons 4775
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included on the exclusion list shall be identified by name and 4781
physical description. The commission shall publish the exclusion 4782
list on its web site, and shall transmit a copy of the exclusion 4783
list periodically to casino operators, as it is initially issued 4784
and thereafter as it is revised from time to time. A casino 4785
operator shall take steps necessary to ensure that all its key 4786
employees and casino gaming employees are aware of and understand 4787
the exclusion list and its function, and that all its key 4788
employees and casino gaming employees are kept aware of the 4789
content of the exclusion list as it is issued and thereafter 4790
revised from time to time. 4791

(B) The exclusion list may include any person whose presence 4792
in a casino facility is determined by the commission to pose a 4793
threat to the interests of the state, to achieving the intents and 4794
purposes of this chapter, or to the strict and effective 4795
regulation of casino gaming. In determining whether to include a 4796
person on the exclusion list, the commission may consider: 4797

(1) Any prior conviction of a crime that is a felony under 4798
the laws of this state, another state, or the United States, a 4799
crime involving moral turpitude, or a violation of the gaming laws 4800
of this state, another state, or the United States; and 4801

(2) A violation, or a conspiracy to violate, any provision of 4802
this chapter that consists of: 4803

(a) A failure to disclose an interest in a gaming facility 4804
for which the person must obtain a license; 4805

(b) Purposeful evasion of taxes or fees; 4806

(c) A notorious or unsavory reputation that would adversely 4807
affect public confidence and trust that casino gaming is free from 4808
criminal or corruptive elements; or 4809

(d) A violation of an order of the commission or of any other 4810
governmental agency that warrants exclusion or ejection of the 4811

person from a casino facility. 4812

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state; 4813
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(4) If 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; 4816
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(5) If the person is a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state; 4821
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(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state; 4824
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(7) If the commission has suspended the person's gaming privileges; 4828
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(8) If the commission has revoked the person's licenses related to this chapter; 4830
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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; 4832
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(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility. 4834
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Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on the exclusion list. 4836
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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 4838
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by personal service or certified mail, by publication daily for 4842
two weeks in a newspaper of general circulation within the county 4843
in which the person resides and in a newspaper of general 4844
circulation within each county in which a casino facility is 4845
located. 4846

(D) A person who receives notice of intent to include the 4847
person on the exclusion list is entitled to an adjudication 4848
hearing under Chapter 119. of the Revised Code, except as provided 4849
in this section, in which the person may demonstrate why the 4850
person should not be included on the exclusion list. The person 4851
shall request such an adjudication hearing not later than thirty 4852
days after the person receives the notice by personal service or 4853
certified mail, or not later than thirty days after the last 4854
newspaper publication of the notice. If the adjudication hearing 4855
or any appeal under Chapter 119. of the Revised Code results in an 4856
order that the person should not be included on the exclusion 4857
list, the commission shall publish a revised exclusion list that 4858
does not include the person. The commission also shall notify 4859
casino operators that the person has been removed from the 4860
exclusion list. A casino operator shall take all steps necessary 4861
to ensure its key employees and casino gaming employees are made 4862
aware that the person has been removed from the exclusion list. 4863

(E) This section does not apply to the voluntary exclusion 4864
list created as part of the voluntary exclusion program. 4865

Sec. 3772.032. (A) The permanent joint committee on gaming 4866
and wagering is established. The committee consists of six 4867
members. The speaker of the house of representatives shall appoint 4868
to the committee three members of the house of representatives and 4869
the president of the senate shall appoint to the committee three 4870
members of the senate. Not more than two members appointed from 4871
each chamber may be members of the same political party. The 4872

chairperson shall be from the opposite party as the chairperson of 4873
the joint committee on agency rule review. If the chairperson is 4874
to be from the house of representatives, the speaker of the house 4875
of representatives shall designate a member as the chairperson and 4876
the president of the senate shall designate a member as the 4877
vice-chairperson. If the chairperson is to be from the senate, the 4878
president of the senate shall designate a member as the 4879
chairperson and the speaker of the house of representatives shall 4880
designate a member as the vice-chairperson. 4881

(B) The committee shall: 4882

(1) Review all constitutional amendments, laws, and rules 4883
governing the operation and administration of casino gaming and 4884
all authorized gaming and wagering activities and recommend to the 4885
general assembly and commission any changes it may find desirable 4886
with respect to the language, structure, and organization of those 4887
amendments, laws, or rules; 4888

(2) Make an annual report to the governor and to the general 4889
assembly with respect of the operation and administration of 4890
casino gaming; 4891

(3) Approve all changes of fees and penalties as provided in 4892
this chapter and rules adopted thereunder; and 4893

(4) Study all proposed changes to the constitution and laws 4894
of this state and to the rules adopted by the commission governing 4895
the operation and administration of casino gaming, and report to 4896
the general assembly on their adequacy and desirability as a 4897
matter of public policy. 4898

(C) Any study, or any expense incurred, in furtherance of the 4899
committee's objectives shall be paid for from, or out of, the 4900
casino control commission fund or other appropriation provided by 4901
law. The members shall receive no additional compensation, but 4902
shall be reimbursed for actual and necessary expenses incurred in 4903

the performance of their official duties. 4904

Sec. 3772.033. In carrying out the responsibilities vested in 4905
the commission by this chapter, the commission may do all the 4906
following and may designate any such responsibilities to the 4907
executive director, to the commission's employees, or to the 4908
gaming agents: 4909

(A) Inspect and examine all premises where casino gaming is 4910
conducted or gaming supplies, devices, or equipment are 4911
manufactured, sold, or distributed; 4912

(B) Inspect all gaming supplies, devices, and equipment in or 4913
about a casino facility; 4914

(C) Summarily impound and seize and remove from the casino 4915
facility premises gaming supplies, devices, and equipment for the 4916
purpose of examination and inspection; 4917

(D) Determine any facts, or any conditions, practices, or 4918
other matters, as the commission considers necessary or proper to 4919
aid in the enforcement of this chapter or of a rule adopted 4920
thereunder; 4921

(E) Audit gaming operations, including those that have ceased 4922
operation; 4923

(F) Investigate, for the purpose of prosecution, any 4924
suspected violation of this chapter or rules adopted thereunder; 4925

(G) Investigate as appropriate to aid the commission and to 4926
seek the executive director's advice in adopting rules; 4927

(H) Secure information as is necessary to provide a basis for 4928
recommending legislation for the improvement of this chapter; 4929

(I) Make, execute, and otherwise effectuate all contracts and 4930
other agreements, including contracts for necessary purchases of 4931
goods and services. The commission shall ensure use of Ohio 4932

products or services in compliance with sections 125.09 and 125.11 4933
of the Revised Code and all rules adopted thereunder. 4934

(J) Employ the services of persons the commission considers 4935
necessary for the purposes of consultation or investigation, and 4936
fix the salaries of, or contract for the services of, legal, 4937
accounting, technical, operational, and other personnel and 4938
consultants; 4939

(K) Secure, by agreement, information and services as the 4940
commission considers necessary from any state agency or other unit 4941
of state government; 4942

(L) Acquire furnishings, equipment, supplies, stationery, 4943
books, and all other things the commission considers necessary or 4944
desirable to successfully and efficiently carry out the 4945
commission's duties and functions; and 4946

(M) Perform all other things the commission considers 4947
necessary to effectuate the intents and purposes of this chapter. 4948
This section shall not prohibit the commission from imposing 4949
administrative discipline, including fines and suspension or 4950
revocation of licenses, on licensees under this chapter if the 4951
licensee is found to be in violation of the commission's rules. 4952

Sec. 3772.034. Absent gross negligence, a casino operator, 4953
management company, holding company, gaming-related vendor, the 4954
state, and employees of those entities are entitled to immunity 4955
from any type of civil liability if a person participating in the 4956
voluntary exclusion program enters a casino facility. 4957

Sec. 3772.04. (A)(1) If, as the result of an investigation, 4958
the commission concludes that a license or finding required by 4959
this chapter should be limited, conditioned, or restricted, or 4960
suspended or revoked, the commission shall conduct an adjudication 4961
under Chapter 119. of the Revised Code. 4962

(2) The commission shall appoint a hearing examiner to 4963
conduct the hearing in the adjudication. A party to the 4964
adjudication may file written objections to the hearing examiner's 4965
report and recommendations not later than the thirtieth day after 4966
they are served upon the party or the party's attorney or other 4967
representative of record. The commission shall not take up the 4968
hearing examiner's report and recommendations earlier than the 4969
thirtieth day after the hearing examiner's report and 4970
recommendations were submitted to the commission. 4971

(3) If the commission finds that a person has violated this 4972
chapter or a rule adopted thereunder, the commission may issue an 4973
order: 4974

(a) Limiting, conditioning, or restricting, or suspending or 4975
revoking, a license issued under this chapter; 4976

(b) Limiting, conditioning, or restricting, or suspending or 4977
revoking, a finding made under this chapter; 4978

(c) Requiring a casino facility to exclude a licensee from 4979
the casino facility or requiring a casino facility not to pay to 4980
the licensee any remuneration for services or any share of 4981
profits, income, or accruals on the licensee's investment in the 4982
casino facility; or 4983

(d) Fining a licensee or other person according to the 4984
penalties adopted by the commission. 4985

(4) An order may be judicially reviewed under section 119.12 4986
of the Revised Code. 4987

(B) For the purpose of conducting any study or investigation, 4988
the commission may direct that public hearings be held at a time 4989
and place, prescribed by the commission, in accordance with 4990
section 121.22 of the Revised Code. The commission shall give 4991
notice of all public hearings in such manner as will give actual 4992
notice to all interested parties. 4993

(C) In the discharge of any duties imposed by this chapter, 4994
the commission may require that testimony be given under oath and 4995
administer such oath, issue subpoenas compelling the attendance of 4996
witnesses and the production of any papers, books, and accounts, 4997
and cause the deposition of any witness. In the event of the 4998
refusal of any person without good cause to comply with the terms 4999
of a subpoena issued by the commission or refusal to testify on 5000
matters about which the person may lawfully be questioned, the 5001
prosecuting attorney of the county in which such person resides, 5002
upon the petition of the commission, may bring a proceeding for 5003
contempt against such person in the court of common pleas of that 5004
county. 5005

(D) When conducting a public hearing, the commission shall 5006
not limit the number of speakers who may testify. However, the 5007
commission may set reasonable time limits on the length of an 5008
individual's testimony or the total amount of time allotted to 5009
proponents and opponents of an issue before the commission. 5010

(E) An administrative law judge appointed by the commission 5011
may conduct a hearing under this chapter and recommend findings of 5012
fact and decisions to the commission. 5013

(F) The commission may rely, in whole or in part, upon 5014
investigations, conclusions, or findings of other casino gaming 5015
commissions or other government regulatory bodies in connection 5016
with licensing, investigations, or other matters relating to an 5017
applicant or licensee under this chapter. 5018

Sec. 3772.05. To carry out the provisions of this chapter and 5019
other enforcement provisions provided for under the laws of this 5020
state, the tax commissioner, the Ohio ethics commission, the 5021
inspector general, and the commission, and their respective 5022
employees, may demand access to and inspect, examine, photocopy, 5023
and audit all books, accounts, records, and memoranda of any 5024

person that is not protected by privilege and that is subject to 5025
the provisions of this chapter, and may examine under oath any 5026
officer, agent, or employee of that person. 5027

Sec. 3772.051. Upon cessation of gaming operations, a former 5028
licensee shall furnish, upon the demand of the commission, books, 5029
papers, and other records as necessary for the commission to audit 5030
the ceased gaming operation. A former licensee shall maintain all 5031
books, papers, and other records for a period of three years after 5032
the cessation of gaming operations. However, if a civil action or 5033
criminal proceeding relating to the former licensee is pending, or 5034
if an administrative adjudication or judicial review of an 5035
administrative adjudication relating to the former licensee is 5036
pending, the former licensee shall maintain all books, papers, and 5037
other records until the matter has been finally determined. 5038

If a person disobeys a subpoena or subpoena duces tecum, or 5039
refuses to testify as directed by a subpoena, the commission shall 5040
request the prosecutor of the county in which the person resides 5041
to apply to the court of common pleas for an order compelling the 5042
person to attend or to produce tangible evidence, or to testify, 5043
as directed by the subpoena or subpoena duces tecum. The court 5044
shall treat the application as if it were disobedience to comply 5045
with a subpoena or subpoena duces tecum issued by the court or a 5046
refusal to testify in the court. 5047

Sec. 3772.06. (A)(1) The commission shall appoint an 5048
executive director who shall serve at the pleasure of the 5049
commission. The executive director is in the unclassified service, 5050
shall devote full time to the duties of the office, and shall hold 5051
no other office or employment. The executive director shall, by 5052
experience and training, possess management skills that equip the 5053
executive director to administer an enterprise of the nature of 5054

the commission. The executive director shall not have a pecuniary 5055
interest in any business organization that holds a license under 5056
this chapter, or that does business with any person licensed under 5057
this chapter. A member of the general assembly, a person who holds 5058
an elective office, or an office holder of a political party is 5059
ineligible to be appointed executive director at the same time as 5060
being such a member or holding such an office. The executive 5061
director shall receive an annual salary in accordance with pay 5062
range 48 of section 124.152 of the Revised Code. 5063

(2) The executive director, before entering upon the 5064
discharge of the executive director's official duties, shall give, 5065
and thereafter shall maintain, bond in the amount of twenty-five 5066
thousand dollars, payable to the state, conditioned upon the 5067
executive director's faithful and proper performance of the 5068
executive director's official duties. The bond shall be issued by 5069
a surety authorized to do business in this state and shall be 5070
filed with the secretary of state. The bond may be an individual 5071
bond or a schedule or blanket bond. 5072

(B)(1) The executive director or a deputy designated in 5073
writing by the executive director shall attend all meetings of the 5074
commission and shall act as its secretary. The executive director 5075
shall keep a record of all commission proceedings and shall keep 5076
the commission's records, files, and documents at the commission's 5077
principal office. 5078

(2) The executive director shall be the chief executive 5079
officer and shall be responsible for keeping all commission 5080
records and supervising and administering casino gaming in 5081
accordance with this chapter, and enforcing all commission rules 5082
adopted under this chapter. 5083

(3) The executive director shall hire staff, including an 5084
assistant director or deputy directors, as necessary to assist the 5085

executive director in the executive director's duties under this 5086
chapter. In appointing employees, the executive director is 5087
subject to section 3772.061 of the Revised Code. The executive 5088
director may employ employees as necessary, unless the commission 5089
determines otherwise. Except as otherwise provided in this 5090
chapter, all costs of administration incurred by the executive 5091
director and the executive director's employees shall be paid out 5092
of the casino control commission fund. 5093

(C) A state agency or other unit of state government shall 5094
cooperate with the commission, and shall provide the commission 5095
with information and services the commission considers necessary 5096
to carry out the commission's duties and functions under this 5097
chapter. 5098

(D) The executive director shall confer at least once each 5099
month with the commission, at which time the executive director 5100
shall advise it regarding the operation and administration of the 5101
commission and casino gaming. The executive director shall make 5102
available at the request of the commission all documents, files, 5103
and other records pertaining to the operation and administration 5104
of the commission and casino gaming. The executive director shall 5105
prepare and make available to the commission each month a complete 5106
and accurate accounting of gross casino gaming revenues, and all 5107
other relevant financial information, including an accounting of 5108
all transfers made from the casino control commission fund. 5109

Sec. 3772.061. The executive director of the commission shall 5110
appoint the number of professional, technical, and clerical 5111
employees that is necessary, in the executive director's 5112
reasonable opinion, for conducting internal audits, as an internal 5113
auditing department, of the commission. The professional and 5114
technical employees so appointed shall be qualified by education, 5115
licensing (if relevant), and experience to perform the internal 5116

audit function successfully and efficiently. These employees, 5117
together with clerical employees necessary for their support, 5118
shall be assigned only to the internal audit function and not to 5119
any other function of the commission. 5120

The internal auditing department, at reasonable intervals and 5121
as necessary, shall conduct internal audits of the commission. The 5122
internal audits shall audit the accounts and transactions of the 5123
commission, ascertain the condition of funds used by the 5124
commission, and make an inventory of the funds and of the assets 5125
under the control of the commission. The report of an internal 5126
audit shall be signed by the employee who was principally 5127
responsible for conducting the internal audit. A copy of the 5128
signed report shall be forwarded to the commission and to the 5129
auditor of state. The report is not a public record that is open 5130
to public inspection and copying until it has been forwarded as 5131
required by the preceding sentence. 5132

Sec. 3772.062. The executive director of the commission shall 5133
enter into an agreement with the department of alcohol and drug 5134
addiction services under which the department provides a program 5135
of gambling and addiction services on behalf of the commission. 5136

Sec. 3772.07. The following appointing or licensing 5138
authorities shall obtain a criminal records check of the person 5139
who is to be appointed or licensed: 5140

(A) The governor, before appointing an individual as a member 5141
of the commission; 5142

(B) The commission, before appointing an individual as 5143
executive director or a gaming agent; 5144

(C) The commission, before issuing a license for a key 5145

employee or casino gaming employee, and before issuing a license 5146
for each investor, except an institutional investor, for a casino 5147
operator, management company, holding company, or gaming-related 5148
vendor; 5149

(D) The executive director, before appointing an individual 5150
as a professional, technical, or clerical employee of the 5151
commission. 5152

Thereafter, such an appointing or licensing authority shall 5153
obtain a criminal records check of the same individual at 5154
three-year intervals. 5155

The appointing or licensing authority shall provide to each 5156
person of whom a criminal records check is required a copy of the 5157
form and the standard fingerprint impression sheet prescribed 5158
under divisions (C)(1) and (2) of section 109.572 of the Revised 5159
Code. The person shall complete the form and impression sheet and 5160
return them to the appointing or licensing authority. If a person 5161
fails to complete and return the form and impression sheet within 5162
a reasonable time, the person is ineligible to be appointed or 5163
licensed or to continue in the appointment or licensure. 5164

The appointing or licensing authority shall forward the 5165
completed form and impression sheet to the superintendent of the 5166
bureau of criminal identification and investigation. The 5167
appointing or licensing authority shall request the superintendent 5168
also to obtain information from the federal bureau of 5169
investigation, including fingerprint-based checks of the national 5170
crime information databases, and from other states and the federal 5171
government under the national crime prevention and privacy compact 5172
as part of the criminal records check. 5173

The commission shall pay the fee the bureau of criminal 5174
identification and investigation charges for all criminal records 5175
checks conducted under this section. An applicant for a casino 5176

operator, management company, holding company, or gaming-related 5177
vendor license shall reimburse the commission for the amount of 5178
the fee paid on the applicant's behalf. An applicant for a key 5179
employee or casino gaming employee license shall reimburse the 5180
commission for the amount of the fee paid on the applicant's 5181
behalf, unless the applicant is applying at the request of a 5182
casino operator or management company, in which case the casino 5183
operator or management company shall reimburse the commission. 5184

The appointing or licensing authority shall review the 5185
results of a criminal records check. The appointing or licensing 5186
authority shall not appoint or license or retain the appointment 5187
or licensure of a person a criminal records check discloses has 5188
been convicted of or has pleaded guilty or no contest to a 5189
disqualifying offense. A "disqualifying offense" means any 5190
gambling offense, any theft offense, any offense having an element 5191
of fraud or misrepresentation, any offense having an element of 5192
moral turpitude, and any felony not otherwise included in the 5193
foregoing list, except as otherwise provided in section 3772.10 of 5194
the Revised Code. 5195

The report of a criminal records check is not a public record 5196
that is open to public inspection and copying. The commission 5197
shall not make the report available to any person other than the 5198
person who was the subject of the criminal records check; an 5199
appointing or licensing authority; a member, the executive 5200
director, or an employee of the commission; or any court or 5201
agency, including a hearing examiner, in a judicial or 5202
administrative proceeding in which the criminal records check is 5203
relevant. 5204

Sec. 3772.08. (A) Casino gaming shall be conducted only by 5205
licensed casino operators of the four casino facilities or by a 5206
licensed management company retained by a licensed casino 5207

operator. 5208

(B) A licensed casino operator, licensed management company, 5209
or another person may provide nongaming amenities at the casino 5210
facility. 5211

(C) No licensed casino operator shall offer keno at a casino 5212
facility other than keno authorized by the state lottery 5213
commission. 5214

Sec. 3772.081. A casino facility may be opened in phases and 5215
may have gaming areas in one or more locations, buildings, or 5216
rooms that are connected by walkways or by nongaming amenities 5217
that together constitute a single casino facility within the 5218
boundaries of the properties described in Section 6(C)(9) of 5219
Article XV, Ohio Constitution. 5220

Sec. 3772.09. (A) No casino operator, management company, 5221
holding company, gaming-related vendor, key employee, or casino 5222
gaming employee shall conduct or participate in conducting casino 5223
gaming without first obtaining a license from the commission. 5224

(B) Before a licensed casino operator may conduct casino 5225
gaming at a casino facility, a licensed casino operator shall 5226
engage a third-party engineering or accounting firm to certify 5227
expenses of its initial investment, as required by section 3772.27 5228
of the Revised Code, and provide documentation to the commission. 5229
The third-party engineering or accounting firm shall be approved 5230
by the commission and shall certify expenses in accordance with 5231
rules adopted by the commission under section 3772.03 of the 5232
Revised Code. The commission may request the department of 5233
administrative services to assist the commission in carrying out 5234
its duties under this section. 5235

Sec. 3772.091. (A) No license issued under this chapter is 5236

transferable. New majority ownership interest or control shall 5237
require a new license. The commission may reopen a licensing 5238
investigation at any time. A significant change in or transfer of 5239
control, as determined by the commission, shall require the filing 5240
of an application for a new license and submission of a license 5241
fee with the commission before any such change or transfer of 5242
control is approved. A change in or transfer of control to an 5243
immediate family member is not considered a significant change 5244
under this section. 5245

(B) As used in this section, "control" means either of the 5246
following: 5247

(1) Either: 5248

(a) Holding fifty per cent or more of the outstanding voting 5249
securities of a licensee; or 5250

(b) For an unincorporated licensee, having the right to fifty 5251
per cent or more of the profits of the licensee, or having the 5252
right in the event of dissolution to fifty per cent or more of the 5253
assets of the licensee. 5254

(2) Having the contractual power presently to designate fifty 5255
per cent or more of the directors of a for-profit or 5256
not-for-profit corporation, or in the case of trusts described in 5257
paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such 5258
a trust. 5259

Sec. 3772.10. (A) In determining whether to grant or maintain 5260
the privilege of a casino operator, management company, holding 5261
company, key employee, casino gaming employee, or gaming-related 5262
vendor license, the Ohio casino control commission shall consider 5263
all of the following, as applicable: 5264

(1) The reputation, experience, and financial integrity of 5265
the applicant, its holding company, if applicable, and any other 5266

<u>person that directly controls the applicant;</u>	5267
<u>(2) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;</u>	5268
<u>(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;</u>	5270
<u>(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;</u>	5271
<u>(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;</u>	5272
<u>(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;</u>	5273
<u>(7) If the applicant is or has been a defendant in litigation involving its business practices;</u>	5274
<u>(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state;</u>	5275
<u>(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 provisions of this chapter.</u>	5276
<u>(B) All applicants for a license under this chapter shall establish their suitability for a license by clear and convincing</u>	5277
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evidence. If the commission determines that a person is eligible 5297
under this chapter to be issued a license as a casino operator, 5298
management company, holding company, key employee, casino gaming 5299
employee, or gaming-related vendor, the commission shall issue 5300
such license for not more than three years, as determined by 5301
commission rule, if all other requirements of this chapter have 5302
been satisfied. 5303

(C) The commission shall not issue a casino operator, 5304
management company, holding company, key employee, casino gaming 5305
employee, or gaming-related vendor license under this chapter to 5306
an applicant if: 5307

(1) Except as otherwise provided, the applicant has been 5308
convicted of a disqualifying offense, as defined in section 5309
3772.07 of the Revised Code. For an offense other than a gambling 5310
offense, an applicant for a casino gaming employee license may 5311
prove to the commission, by clear and convincing evidence, that 5312
the applicant's activities and employment record for at least ten 5313
years after the conviction show that the applicant is honest, 5314
truthful, and of good reputation, and there is no basis in fact 5315
for believing that the applicant will commit such an offense 5316
again. For a misdemeanor gambling offense or misdemeanor sex 5317
offense, an applicant may prove to the commission, by clear and 5318
convincing evidence, that the applicant's activities and 5319
employment record for at least ten years after the conviction show 5320
that the applicant is honest, truthful, and of good reputation, 5321
and there is no basis in fact for believing that the applicant 5322
will commit such an offense again. 5323

(2) The applicant has submitted an application for license 5324
under this chapter that contains false information. 5325

(3) The applicant is a commission member. 5326

(4) The applicant owns an ownership interest that is unlawful 5327

under this chapter, unless waived by the commission. 5328

(5) The applicant violates specific rules adopted by the 5329
commission related to denial of licensure. 5330

(6) The applicant is a member of or employed by a gaming 5331
regulatory body of a governmental unit in this state, another 5332
state, or the federal government, or is employed by a governmental 5333
unit of this state. This division does not prohibit a casino 5334
operator from hiring special duty law enforcement officers if the 5335
officers are not specifically involved in gaming-related 5336
regulatory functions. 5337

(7) The commission otherwise determines the applicant is 5338
ineligible for the license. 5339

(D)(1) The commission shall investigate the qualifications of 5340
each applicant under this chapter before any license is issued and 5341
before any finding with regard to acts or transactions for which 5342
commission approval is required is made. The commission shall 5343
continue to observe the conduct of all licensees and all other 5344
persons having a material involvement directly or indirectly with 5345
a casino operator, management company, or holding company to 5346
ensure that licenses are not issued to or held by, or that there 5347
is not any material involvement with a casino operator, management 5348
company, or holding company by, an unqualified, disqualified, or 5349
unsuitable person or a person whose operations are conducted in an 5350
unsuitable manner or in unsuitable or prohibited places or 5351
locations. 5352

(2) The executive director may recommend to the commission 5353
that it deny any application, or limit, condition, or restrict, or 5354
suspend or revoke, any license or finding, or impose any fine upon 5355
any licensee or other person according to this chapter and the 5356
rules adopted thereunder. 5357

(3) A license issued under this chapter is a revocable 5358

privilege. No licensee has a vested right in or under any license 5359
issued under this chapter. The initial determination of the 5360
commission to deny, or to limit, condition, or restrict, a license 5361
may be appealed under section 2505.03 of the Revised Code. 5362

(E)(1) An institutional investor otherwise required to be 5363
found suitable or qualified under this chapter and the rules 5364
adopted under this chapter shall be presumed suitable or qualified 5365
upon submitting documentation sufficient to establish 5366
qualifications as an institutional investor and upon certifying 5367
all of the following: 5368

(a) The institutional investor owns, holds, or controls 5369
publicly traded securities issued by a licensee or holding, 5370
intermediate, or parent company of a licensee or in the ordinary 5371
course of business for investment purposes only. 5372

(b) The institutional investor does not exercise influence 5373
over the affairs of the issuer of such securities nor over any 5374
licensed subsidiary of the issuer of such securities. 5375

(c) The institutional investor does not intend to exercise 5376
influence over the affairs of the issuer of such securities, nor 5377
over any licensed subsidiary of the issuer of such securities, in 5378
the future, and that it agrees to notify the commission in writing 5379
within thirty days if such intent changes. 5380

(2) The exercise of voting privileges with regard to publicly 5381
traded securities shall not be deemed to constitute the exercise 5382
of influence over the affairs of a licensee. 5383

(3) The commission shall rescind the presumption of 5384
suitability for an institutional investor at any time if the 5385
institutional investor exercises or intends to exercise influence 5386
or control over the affairs of the licensee. 5387

(4) This division shall not be construed to preclude the 5388
commission from investigating the suitability or qualifications of 5389

an institutional investor if the commission becomes aware of facts 5390
or information that may result in the institutional investor being 5391
found unsuitable or disqualified. 5392

(F) Information provided on the application shall be used as 5393
a basis for a thorough background investigation of each applicant. 5394
A false or incomplete application is cause for denial of a license 5395
by the commission. All applicants and licensees shall consent to 5396
inspections, searches, and seizures and to the disclosure to the 5397
commission and its agents of confidential records, including tax 5398
records, held by any federal, state, or local agency, credit 5399
bureau, or financial institution and to provide handwriting 5400
exemplars, photographs, fingerprints, and information as 5401
authorized in this chapter and in rules adopted by the commission. 5402

Sec. 3772.11. (A) A person may apply to the commission for a 5403
casino operator, management company, or holding company license to 5404
conduct casino gaming at a casino facility as provided in this 5405
chapter. The application shall be made under oath on forms 5406
provided by the commission and shall contain information as 5407
prescribed by rule, including, but not limited to, all of the 5408
following: 5409

(1) The name, business address, business telephone number, 5410
social security number, and, where applicable, the federal tax 5411
identification number of any applicant; 5412

(2) The identity of every person having a greater than five 5413
per cent direct or indirect interest in the applicant casino 5414
facility for which the license is sought for publicly traded 5415
companies or greater than one per cent for privately held 5416
companies; 5417

(3) An identification of any business, including the state of 5418
incorporation or registration if applicable, in which an 5419
applicant, or the spouse or children of an applicant, has an 5420

equity interest of more than five per cent; 5421

(4) The name of any casino operator, management company, 5422
holding company, and gaming-related vendor in which the applicant 5423
has an equity interest of at least five per cent; 5424

(5) If an applicant has ever applied for or has been granted 5425
any gaming license or certificate issued by a licensing authority 5426
in Ohio or any other jurisdiction that has been denied, 5427
restricted, suspended, revoked, or not renewed and a statement 5428
describing the facts and circumstances concerning the application, 5429
denial, restriction, suspension, revocation, or nonrenewal, 5430
including the licensing authority, the date each action was taken, 5431
and the reason for each action; 5432

(6) If an applicant has ever filed or had filed against it a 5433
civil or administrative action or proceeding in bankruptcy, 5434
including the date of filing, the name and location of the court, 5435
the case caption, the docket number, and the disposition; 5436

(7) The name and business telephone number of any attorney 5437
representing an applicant in matters before the commission; 5438

(8) Information concerning the amount, type of tax, the 5439
taxing agency, and times involved, if the applicant has filed or 5440
been served with a complaint or notice filed with a public body 5441
concerning a delinquency in the payment of or a dispute over a 5442
filing concerning the payment of a tax required under federal, 5443
state, or local law; 5444

(9) A description of any proposed casino gaming operation and 5445
related casino enterprises, including the type of casino facility, 5446
location, expected economic benefit to the community, anticipated 5447
or actual number of employees, any statement from an applicant 5448
regarding compliance with federal and state affirmative action 5449
guidelines, projected or actual admissions, projected or actual 5450
gross receipts, and scientific market research; 5451

(10) Financial information in the manner and form prescribed 5452
by the commission; 5453

(11) If an applicant has directly made a political 5454
contribution, loan, donation, or other payment of one hundred 5455
dollars or more to a statewide office holder, a member of the 5456
general assembly, a local government official elected in a 5457
jurisdiction where a casino facility is located, or a ballot issue 5458
not more than one year before the date the applicant filed the 5459
application and all information relating to the contribution, 5460
loan, donation, or other payment; 5461

(12) Any criminal conviction; and 5462

(13) Other information required by the commission under rules 5463
adopted by the commission. 5464

(B) Any holding company or management company, its directors, 5465
executive officers, and any shareholder who holds more than five 5466
per cent ownership interest of a holding company or management 5467
company shall be required to submit the same information as 5468
required by an applicant under this section. 5469

Sec. 3772.111. In determining whether to grant a casino 5470
operator license, the commission shall also consider: 5471

(A) The facilities or proposed facilities for the conduct of 5472
casino gaming; 5473

(B) The prospective total revenue to be collected by the 5474
state from the conduct of casino gaming; 5475

(C) The extent to which the applicant exceeds or meets other 5476
standards adopted by the commission. 5477

Sec. 3772.12. (A) A person may apply for a gaming-related 5478
vendor license. All applications shall be made under oath. 5479

(B) A person who holds a gaming-related vendor's license is 5480

authorized to sell or lease, and to contract to sell or lease, 5481
equipment and supplies to any licensee involved in the ownership 5482
or management of a casino facility. 5483

(C) Gambling supplies and equipment shall not be distributed 5484
unless supplies and equipment conform to standards adopted in 5485
rules adopted by the commission. 5486

Sec. 3772.121. (A) The commission may issue a gaming-related 5487
vendor's license under this chapter to an applicant who has: 5488

(1) Applied for the gaming-related vendor's license; 5489

(2) Paid a nonrefundable license fee as described in section 5490
3772.17 of the Revised Code, which shall cover all actual costs 5491
generated by each licensee and all background checks; 5492

(3) Submitted two sets of the applicant's fingerprints; and 5493

(4) Been determined by the commission as eligible for a 5494
gaming-related vendor's license. 5495

(B) A gaming-related vendor shall furnish to the commission a 5496
list of all equipment, devices, and supplies offered for sale or 5497
lease in connection with casino games authorized under this 5498
chapter. 5499

(C) A gaming-related vendor's equipment, devices, or supplies 5500
that are used by a person in an unauthorized casino gaming 5501
operation shall be forfeited to the state. 5502

Sec. 3772.13. (A) No person may be employed as a key employee 5503
unless the person is the holder of a valid key employee license 5504
issued by the commission. 5505

(B) Each applicant shall, before the issuance of any key 5506
employee license, produce information, documentation, and 5507
assurances as are required by this chapter and rules adopted 5508
thereunder. In addition, each applicant shall, in writing, 5509

authorize the examination of all bank accounts and records as may 5510
be deemed necessary by the commission. 5511

(C) To be eligible for a key employee license, the applicant 5512
shall be at least twenty-one years of age and shall meet the 5513
criteria set forth by rule by the commission. 5514

(D) Each application for a key employee license shall be on a 5515
form prescribed by the commission and shall contain all 5516
information required by the commission. The applicant shall set 5517
forth in the application if the applicant has been issued prior 5518
gambling-related licenses; if the applicant has been licensed in 5519
any other state under any other name, and, if so, the name under 5520
which the license was issued and the applicant's age at the time 5521
the license was issued; any criminal conviction the applicant has 5522
had; and if a permit or license issued to the applicant in any 5523
other state has been suspended, restricted, or revoked, and, if 5524
so, the cause and the duration of each action. 5525

(E) Each applicant shall submit with each application, on a 5526
form provided by the commission, two sets of fingerprints and a 5527
photograph. The commission shall charge each applicant an 5528
application fee set by the commission to cover all actual costs 5529
generated by each licensee and all background checks under this 5530
section and section 3772.07 of the Revised Code. 5531

(F)(1) The casino operator, management company, or holding 5532
company by whom a person is employed as a key employee shall 5533
terminate the person's employment in any capacity requiring a 5534
license under this chapter and shall not in any manner permit the 5535
person to exercise a significant influence over the operation of a 5536
casino facility if: 5537

(a) The person does not apply for and receive a key employee 5538
license within three months of being issued a provisional license, 5539
as established under commission rule. 5540

(b) The person's application for a key employee license is 5541
denied by the commission. 5542

(c) The person's key employee license is revoked by the 5543
commission. 5544

The commission shall notify the casino operator, management 5545
company, or holding company who employs such a person by certified 5546
mail of any such finding, denial, or revocation. 5547

(2) A casino operator, management company, or holding company 5548
shall not pay to a person whose employment is terminated under 5549
division (F)(1) of this section, any remuneration for any services 5550
performed in any capacity in which the person is required to be 5551
licensed, except for amounts due for services rendered before 5552
notice was received under that division. A contract or other 5553
agreement for personal services or for the conduct of any casino 5554
gaming at a casino facility between a casino operator, management 5555
company, or holding company and a person whose employment is 5556
terminated under division (F)(1) of this section may be terminated 5557
by the casino operator, management company, or holding company 5558
without further liability on the part of the casino operator, 5559
management company, or holding company. Any such contract or other 5560
agreement is deemed to include a term authorizing its termination 5561
without further liability on the part of the casino operator, 5562
management company, or holding company upon receiving notice under 5563
division (F)(1) of this section. That a contract or other 5564
agreement does not expressly include such a term is not a defense 5565
in any action brought to terminate the contract or other 5566
agreement, and is not grounds for relief in any action brought 5567
questioning termination of the contract or other agreement. 5568

(3) A casino operator, management company, or holding 5569
company, without having obtained the prior approval of the 5570
commission, shall not enter into any contract or other agreement 5571
with a person who has been found unsuitable, who has been denied a 5572

license, or whose license has been revoked under division (F)(1) 5573
of this section, or with any business enterprise under the control 5574
of such a person, after the date on which the casino operator, 5575
management company, or holding company receives notice under that 5576
division. 5577

Sec. 3772.131. (A) All casino gaming employees are required 5578
to have a casino gaming employee license. "Casino gaming employee" 5579
means the following and their supervisors: 5580

(1) Individuals involved in operating a casino gaming pit, 5581
including dealers, shifts, clerks, hosts, and junket 5582
representatives; 5583

(2) Individuals involved in handling money, including 5584
cashiers, change persons, count teams, and coin wrappers; 5585

(3) Individuals involved in operating casino games; 5586

(4) Individuals involved in operating and maintaining slot 5587
machines, including mechanics, floor persons, and change and 5588
payoff persons; 5589

(5) Individuals involved in security, including guards and 5590
game observers; 5591

(6) Individuals with duties similar to those described in 5592
divisions (A)(1) to (5) of this section or other persons as the 5593
commission determines. "Casino gaming employee" does not include 5594
an individual whose duties are related solely to nongaming 5595
activities such as entertainment, hotel operation, maintenance, or 5596
preparing or serving food and beverages. 5597

(B) The commission may issue a casino gaming employee license 5598
to an applicant after it has determined that the applicant is 5599
eligible for a license under rules adopted by the commission and 5600
paid any applicable fee. All applications shall be made under 5601
oath. 5602

(C) To be eligible for a casino gaming employee license, an applicant shall be at least twenty-one years of age. 5603
5604

(D) Each application for a casino gaming employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. 5605
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(E) Each applicant shall submit with each application, on a form provided by the commission, two sets of the applicant's fingerprints and a photograph. The commission shall charge each applicant an application fee to cover all actual costs generated by each licensee and all background checks. 5616
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Sec. 3772.14. (A) After notice and opportunity for an adjudication conducted under Chapter 119. of the Revised Code, the commission may suspend, revoke, or refuse to issue or renew a license in accordance with rules adopted by the commission and the commission may reopen a licensing hearing at any time. 5621
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(B) Without in any manner limiting the authority of the commission to impose the level and type of discipline it may consider appropriate, the commission may take into consideration: 5626
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(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, regulation, or condition on the licensee's license; 5629
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(2) If the licensee has previously been disciplined by the 5632

<u>commission;</u>	5633
<u>(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, regulation, or condition of the licensee's license;</u>	5634 5635 5636
<u>(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;</u>	5637 5638 5639 5640
<u>(5) If the licensee or licensee's employer had a reasonably constituted and functioning compliance program;</u>	5641 5642
<u>(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, regulations, and conditions of the license;</u>	5643 5644 5645 5646 5647
<u>(7) If the licensee realized a pecuniary gain from the violation;</u>	5648 5649
<u>(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee;</u>	5650 5651 5652
<u>(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;</u>	5653 5654 5655
<u>(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;</u>	5656 5657 5658
<u>(11) The adequacy of any training programs offered by the licensee or licensee's employer that were relevant to the activity which resulted in the violation;</u>	5659 5660 5661
<u>(12) If the licensee's action substantially deviated from</u>	5662

<u>industry standards and customs;</u>	5663
<u>(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;</u>	5664
<u>(14) If the licensee has initiated remedial measures to prevent similar violations;</u>	5665
<u>(15) The magnitude of penalties imposed on other licensees for similar violations;</u>	5666
<u>(16) The proportionality of the penalty in relation to the misconduct;</u>	5667
<u>(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;</u>	5668
<u>(18) Any mitigating factors offered by the licensee; and</u>	5669
<u>(19) Any other factors the commission in its sole and absolute discretion may consider relevant.</u>	5670
<u>Sec. 3772.15. (A) Unless a license issued under this chapter is suspended, expires, or is revoked, the license shall be renewed for not more than three years, as determined by commission rule, after a determination by the commission that the licensee is in compliance with this chapter and rules authorized by this chapter and after the licensee pays a fee.</u>	5671
<u>(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.</u>	5672
<u>(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.</u>	5673
<u>(D) The holder of a license shall bear the cost of an</u>	5674

investigation, except key employees and casino gaming employees 5692
who are employed by a casino operator, in which case the casino 5693
operator shall pay the investigation cost. 5694

Sec. 3772.16. (A) Any information concerning the following 5695
submitted, collected, or gathered as part of an application to the 5696
commission for a license under this chapter is confidential and 5697
not subject to disclosure as a record under section 149.43 of the 5698
Revised Code: 5699

(1) A minor child of an applicant; 5700

(2) The social security number of an applicant or the spouse 5701
of an applicant; 5702

(3) The home telephone number of an applicant or the spouse 5703
or children of an applicant; 5704

(4) An applicant's birth certificate; 5705

(5) The driver's license number of an applicant or the 5706
applicant's spouse; 5707

(6) The name or address of a previous spouse of the 5708
applicant; 5709

(7) The date of birth of the spouse of an applicant; 5710

(8) The place of birth of the spouse of an applicant; 5711

(9) The personal financial information and records of an 5712
applicant or the spouse or minor child of an applicant, including 5713
tax returns and information, and records of criminal proceedings; 5714

(10) Any information concerning a victim of domestic 5715
violence, sexual assault, or stalking; 5716

(11) The electronic mail address of the spouse or family 5717
member of the applicant; 5718

(12) An applicant's home addresses; and 5719

<u>(13) Any trade secret.</u>	5720
<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>	5721 5722 5723
<u>(1) The information provided under this chapter concerning a licensee or an applicant;</u>	5724 5725
<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>	5726 5727 5728
<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>	5729 5730 5731 5732 5733 5734
<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>	5735 5736 5737 5738 5739
<u>(1) Is confidential for purposes of this chapter and not subject to disclosure under section 149.43 of the Revised Code; and</u>	5740 5741 5742
<u>(2) May be released by the commission only for law enforcement purposes or to a state or local public agency, which shall keep such information confidential.</u>	5743 5744 5745
<u>(D) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a license under this chapter is not</u>	5746 5747 5748 5749

confidential. The reason for denial or revocation of a license or 5750
for disciplinary action against the individual and information 5751
submitted by the individual for a felony waiver request is not 5752
confidential. 5753

(E) An individual who holds, held, or has applied for a 5754
license under this chapter may waive the confidentiality 5755
requirements of division (A) of this section. 5756

Sec. 3772.17. (A) The upfront license fee to obtain a license 5757
as a casino operator shall be fifty million dollars per casino 5758
facility, which shall be deposited into the economic development 5759
programs fund, which is created in the state treasury. New casino 5760
operator, management company, and holding company license and 5761
renewal license fees shall be set by rule, subject to the approval 5762
of the joint committee on gaming and wagering. 5763

(B) The fee to obtain an application for a casino operator, 5764
management company, or holding company license shall be two 5765
million dollars per application. The application fee shall be 5766
deposited into the casino control commission fund. The application 5767
fee is nonrefundable. 5768

(C) The license fees for a gaming-related vendor shall be set 5769
by rule, subject to the approval of the joint committee on gaming 5770
and wagering. Additionally, the commission may assess an applicant 5771
a reasonable fee in the amount necessary to process a 5772
gaming-related vendor license application. 5773

(D) The license fees for a key employee shall be set by rule, 5774
subject to the approval of the joint committee on gaming and 5775
wagering. Additionally, the commission may assess an applicant a 5776
reasonable fee in the amount necessary to process a key employee 5777
license application. If the license is being sought at the request 5778
of a casino operator, such fees shall be paid by the casino 5779
operator. 5780

(E) The license fees for a casino gaming employee shall be 5781
set by rule, subject to the approval of the joint committee on 5782
gaming and wagering. If the license is being sought at the request 5783
of a casino operator, the fee shall be paid by the casino 5784
operator. 5785

Sec. 3772.18. (A) Each casino operator, management company, 5786
and holding company involved in the application and ownership or 5787
management of a casino facility shall provide to the commission as 5788
applicable: 5789

(1) An annual balance sheet; 5790

(2) An annual income statement; 5791

(3) An annual audited financial statement; 5792

(4) A list of the stockholders or other persons having at 5793
least a five per cent ownership interest in the casino operator, 5794
management company, or holding company and any other information 5795
the commission considers necessary for the effective 5796
administration of this chapter; 5797

(5) The applicant's plan and process to provide employment 5798
opportunities; 5799

(6) The applicant's plan and process to purchase goods and 5800
services from Ohio; 5801

(7) Notification of any material changes to the applicant's 5802
or licensee's stockholders must be provided to the commission 5803
within sixty days of the change. Notification of any refinancing 5804
and debt issuance shall be in accordance with rules adopted by the 5805
commission under Chapter 119. of the Revised Code; and 5806

(8) An applicant's compulsive and problem gambling plan. A 5807
casino operator shall submit an annual summary of its compulsive 5808
and problem gambling plan to the commission. The plan at a minimum 5809
shall contain the following elements: 5810

<u>(a) The goals of the plan and procedures and timetables to implement the plan;</u>	5811
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<u>(b) The identification of the individual who will be responsible for the implementation and maintenance of the plan;</u>	5813
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<u>(c) Policies and procedures including the following:</u>	5815
<u>(i) The commitment of the casino operator to train appropriate employees;</u>	5816
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<u>(ii) The duties and responsibilities of the employees designated to implement or participate in the plan;</u>	5818
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<u>(iii) The responsibility of patrons with respect to responsible gambling;</u>	5820
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<u>(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;</u>	5822
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<u>(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;</u>	5827
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<u>(vi) The employee training program;</u>	5831
<u>(vii) Procedures to prevent underage gambling;</u>	5832
<u>(viii) Procedures to prevent intoxicated patrons from gambling;</u>	5833
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<u>(ix) The plan for posting signs within the casino facility containing gambling treatment information.</u>	5835
	5836
<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</u>	5837
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operations and a process by which the commission shall determine 5840
if a casino operator is, in good faith, reasonably meeting or 5841
exceeding its goals as a condition of obtaining and maintaining a 5842
license to operate a casino facility. Annual plans shall include 5843
good faith efforts to meet goals in the following: supplier 5844
diversity; workplace diversity; diversity in community outreach; 5845
and diversity in provision of professional services. 5846

(B) Each casino operator shall submit quarterly updates and 5847
an annual report to the commission of its adherence to the plans 5848
and goals submitted under division (A) of this section. The 5849
department of administrative services may certify to the 5850
commission whether or not those plans and goals have been met. 5851

(C) Preference shall be given to each of the following to 5852
train employees for casino-related employment opportunities: 5853

(1) State institutions of higher education as defined in 5854
section 3345.011 of the Revised Code; 5855

(2) Private career schools holding program authorizations 5856
issued by the state board of career colleges and schools under 5857
division (C) of section 3332.05 of the Revised Code; 5858

(3) Private institutions exempt from regulation under Chapter 5859
3332. of the Revised Code as prescribed in section 3333.046 of the 5860
Revised Code. 5861

Sec. 3772.19. A person shall not hold a majority ownership 5862
interest in, or be a management company for, more than two casino 5863
facilities at any one time. A person shall not hold a majority 5864
ownership interest in, or be a management company, for more than 5865
two tracks at which horse racing where the pari-mutuel system of 5866
wagering is conducted at any one time, of which not more than one 5867
shall be a track for thoroughbred horses. 5868

Sec. 3772.20. (A) A maximum of five thousand slot machines 5869

may be operated at a casino facility. Each casino operator for 5870
each casino facility shall determine the total number of slot 5871
machines in their facility, up to a maximum of five thousand slot 5872
machines that may be operated at such casino facility. There shall 5873
be no limit on the number of table games allowed at each casino 5874
facility. 5875

(B) Any slot machine game or table game currently authorized 5876
in, and any future slot machine or table game authorized in, the 5877
states of Indiana, Michigan, Pennsylvania, and West Virginia may 5878
be conducted at casino facilities in this state at the discretion 5879
of a licensed casino operator but only after being approved, upon 5880
application by a licensed casino operator, by the commission. 5881

(C) Minimum and maximum wagers on casino gaming shall be 5882
determined by casino operators, subject to the commission's 5883
approval. 5884

(D) No slot machine shall be set to pay out less than the 5885
theoretical payout percentage, which shall be not less than 5886
eighty-five per cent, as specifically approved by the commission. 5887
The commission shall adopt rules that define the theoretical 5888
payout percentage of a slot machine based on the total value of 5889
the jackpots expected to be paid by a slot machine divided by the 5890
total value of slot machine wagers expected to be made on that 5891
slot machine during the same portion of the game cycle. In 5892
determining the theoretical payout percentage, the commission may 5893
consider market conditions, the payout percentage in other states, 5894
the impact on gaming within the market, or any other factor the 5895
commission deems relevant. The commission may adjust the payout 5896
percentage at any time. 5897

Sec. 3772.21. (A) Casino gaming equipment and supplies 5898
customarily used in conducting casino gaming shall be purchased or 5899

leased only from gaming-related vendors licensed under this 5900
chapter. A management company owning casino gaming devices, 5901
supplies, and equipment shall be licensed as a gaming-related 5902
vendor under this chapter. 5903

(B) Annually, a gaming-related vendor shall furnish to the 5904
commission a list of all equipment, devices, and supplies offered 5905
for sale or lease in connection with casino gaming authorized 5906
under this chapter. 5907

(C) A gaming-related vendor shall keep books and records for 5908
the furnishing of equipment, devices, and supplies to gaming 5909
operations separate from books and records of any other business 5910
operated by the gaming-related vendor. A gaming-related vendor 5911
shall file a quarterly return with the commission listing all 5912
sales and leases. A gaming-related vendor shall permanently affix 5913
the gaming-related vendor's name to all of the gaming-related 5914
vendor's equipment, devices, and supplies for casino gaming 5915
operations. 5916

(D) A gaming-related vendor's equipment, devices, or supplies 5917
that are used by a person in an unauthorized casino gaming 5918
operation shall be forfeited to the commission. 5919

(E) Gaming equipment, devices, and supplies that are provided 5920
by a gaming-related vendor may be repaired by the casino facility 5921
or removed for repair from the casino facility to a facility owned 5922
by a casino operator or management company. 5923

(F) Any gambling equipment, devices, and supplies provided by 5924
any licensed gaming-related vendor may be either repaired in the 5925
casino or removed from the casino to an area or facility owned by 5926
a casino operator or management company. 5927

Sec. 3772.22. (A) All casino facility operations shall use a 5928
cashless wagering system whereby all wagerers' money is converted 5929

to chips, tokens, tickets, electronic cards, or other instruments 5930
of value at the request of the wagerer that may only be used for 5931
wagering at a casino facility. Wagering shall not be conducted 5932
with money or other negotiable currency. 5933

(B) Wagers may be received only from a person present at a 5934
casino facility. A wagerer present at a casino facility shall not 5935
place or attempt to place a wager on behalf of an individual who 5936
is not present at the casino facility. 5937

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 5938
are used to make wagers shall be purchased from the casino 5939
operator or management company while at a casino facility that has 5940
been approved by the commission. Chips, tokens, tickets, 5941
electronic cards, or similar objects may be used while at the 5942
casino facility only for the purpose of making wagers on casino 5943
games. 5944

(B) Casino operators and management companies shall not do 5945
any of the following: 5946

(1) Obtain a license to operate a check-cashing business 5947
under sections 1315.01 to 1315.30 of the Revised Code; 5948

(2) Obtain a license to provide loans under sections 1321.01 5949
to 1321.19 of the Revised Code; 5950

(3) Obtain a license to provide loans under sections 1321.35 5951
to 1321.48 of the Revised Code. 5952

(C) Casino operators and management companies may do both of 5953
the following: 5954

(1) Cash checks for casino patrons; 5955

(2) Provide promotional credits to their patrons. Promotional 5956
credits played by slot machine and table game patrons have no 5957
value attributed to their use for purposes of calculating gross 5958

casino revenue. Promotional credits shall be subject to oversight 5959
and approval by the commission. 5960

Sec. 3772.24. (A) An employee of a casino facility who is 5961
between eighteen and twenty-one years of age may be present in the 5962
area of a casino facility where casino gaming is being conducted, 5963
as long as the employee's duties are related solely to nongaming 5964
activities. An individual who is less than twenty-one years of age 5965
may enter a designated area of a casino facility where casino 5966
gaming is being conducted, as established by the commission, to 5967
pass to another area where casino gaming is not being conducted. 5968
An individual who is less than twenty-one years of age shall not 5969
make a wager under this chapter. 5970

(B) Casino operators shall notify the commission of the days 5971
and hours during which casino gaming will be conducted. 5972

Sec. 3772.25. The following are not subject to, or limited 5973
by, the requirements of this chapter or Section 6(C) of Article 5974
XV, Ohio Constitution: 5975

(A) Charitable gaming authorized by Chapter 2915. of the 5976
Revised Code; 5977

(B) Charitable bingo authorized by Section 6 of Article XV, 5978
Ohio Constitution, and as authorized by Chapter 2915. of the 5979
Revised Code; 5980

(C) Lottery games as authorized by Section 6 of Article XV, 5981
Ohio Constitution; and 5982

(D) Pari-mutuel wagering authorized by Chapter 3769. of the 5983
Revised Code. 5984

Sec. 3772.26. (A) Each of the four casino facilities shall be 5985
subject to all applicable state laws and local ordinances related 5986
to health and building codes, or any related requirements and 5987

provisions. Notwithstanding the foregoing, no local zoning, land 5988
use laws, subdivision regulations or similar provisions shall 5989
prohibit the development or operation of the four casino 5990
facilities, or casino gaming set forth herein, provided that no 5991
casino facility shall be located in a district zoned exclusively 5992
residential as of January 1, 2009. 5993

(B) No municipal corporation or other political subdivision 5994
in which a casino facility is located shall be required to provide 5995
or improve infrastructure, appropriate property, or otherwise take 5996
any affirmative legislative or administrative action to assist 5997
development or operation of a casino facility, regardless of the 5998
source of funding but if such action is essential to the 5999
development or operation of a casino facility, the municipal 6000
corporation or other political subdivision may charge the casino 6001
operator for any costs incurred for such action. 6002

Sec. 3772.27. Each initial licensed casino operator of each 6003
of the four casino facilities shall make an initial investment of 6004
at least two hundred fifty million dollars for the development of 6005
each casino facility. The initial investment required by this 6006
section may be satisfied in two phases, with not less than one 6007
hundred twenty-five million dollars invested on or before the 6008
first phase is opened, and not less than one hundred twenty-five 6009
million dollars invested not later than the first renewal of the 6010
upfront license. 6011

Sec. 3772.28. (A) A casino operator shall not enter into a 6012
debt transaction without the approval of the commission. The 6013
casino operator shall submit, in writing, a request for approval 6014
of a debt transaction that contains at least the following 6015
information: 6016

(1) The names and addresses of all parties to the debt 6017

<u>transaction;</u>	6018
<u>(2) The amount of the funds involved;</u>	6019
<u>(3) The type of debt transaction;</u>	6020
<u>(4) The source of the funds to be obtained;</u>	6021
<u>(5) All sources of collateral;</u>	6022
<u>(6) The purpose of the debt transaction;</u>	6023
<u>(7) The terms of the debt transaction;</u>	6024
<u>(8) Any other information deemed necessary by the commission.</u>	6025
<u>(B) As used in this section, "debt transaction" means a</u>	6026
<u>transaction by a casino operator concerning a casino facility</u>	6027
<u>totaling five hundred thousand dollars or more in which a casino</u>	6028
<u>operator acquires debt, including bank financing, private debt</u>	6029
<u>offerings, and any other transaction that results in the</u>	6030
<u>encumbrance of assets.</u>	6031
<u>Sec. 3772.29. All shipments of gaming supplies, devices, and</u>	6032
<u>equipment, including slot machines, into this state are exempt</u>	6033
<u>from section (2) of "An Act to Prohibit Transportation of Gambling</u>	6034
<u>Devices in Interstate and Foreign Commerce," 64 Stat. 1134, 15</u>	6035
<u>U.S.C. 1171-1177.</u>	6036
<u>Sec. 3772.30. (A) If any person violates this chapter or a</u>	6037
<u>rule adopted thereunder, the attorney general has a cause of</u>	6038
<u>action to restrain the violation. Such an action is a civil</u>	6039
<u>action, governed by the Rules of Civil Procedure. Upon receiving a</u>	6040
<u>request from the commission or the executive director, the</u>	6041
<u>attorney general shall commence and prosecute such an action to</u>	6042
<u>completion. The court shall give priority to such an action over</u>	6043
<u>all other civil actions. Such an action does not preclude an</u>	6044
<u>administrative or criminal proceeding on the same facts.</u>	6045

(B) The attorney general may enter into agreements with any 6046
state or local law enforcement agency to carry out its duties. 6047

(C) A sheriff, chief of police, and prosecuting attorney 6048
shall furnish to the commission, on prescribed forms, all 6049
information obtained during the course of any substantial 6050
investigation or prosecution if it appears a violation of this 6051
chapter has occurred. Any such information is not a public record, 6052
as defined in section 149.43 of the Revised Code, until such 6053
information would otherwise become a public record. 6054

Sec. 3772.31. (A) The commission, by and through the 6055
executive director of the commission and as required under section 6056
125.05 of the Revised Code, may enter into contracts necessary to 6057
ensure the proper operation and reporting of all casino gaming 6058
authorized under this chapter. The commission may determine it to 6059
be necessary and adopt rules to authorize a central system. The 6060
system shall be operated by or under the commission's control. 6061

(B) The commission shall certify independent testing 6062
laboratories to scientifically test and technically evaluate all 6063
slot machines, mechanical, electromechanical, or electronic table 6064
games, slot accounting systems, and other electronic gaming 6065
equipment for compliance with this chapter. The certified 6066
independent testing laboratories shall be accredited by a national 6067
accreditation body and certified in at least twenty-five 6068
jurisdictions in the United States. The commission shall certify 6069
an independent testing laboratory if it is competent and qualified 6070
to scientifically test and evaluate electronic gaming equipment 6071
for compliance with this chapter and to otherwise perform the 6072
functions assigned to an independent testing laboratory under this 6073
chapter. An independent testing laboratory shall not be owned or 6074
controlled by, or have any interest in, a gaming-related vendor of 6075
electronic gaming equipment. The commission shall prepare a list 6076

of certified independent testing laboratories from which 6077
independent testing laboratories shall be chosen for all purposes 6078
under this chapter. 6079

Sec. 3772.32. (A) As used in this section, "conservator" 6080
means a person appointed by a court of common pleas as a fiduciary 6081
to temporarily manage and control a casino facility. 6082

(B) The commission shall adopt rules under Chapter 119. of 6083
the Revised Code relating to the administration of a casino 6084
facility by a conservator. 6085

(C) The commission may petition the court of common pleas of 6086
the county in which the casino facility is located for appointment 6087
by the court of a conservator to manage and control the casino 6088
facility if any of the following occurs: 6089

(1) The commission revokes the casino operator's license. 6090

(2) The commission declines to renew the casino operator's 6091
license. 6092

(3) The commission suspends a casino operator's license for 6093
more than one hundred twenty days. 6094

(4) A proposed buyer is denied a casino operator's license, 6095
and the licensed casino operator is unable or unwilling to retain 6096
ownership or control of the casino facility. 6097

(5) A licensed casino operator agrees in writing to 6098
relinquish control of a casino facility to a conservator. 6099

(6) A natural disaster or bankruptcy halts operations at a 6100
casino facility. 6101

This division does not apply if the casino facility for which 6102
a casino license has been issued has not been in operation and 6103
open to the public. 6104

(D)(1) The petition shall contain the names of two or more 6105

persons who the commission believes are suitable and qualified to 6106
manage and control the casino facility and are available for 6107
appointment as a conservator. 6108

(2) Upon receipt of the petition, the court shall appoint as 6109
conservator of the casino facility a person who is named in the 6110
petition. The court shall immediately notify the commission of the 6111
appointment. Upon receipt of notice from the court, the commission 6112
shall immediately notify the casino operator and the conservator. 6113

(3) The court that appoints the conservator shall set 6114
reasonable compensation, out of the revenue of the casino 6115
facility, for the services, costs, and expenses of the conservator 6116
and for any other persons whom the conservator may engage to aid 6117
the conservator in performing the conservator's duties. 6118

(E) A conservator is subject to Chapter 3772. of the Revised 6119
Code and any rules adopted under that chapter as if the 6120
conservator were a licensed casino operator. 6121

(F) A conservator shall be deemed to be a licensed casino 6122
operator and may perform all acts that the conservator is required 6123
or permitted to perform without approval or other action. 6124

(G) The conservator shall take immediately into possession 6125
all property of the casino facility, including its money, 6126
accounts, books, records, and evidences of debts owed to the 6127
casino operator, and shall continue the business of the casino 6128
facility. 6129

(H) A conservator shall file with the commission reports on 6130
the administration of the casino facility in such form and at such 6131
intervals as the commission may prescribe. 6132

(I)(1) If at any time the court finds that a conservator is 6133
not qualified or available to serve as conservator, the court 6134
shall request from the commission the names of two or more persons 6135
who the commission believes are suitable and qualified to manage 6136

and control a casino facility and are available to serve as a 6137
conservator. 6138

(2) The commission may, at any time after the appointment of 6139
a conservator, petition the court for the removal of the 6140
conservator and the appointment of a new conservator or for the 6141
termination of the conservator. 6142

(J) A conservator shall, before assuming the conservator's 6143
duties, execute and file a bond for the faithful performance of 6144
the conservator's duties payable to the commission with such 6145
surety or sureties and in such form as the commission approves and 6146
in such amount as the commission prescribes. 6147

(K) The commission shall require that the former casino 6148
operator purchase liability insurance, in an amount determined by 6149
the commission, to protect a conservator from liability for any 6150
acts or omissions of the conservator occurring during the duration 6151
of the conservatorship that are reasonably related to, and within 6152
the scope of, the conservator's duties. 6153

(L)(1) The former licensed casino operator has one hundred 6154
eighty days after the date on which the conservator is appointed 6155
to sell the casino facility to another person who satisfies the 6156
requirements of this chapter for obtaining a casino operator's 6157
license and is approved by the commission. 6158

(2) If the person is unable to sell the casino facility in 6159
the time required by division (L)(1) of this section, the 6160
conservator may take any action necessary to sell the casino 6161
facility to another person who satisfies the requirements of this 6162
chapter for obtaining a casino operator's license and is approved 6163
by the commission. 6164

(M) The commission shall direct the court of common pleas to 6165
discontinue a conservatorship when any of the following occurs: 6166

(1) The commission determines that the cause for which the 6167

conservatorship was instituted no longer exists. 6168

(2) The former casino operator or the conservator has with 6169
the approval of the commission, consummated the sale, assignment, 6170
conveyance, or other disposition of the casino facility. 6171

(N) Upon the discontinuation of the conservatorship and with 6172
the approval of the commission, the conservator shall take steps 6173
as may be necessary to affect an orderly transfer of the property 6174
of the former casino operator. 6175

Sec. 3772.99. (A) The commission shall levy and collect 6176
penalties for noncriminal violations of this chapter. Moneys 6177
collected from such penalty levies shall be credited to the 6178
general revenue fund. 6179

(B) If a licensed casino operator, management company, 6180
holding company, gaming-related vendor, or key employee violates 6181
this chapter or engages in a fraudulent act, the commission may 6182
suspend or revoke the license and may do either or both of the 6183
following: 6184

(1) Suspend, revoke, or restrict the casino gaming operations 6185
of a casino operator; 6186

(2) Require the removal of a management company, key 6187
employee, or discontinuance of services from a gaming-related 6188
vendor. 6189

(C) The commission shall impose civil penalties against a 6190
person who violates this chapter under the penalties adopted by 6191
commission rule and approved by the joint committee on gaming and 6192
wagering. 6193

(D) A person who knowingly or intentionally does any of the 6194
following commits a misdemeanor of the first degree on the first 6195
offense and a felony of the fifth degree for a subsequent offense: 6196

(1) Makes a false statement on an application submitted under 6197

<u>this chapter;</u>	6198
<u>(2) Permits a person less than twenty-one years of age to make a wager;</u>	6199 6200
<u>(3) Aids, induces, or causes a person less than twenty-one years of age who is not an employee of the casino gaming operation to enter or attempt to enter a casino;</u>	6201 6202 6203
<u>(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code;</u>	6204 6205 6206
<u>(5) Wagers or accepts a wager at a location other than a casino facility;</u>	6207 6208
<u>(6) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment;</u>	6209 6210
<u>(7) Gives to another person an item of value, as determined by the commission, in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine.</u>	6211 6212 6213 6214 6215 6216
<u>(E) A person who knowingly or intentionally does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense.</u>	6217 6218 6219 6220 6221
<u>(1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management company, holding company, or gaming-related vendor, including their officers and employees, under an agreement to influence or with the intent to influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to</u>	6222 6223 6224 6225 6226 6227

affect the outcome of a casino game or an official action of a 6228
commission member; 6229

(2) Solicits, accepts, or receives a promise of anything of 6230
value or benefit while the person is connected with a casino, 6231
including an officer or employee of a casino operator, management 6232
company, or gaming-related vendor, under an agreement to influence 6233
or with the intent to influence the actions of the person to 6234
affect or attempt to affect the outcome of a casino game or an 6235
official action of a commission member; 6236

(3) Uses or possesses with the intent to use a device to 6237
assist in projecting the outcome of the game, keeping track of the 6238
cards played, analyzing the probability of the occurrence of an 6239
event relating to the casino game, or analyzing the strategy for 6240
playing or betting to be used in the game, except as permitted by 6241
the commission; 6242

(4) Cheats at a casino game; 6243

(5) Manufactures, sells, or distributes any cards, chips, 6244
dice, game, or device that is intended to be used to violate this 6245
chapter; 6246

(6) Alters or misrepresents the outcome of a casino game on 6247
which wagers have been made after the outcome is made sure but 6248
before the outcome is revealed to the players; 6249

(7) Places a wager on the outcome of a casino game after 6250
acquiring knowledge that is not available to all players and 6251
concerns the outcome of the casino game that is the subject of the 6252
wager; 6253

(8) Aids a person in acquiring the knowledge described in 6254
division (E)(7) of this section for the purpose of placing a wager 6255
contingent on the outcome of a casino game; 6256

(9) Claims, collects, takes, or attempts to claim, collect, 6257

or take money or anything of value in or from a casino game with 6258
the intent to defraud or without having made a wager contingent on 6259
winning a casino game; 6260

(10) Claims, collects, or takes an amount of money or thing 6261
of value of greater value than the amount won in a casino game; 6262

(11) Uses or possesses counterfeit chips or tokens in or for 6263
use in a casino game; 6264

(12) Possesses a key or device designed for opening, 6265
entering, or affecting the operation of a casino game, drop box, 6266
or an electronic or a mechanical device connected with the casino 6267
game or removing coins, tokens, chips, or other contents of a 6268
casino game. This division does not apply to a casino operator, 6269
management company, or gaming-related vendor or their agents and 6270
employees in the course of agency or employment. 6271

(13) Possesses materials used to manufacture a slug or device 6272
intended to be used in a manner that violates this chapter; 6273

(14) Operates a casino gaming operation in which wagering is 6274
conducted or is to be conducted in a manner other than the manner 6275
required under this chapter. 6276

(F) The possession of more than one of the devices described 6277
in division (E)(11), (12), or (13) of this section creates a 6278
rebuttable presumption that the possessor intended to use the 6279
devices for cheating. 6280

(G) A person who is convicted of a felony described in this 6281
chapter may be barred for life from entering a casino facility by 6282
the commission. 6283

Sec. 3793.02. (A) The department of alcohol and drug 6284
addiction services shall promote, assist in developing, and 6285
coordinate or conduct programs of education and research for the 6286
prevention of alcohol and drug addiction, the prevention of 6287

gambling addiction, the treatment, including intervention, of 6288
alcoholics and persons who abuse drugs of abuse, including 6289
anabolic steroids, and the treatment, including intervention, of 6290
persons with gambling addictions. Programs established by the 6291
department shall include abstinence-based prevention and treatment 6292
programs. 6293

(B) In addition to the other duties prescribed by this 6294
chapter, the department shall do all of the following: 6295

(1) Promote and coordinate efforts in the provision of 6296
alcohol and drug addiction services and of gambling addiction 6297
services by other state agencies, as defined in section 1.60 of 6298
the Revised Code; courts; hospitals; clinics; physicians in 6299
private practice; public health authorities; boards of alcohol, 6300
drug addiction, and mental health services; alcohol and drug 6301
addiction programs; law enforcement agencies; gambling addiction 6302
programs; and related groups; 6303

(2) Provide for education and training in prevention, 6304
diagnosis, treatment, and control of alcohol and drug addiction 6305
and of gambling addiction for medical students, physicians, 6306
nurses, social workers, professional counselors, psychologists, 6307
and other persons who provide alcohol and drug addiction services 6308
or gambling addiction services; 6309

(3) Provide training and consultation for persons who 6310
supervise alcohol and drug addiction programs and facilities or 6311
gambling addiction programs and facilities; 6312

(4) Develop measures for evaluating the effectiveness of 6313
alcohol and drug addiction services, including services that use 6314
methadone treatment, and of gambling addiction services, and for 6315
increasing the accountability of alcohol and drug addiction 6316
programs and of gambling addiction programs; 6317

(5) Provide to each court of record, and biennially update, a list of the treatment and education programs within that court's jurisdiction that the court may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend;

(6) Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site;

(7) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code, and provide a program of gambling and addiction services on behalf of the Ohio casino control commission, under an agreement entered into with the executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio Constitution, the department may enter into agreements with county alcohol, drug addiction, and mental health service districts, including with such districts of counties in which a casino facility is not located, and nonprofit organizations to provide gambling and addiction services and substance abuse services, and with state institutions of higher education to perform related research.

(C) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

(D) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter.

Sec. 3793.032. The director of alcohol and drug addiction 6349
services shall administer the problem casino gambling and 6350
addictions fund. The director shall use the money in the fund to 6351
support programs that provide gambling addiction services, alcohol 6352
and drug addiction programs that provide alcohol and drug 6353
addiction services, other programs that relate to gambling 6354
addiction and substance abuse, and research that relates to 6355
gambling addiction and substance abuse. Money in the fund also may 6356
be used by the director to provide any of these addiction services 6357
or programs through toll-free call centers located in this state. 6358
Any services provided under programs supported by money in the 6359
fund under this section shall be services that are certified by 6360
the department of alcohol and drug addiction services or provided 6361
by counselors who are certified by the department. 6362

The director shall prepare an annual report describing the 6363
use of the fund for these purposes. The director shall submit the 6364
report to the Ohio casino control commission, the speaker and 6365
minority leader of the house of representatives, the president and 6366
minority leader of the senate, and the governor. 6367

Sec. 4301.355. (A) If a petition is filed under section 6368
4301.333 of the Revised Code for the submission of the question or 6369
questions set forth in this section, it shall be held in the 6370
precinct as ordered by the board of elections under that section. 6371
The expense of holding the election shall be charged to the 6372
municipal corporation or township of which the precinct is a part. 6373

(B) At the election, one or more of the following questions, 6374
as designated in a valid petition, shall be submitted to the 6375
electors of the precinct: 6376

(1) "Shall the sale of (insert beer, wine and 6377
mixed beverages, or spirituous liquor) be permitted by 6378

(insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an (insert "applicant for" or "holder of" or "operator of") a (insert class name of liquor permit or permits followed by the words "liquor permit(s)" or, if appropriate, the words "liquor agency store for the State of Ohio"), who is engaged in the business of (insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at (insert address of the particular location within the precinct as set forth in the petition) in this precinct?"

(2) "Shall the sale of (insert beer, wine and mixed beverages, or spirituous liquor) be permitted for sale on Sunday between the hours of (insert "ten a.m. and midnight" or " eleven a.m. and midnight") by (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an (insert "applicant for a D-6 liquor permit," "holder of a D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, 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 liquor permit," if only the approval of beer sales is sought, or "liquor agency store") who is engaged in the business of (insert general nature of the business in which applicant or liquor permit holder is engaged or will be engaged in at the particular location, as described in the petition) at (insert address of the particular location within the precinct) in this precinct?"

(C) The board of elections shall furnish printed ballots at 6412
the election as provided under section 3505.06 of the Revised 6413
Code, except that a separate ballot shall be used for the election 6414
under this section. The question set forth in this section shall 6415
be printed on each ballot, and the board shall insert in the 6416
question appropriate words to complete it. Votes shall be cast as 6417
provided under section 3505.06 of the Revised Code. 6418

Sec. 4301.62. (A) As used in this section: 6419

(1) "Chauffeured limousine" means a vehicle registered under 6420
section 4503.24 of the Revised Code. 6421

(2) "Street," "highway," and "motor vehicle" have the same 6422
meanings as in section 4511.01 of the Revised Code. 6423

(B) No person shall have in the person's possession an opened 6424
container of beer or intoxicating liquor in any of the following 6425
circumstances: 6426

(1) In a state liquor store; 6427

(2) Except as provided in division (C) of this section, on 6428
the premises of the holder of any permit issued by the division of 6429
liquor control; 6430

(3) In any other public place; 6431

(4) Except as provided in division (D) or (E) of this 6432
section, while operating or being a passenger in or on a motor 6433
vehicle on any street, highway, or other public or private 6434
property open to the public for purposes of vehicular travel or 6435
parking; 6436

(5) Except as provided in division (D) or (E) of this 6437
section, while being in or on a stationary motor vehicle on any 6438
street, highway, or other public or private property open to the 6439
public for purposes of vehicular travel or parking. 6440

(C)(1) A person may have in the person's possession an opened 6441
container of any of the following: 6442

(a) Beer or intoxicating liquor that has been lawfully 6443
purchased for consumption on the premises where bought from the 6444
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 6445
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 6446
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 6447
F-8 permit; 6448

(b) Beer, wine, or mixed beverages served for consumption on 6449
the premises by the holder of an F-3 permit or wine served for 6450
consumption on the premises by the holder of an F-4 or F-6 permit; 6451

(c) Beer or intoxicating liquor consumed on the premises of a 6452
convention facility as provided in section 4303.201 of the Revised 6453
Code; 6454

(d) Beer or intoxicating liquor to be consumed during 6455
tastings and samplings approved by rule of the liquor control 6456
commission. 6457

(2) A person may have in the person's possession on an F 6458
liquor permit premises an opened container of beer or intoxicating 6459
liquor that was not purchased from the holder of the F permit if 6460
the premises for which the F permit is issued is a music festival 6461
and the holder of the F permit grants permission for that 6462
possession on the premises during the period for which the F 6463
permit is issued. As used in this division, "music festival" means 6464
a series of outdoor live musical performances, extending for a 6465
period of at least three consecutive days and located on an area 6466
of land of at least forty acres. 6467

(3)(a) A person may have in the person's possession on a D-2 6468
liquor permit premises an opened or unopened container of wine 6469
that was not purchased from the holder of the D-2 permit if the 6470
premises for which the D-2 permit is issued is an outdoor 6471

performing arts center, the person is attending an orchestral 6472
performance, and the holder of the D-2 permit grants permission 6473
for the possession and consumption of wine in certain 6474
predesignated areas of the premises during the period for which 6475
the D-2 permit is issued. 6476

(b) As used in division (C)(3)(a) of this section: 6477

(i) "Orchestral performance" means a concert comprised of a 6478
group of not fewer than forty musicians playing various musical 6479
instruments. 6480

(ii) "Outdoor performing arts center" means an outdoor 6481
performing arts center that is located on not less than eight 6482
hundred acres of land and that is open for performances from the 6483
first day of April to the last day of October of each year. 6484

(4) A person may have in the person's possession an opened or 6485
unopened container of beer or intoxicating liquor at an outdoor 6486
location at which the person is attending an orchestral 6487
performance as defined in division (C)(3)(b)(i) of this section if 6488
the person with supervision and control over the performance 6489
grants permission for the possession and consumption of beer or 6490
intoxicating liquor in certain predesignated areas of that outdoor 6491
location. 6492

(D) This section does not apply to a person who pays all or a 6493
portion of the fee imposed for the use of a chauffeured limousine 6494
pursuant to a prearranged contract, or the guest of the person, 6495
when all of the following apply: 6496

(1) The person or guest is a passenger in the limousine. 6497

(2) The person or guest is located in the limousine, but is 6498
not occupying a seat in the front compartment of the limousine 6499
where the operator of the limousine is located. 6500

(3) The limousine is located on any street, highway, or other 6501

public or private property open to the public for purposes of 6502
vehicular travel or parking. 6503

(E) An opened bottle of wine that was purchased from the 6504
holder of a permit that authorizes the sale of wine for 6505
consumption on the premises where sold is not an opened container 6506
for the purposes of this section if both of the following apply: 6507

(1) The opened bottle of wine is securely resealed by the 6508
permit holder or an employee of the permit holder before the 6509
bottle is removed from the premises. The bottle shall be secured 6510
in such a manner that it is visibly apparent if the bottle has 6511
been subsequently opened or tampered with. 6512

(2) The opened bottle of wine that is resealed in accordance 6513
with division (E)(1) of this section is stored in the trunk of a 6514
motor vehicle or, if the motor vehicle does not have a trunk, 6515
behind the last upright seat or in an area not normally occupied 6516
by the driver or passengers and not easily accessible by the 6517
driver. 6518

Sec. 4303.181. (A) Permit D-5a may be issued either to the 6519
owner or operator of a hotel or motel that is required to be 6520
licensed under section 3731.03 of the Revised Code, that contains 6521
at least fifty rooms for registered transient guests or is owned 6522
by a state institution of higher education as defined in section 6523
3345.011 of the Revised Code or a private college or university, 6524
and that qualifies under the other requirements of this section, 6525
or to the owner or operator of a restaurant specified under this 6526
section, to sell beer and any intoxicating liquor at retail, only 6527
by the individual drink in glass and from the container, for 6528
consumption on the premises where sold, and to registered guests 6529
in their rooms, which may be sold by means of a controlled access 6530
alcohol and beverage cabinet in accordance with division (B) of 6531
section 4301.21 of the Revised Code; and to sell the same products 6532

in the same manner and amounts not for consumption on the premises 6533
as may be sold by holders of D-1 and D-2 permits. The premises of 6534
the hotel or motel shall include a retail food establishment or a 6535
food service operation licensed pursuant to Chapter 3717. of the 6536
Revised Code that operates as a restaurant for purposes of this 6537
chapter and that is affiliated with the hotel or motel and within 6538
or contiguous to the hotel or motel, and that serves food within 6539
the hotel or motel, but the principal business of the owner or 6540
operator of the hotel or motel shall be the accommodation of 6541
transient guests. In addition to the privileges authorized in this 6542
division, the holder of a D-5a permit may exercise the same 6543
privileges as the holder of a D-5 permit. 6544

The owner or operator of a hotel, motel, or restaurant who 6545
qualified for and held a D-5a permit on August 4, 1976, may, if 6546
the owner or operator held another permit before holding a D-5a 6547
permit, either retain a D-5a permit or apply for the permit 6548
formerly held, and the division of liquor control shall issue the 6549
permit for which the owner or operator applies and formerly held, 6550
notwithstanding any quota. 6551

A D-5a permit shall not be transferred to another location. 6552
No quota restriction shall be placed on the number of D-5a permits 6553
that may be issued. 6554

The fee for this permit is two thousand three hundred 6555
forty-four dollars. 6556

(B) Permit D-5b may be issued to the owner, operator, tenant, 6557
lessee, or occupant of an enclosed shopping center to sell beer 6558
and intoxicating liquor at retail, only by the individual drink in 6559
glass and from the container, for consumption on the premises 6560
where sold; and to sell the same products in the same manner and 6561
amount not for consumption on the premises as may be sold by 6562
holders of D-1 and D-2 permits. In addition to the privileges 6563
authorized in this division, the holder of a D-5b permit may 6564

exercise the same privileges as a holder of a D-5 permit. 6565

A D-5b permit shall not be transferred to another location. 6566

One D-5b permit may be issued at an enclosed shopping center 6567
containing at least two hundred twenty-five thousand, but less 6568
than four hundred thousand, square feet of floor area. 6569

Two D-5b permits may be issued at an enclosed shopping center 6570
containing at least four hundred thousand square feet of floor 6571
area. No more than one D-5b permit may be issued at an enclosed 6572
shopping center for each additional two hundred thousand square 6573
feet of floor area or fraction of that floor area, up to a maximum 6574
of five D-5b permits for each enclosed shopping center. The number 6575
of D-5b permits that may be issued at an enclosed shopping center 6576
shall be determined by subtracting the number of D-3 and D-5 6577
permits issued in the enclosed shopping center from the number of 6578
D-5b permits that otherwise may be issued at the enclosed shopping 6579
center under the formulas provided in this division. Except as 6580
provided in this section, no quota shall be placed on the number 6581
of D-5b permits that may be issued. Notwithstanding any quota 6582
provided in this section, the holder of any D-5b permit first 6583
issued in accordance with this section is entitled to its renewal 6584
in accordance with section 4303.271 of the Revised Code. 6585

The holder of a D-5b permit issued before April 4, 1984, 6586
whose tenancy is terminated for a cause other than nonpayment of 6587
rent, may return the D-5b permit to the division of liquor 6588
control, and the division shall cancel that permit. Upon 6589
cancellation of that permit and upon the permit holder's payment 6590
of taxes, contributions, premiums, assessments, and other debts 6591
owing or accrued upon the date of cancellation to this state and 6592
its political subdivisions and a filing with the division of a 6593
certification of that payment, the division shall issue to that 6594
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 6595
that person requests. The division shall issue the D-5 permit, or 6596

the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 6597
D-3, or D-5 permits currently issued in the municipal corporation 6598
or in the unincorporated area of the township where that person's 6599
proposed premises is located equals or exceeds the maximum number 6600
of such permits that can be issued in that municipal corporation 6601
or in the unincorporated area of that township under the 6602
population quota restrictions contained in section 4303.29 of the 6603
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 6604
be transferred to another location. If a D-5b permit is canceled 6605
under the provisions of this paragraph, the number of D-5b permits 6606
that may be issued at the enclosed shopping center for which the 6607
D-5b permit was issued, under the formula provided in this 6608
division, shall be reduced by one if the enclosed shopping center 6609
was entitled to more than one D-5b permit under the formula. 6610

The fee for this permit is two thousand three hundred 6611
forty-four dollars. 6612

(C) Permit D-5c may be issued to the owner or operator of a 6613
retail food establishment or a food service operation licensed 6614
pursuant to Chapter 3717. of the Revised Code that operates as a 6615
restaurant for purposes of this chapter and that qualifies under 6616
the other requirements of this section to sell beer and any 6617
intoxicating liquor at retail, only by the individual drink in 6618
glass and from the container, for consumption on the premises 6619
where sold, and to sell the same products in the same manner and 6620
amounts not for consumption on the premises as may be sold by 6621
holders of D-1 and D-2 permits. In addition to the privileges 6622
authorized in this division, the holder of a D-5c permit may 6623
exercise the same privileges as the holder of a D-5 permit. 6624

To qualify for a D-5c permit, the owner or operator of a 6625
retail food establishment or a food service operation licensed 6626
pursuant to Chapter 3717. of the Revised Code that operates as a 6627
restaurant for purposes of this chapter, shall have operated the 6628

restaurant at the proposed premises for not less than twenty-four 6629
consecutive months immediately preceding the filing of the 6630
application for the permit, have applied for a D-5 permit no later 6631
than December 31, 1988, and appear on the division's quota waiting 6632
list for not less than six months immediately preceding the filing 6633
of the application for the permit. In addition to these 6634
requirements, the proposed D-5c permit premises shall be located 6635
within a municipal corporation and further within an election 6636
precinct that, at the time of the application, has no more than 6637
twenty-five per cent of its total land area zoned for residential 6638
use. 6639

A D-5c permit shall not be transferred to another location. 6640
No quota restriction shall be placed on the number of such permits 6641
that may be issued. 6642

Any person who has held a D-5c permit for at least two years 6643
may apply for a D-5 permit, and the division of liquor control 6644
shall issue the D-5 permit notwithstanding the quota restrictions 6645
contained in section 4303.29 of the Revised Code or in any rule of 6646
the liquor control commission. 6647

The fee for this permit is one thousand five hundred 6648
sixty-three dollars. 6649

(D) Permit D-5d may be issued to the owner or operator of a 6650
retail food establishment or a food service operation licensed 6651
pursuant to Chapter 3717. of the Revised Code that operates as a 6652
restaurant for purposes of this chapter and that is located at an 6653
airport operated by a board of county commissioners pursuant to 6654
section 307.20 of the Revised Code, at an airport operated by a 6655
port authority pursuant to Chapter 4582. of the Revised Code, or 6656
at an airport operated by a regional airport authority pursuant to 6657
Chapter 308. of the Revised Code. The holder of a D-5d permit may 6658
sell beer and any intoxicating liquor at retail, only by the 6659
individual drink in glass and from the container, for consumption 6660

on the premises where sold, and may sell the same products in the 6661
same manner and amounts not for consumption on the premises where 6662
sold as may be sold by the holders of D-1 and D-2 permits. In 6663
addition to the privileges authorized in this division, the holder 6664
of a D-5d permit may exercise the same privileges as the holder of 6665
a D-5 permit. 6666

A D-5d permit shall not be transferred to another location. 6667
No quota restrictions shall be placed on the number of such 6668
permits that may be issued. 6669

The fee for this permit is two thousand three hundred 6670
forty-four dollars. 6671

(E) Permit D-5e may be issued to any nonprofit organization 6672
that is exempt from federal income taxation under the "Internal 6673
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 6674
amended, or that is a charitable organization under any chapter of 6675
the Revised Code, and that owns or operates a riverboat that meets 6676
all of the following: 6677

(1) Is permanently docked at one location; 6678

(2) Is designated as an historical riverboat by the Ohio 6679
historical society; 6680

(3) Contains not less than fifteen hundred square feet of 6681
floor area; 6682

(4) Has a seating capacity of fifty or more persons. 6683

The holder of a D-5e permit may sell beer and intoxicating 6684
liquor at retail, only by the individual drink in glass and from 6685
the container, for consumption on the premises where sold. 6686

A D-5e permit shall not be transferred to another location. 6687
No quota restriction shall be placed on the number of such permits 6688
that may be issued. The population quota restrictions contained in 6689
section 4303.29 of the Revised Code or in any rule of the liquor 6690

control commission shall not apply to this division, and the 6691
division shall issue a D-5e permit to any applicant who meets the 6692
requirements of this division. However, the division shall not 6693
issue a D-5e permit if the permit premises or proposed permit 6694
premises are located within an area in which the sale of 6695
spirituous liquor by the glass is prohibited. 6696

The fee for this permit is one thousand two hundred nineteen 6697
dollars. 6698

(F) Permit D-5f may be issued to the owner or operator of a 6699
retail food establishment or a food service operation licensed 6700
under Chapter 3717. of the Revised Code that operates as a 6701
restaurant for purposes of this chapter and that meets all of the 6702
following: 6703

(1) It contains not less than twenty-five hundred square feet 6704
of floor area. 6705

(2) It is located on or in, or immediately adjacent to, the 6706
shoreline of, a navigable river. 6707

(3) It provides docking space for twenty-five boats. 6708

(4) It provides entertainment and recreation, provided that 6709
not less than fifty per cent of the business on the permit 6710
premises shall be preparing and serving meals for a consideration. 6711

In addition, each application for a D-5f permit shall be 6712
accompanied by a certification from the local legislative 6713
authority that the issuance of the D-5f permit is not inconsistent 6714
with that political subdivision's comprehensive development plan 6715
or other economic development goal as officially established by 6716
the local legislative authority. 6717

The holder of a D-5f permit may sell beer and intoxicating 6718
liquor at retail, only by the individual drink in glass and from 6719
the container, for consumption on the premises where sold. 6720

A D-5f permit shall not be transferred to another location. 6721

The division of liquor control shall not issue a D-5f permit 6722
if the permit premises or proposed permit premises are located 6723
within an area in which the sale of spirituous liquor by the glass 6724
is prohibited. 6725

A fee for this permit is two thousand three hundred 6726
forty-four dollars. 6727

As used in this division, "navigable river" means a river 6728
that is also a "navigable water" as defined in the "Federal Power 6729
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 6730

(G) Permit D-5g may be issued to a nonprofit corporation that 6731
is either the owner or the operator of a national professional 6732
sports museum. The holder of a D-5g permit may sell beer and any 6733
intoxicating liquor at retail, only by the individual drink in 6734
glass and from the container, for consumption on the premises 6735
where sold. The holder of a D-5g permit shall sell no beer or 6736
intoxicating liquor for consumption on the premises where sold 6737
after one a.m. A D-5g permit shall not be transferred to another 6738
location. No quota restrictions shall be placed on the number of 6739
D-5g permits that may be issued. The fee for this permit is one 6740
thousand eight hundred seventy-five dollars. 6741

(H)(1) Permit D-5h may be issued to any nonprofit 6742
organization that is exempt from federal income taxation under the 6743
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6744
501(c)(3), as amended, that owns or operates any of the following: 6745

(a) A fine arts museum, provided that the nonprofit 6746
organization has no less than one thousand five hundred bona fide 6747
members possessing full membership privileges; 6748

(b) A community arts center. As used in division (H)(1)(b) of 6749
this section, "community arts center" means a facility that 6750
provides arts programming to the community in more than one arts 6751

discipline, including, but not limited to, exhibits of works of art and performances by both professional and amateur artists.

(c) A community theater, provided that the nonprofit organization is a member of the Ohio arts council and the American community theatre association and has been in existence for not less than ten years. As used in division (H)(1)(c) of this section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i 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 requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

- (4) It offers full-course meals, appetizers, and sandwiches. 6782
- (5) Its receipts from beer and liquor sales, excluding wine 6783
sales, do not exceed twenty-five per cent of its total gross 6784
receipts. 6785
- (6) It has at least one of the following characteristics: 6786
- (a) The value of its real and personal property exceeds seven 6787
hundred twenty-five thousand dollars. 6788
- (b) It is located on property that is owned or leased by the 6789
state or a state agency, and its owner or operator has 6790
authorization from the state or the state agency that owns or 6791
leases the property to obtain a D-5i permit. 6792
- The holder of a D-5i permit may sell beer and any 6793
intoxicating liquor at retail, only by the individual drink in 6794
glass and from the container, for consumption on the premises 6795
where sold, and may sell the same products in the same manner and 6796
amounts not for consumption on the premises where sold as may be 6797
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 6798
permit shall sell no beer or intoxicating liquor for consumption 6799
on the premises where sold after two-thirty a.m. In addition to 6800
the privileges authorized in this division, the holder of a D-5i 6801
permit may exercise the same privileges as the holder of a D-5 6802
permit. 6803
- A D-5i permit shall not be transferred to another location. 6804
The division of liquor control shall not renew a D-5i permit 6805
unless the retail food establishment or food service operation for 6806
which it is issued continues to meet the requirements described in 6807
divisions (I)(1) to (6) of this section. No quota restrictions 6808
shall be placed on the number of D-5i permits that may be issued. 6809
The fee for the D-5i permit is two thousand three hundred 6810
forty-four dollars. 6811
- (J)(1) Permit D-5j may be issued to the owner or the operator 6812

of a retail food establishment or a food service operation 6813
licensed under Chapter 3717. of the Revised Code to sell beer and 6814
intoxicating liquor at retail, only by the individual drink in 6815
glass and from the container, for consumption on the premises 6816
where sold and to sell beer and intoxicating liquor in the same 6817
manner and amounts not for consumption on the premises where sold 6818
as may be sold by the holders of D-1 and D-2 permits. The holder 6819
of a D-5j permit may exercise the same privileges, and shall 6820
observe the same hours of operation, as the holder of a D-5 6821
permit. 6822

(2) The D-5j permit shall be issued only within a community 6823
entertainment district that is designated under section 4301.80 of 6824
the Revised Code and that meets one of the following 6825
qualifications: 6826

(a) It is located in a municipal corporation with a 6827
population of at least one hundred thousand. 6828

(b) It is located in a municipal corporation with a 6829
population of at least twenty thousand, and either of the 6830
following applies: 6831

(i) It contains an amusement park the rides of which have 6832
been issued a permit by the department of agriculture under 6833
Chapter 1711. of the Revised Code. 6834

(ii) Not less than fifty million dollars will be invested in 6835
development and construction in the community entertainment 6836
district's area located in the municipal corporation. 6837

(c) It is located in a township with a population of at least 6838
forty thousand. 6839

(d) It is located in a municipal corporation with a 6840
population of at least ten thousand, and not less than seventy 6841
million dollars will be invested in development and construction 6842
in the community entertainment district's area located in the 6843

municipal corporation. 6844

(e) It is located in a municipal corporation with a 6845
population of at least five thousand, and not less than one 6846
hundred million dollars will be invested in development and 6847
construction in the community entertainment district's area 6848
located in the municipal corporation. 6849

(3) The location of a D-5j permit may be transferred only 6850
within the geographic boundaries of the community entertainment 6851
district in which it was issued and shall not be transferred 6852
outside the geographic boundaries of that district. 6853

(4) Not more than one D-5j permit shall be issued within each 6854
community entertainment district for each five acres of land 6855
located within the district. Not more than fifteen D-5j permits 6856
may be issued within a single community entertainment district. 6857
Except as otherwise provided in division (J)(4) of this section, 6858
no quota restrictions shall be placed upon the number of D-5j 6859
permits that may be issued. 6860

(5) The fee for a D-5j permit is two thousand three hundred 6861
forty-four dollars. 6862

(K)(1) Permit D-5k may be issued to any nonprofit 6863
organization that is exempt from federal income taxation under the 6864
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6865
501(c)(3), as amended, that is the owner or operator of a 6866
botanical garden recognized by the American association of 6867
botanical gardens and arboreta, and that has not less than 6868
twenty-five hundred bona fide members. 6869

(2) The holder of a D-5k permit may sell beer and any 6870
intoxicating liquor at retail, only by the individual drink in 6871
glass and from the container, on the premises where sold. 6872

(3) The holder of a D-5k permit shall sell no beer or 6873
intoxicating liquor for consumption on the premises where sold 6874

after one a.m. 6875

(4) A D-5k permit shall not be transferred to another 6876
location. 6877

(5) No quota restrictions shall be placed on the number of 6878
D-5k permits that may be issued. 6879

(6) The fee for the D-5k permit is one thousand eight hundred 6880
seventy-five dollars. 6881

(L)(1) Permit D-5l may be issued to the owner or the operator 6882
of a retail food establishment or a food service operation 6883
licensed under Chapter 3717. of the Revised Code to sell beer and 6884
intoxicating liquor at retail, only by the individual drink in 6885
glass and from the container, for consumption on the premises 6886
where sold and to sell beer and intoxicating liquor in the same 6887
manner and amounts not for consumption on the premises where sold 6888
as may be sold by the holders of D-1 and D-2 permits. The holder 6889
of a D-5l permit may exercise the same privileges, and shall 6890
observe the same hours of operation, as the holder of a D-5 6891
permit. 6892

(2) The D-5l permit shall be issued only to a premises that 6893
has gross annual receipts from the sale of food and meals that 6894
constitute not less than seventy-five per cent of its total gross 6895
annual receipts, that is located within a revitalization district 6896
that is designated under section 4301.81 of the Revised Code, that 6897
is located in a municipal corporation or township in which the 6898
number of D-5 permits issued equals or exceeds the number of those 6899
permits that may be issued in that municipal corporation or 6900
township under section 4303.29 of the Revised Code, and that is 6901
located in a county with a population of one hundred twenty-five 6902
thousand or less according to the population estimates certified 6903
by the department of development for calendar year 2006. 6904

(3) The location of a D-5l permit may be transferred only 6905

within the geographic boundaries of the revitalization district in 6906
which it was issued and shall not be transferred outside the 6907
geographic boundaries of that district. 6908

(4) Not more than one D-5l permit shall be issued within each 6909
revitalization district for each five acres of land located within 6910
the district. Not more than five D-5l permits may be issued within 6911
a single revitalization district. Except as otherwise provided in 6912
division (L)(4) of this section, no quota restrictions shall be 6913
placed upon the number of D-5l permits that may be issued. 6914

(5) The fee for a D-5l permit is two thousand three hundred 6915
forty-four dollars. 6916

(M) Permit D-5m may be issued to either the owner or the 6917
operator of a retail food establishment or food service operation 6918
licensed under Chapter 3717. of the Revised Code that operates as 6919
a restaurant for purposes of this chapter and that is located in, 6920
or affiliated with, a center for the preservation of wild animals 6921
as defined in section 4301.404 of the Revised Code, to sell beer 6922
and any intoxicating liquor at retail, only by the glass and from 6923
the container, for consumption on the premises where sold, and to 6924
sell the same products in the same manner and amounts not for 6925
consumption on the premises as may be sold by the holders of D-1 6926
and D-2 permits. In addition to the privileges authorized by this 6927
division, the holder of a D-5m permit may exercise the same 6928
privileges as the holder of a D-5 permit. 6929

A D-5m permit shall not be transferred to another location. 6930
No quota restrictions shall be placed on the number of D-5m 6931
permits that may be issued. The fee for a permit D-5m is two 6932
thousand three hundred forty-four dollars. 6933

(N) Permit D-5n shall be issued to either a casino operator 6934
or a casino management company licensed under Chapter 3772. of the 6935
Revised Code that operates a casino facility under that chapter, 6936

to sell beer, intoxicating liquor, wine, and mixed beverages at 6937
retail, only by the glass and from the container, for consumption 6938
on the premises where sold, and to sell the same products in the 6939
same manner and amounts not for consumption on the premises as may 6940
be sold by the holders of D-1 and D-2 permits. In addition to the 6941
privileges authorized by this division, the holder of a D-5n 6942
permit may exercise the same privileges as the holder of a D-5 6943
permit. A D-5n permit shall not be transferred to another 6944
location. Only one D-5n permit may be issued per casino facility 6945
and not more than four D-5n permits shall be issued in this state. 6946
The fee for a permit D-5n shall be five thousand dollars. The 6947
holder of a D-5n permit may conduct casino gaming on the permit 6948
premises notwithstanding any provision of the Revised Code or 6949
Administrative Code. 6950

(O) Permit D-5o may be issued to the owner or operator of a 6951
retail food establishment or a food service operation licensed 6952
under Chapter 3717. of the Revised Code that operates as a 6953
restaurant for purposes of this chapter and that is located within 6954
a casino facility for which a D-5n permit has been issued. The 6955
holder of a D-5o permit may sell beer and any intoxicating liquor 6956
at retail, only by the glass and from the container, for 6957
consumption on the premises where sold, and may sell the same 6958
products in the same manner and amounts not for consumption on the 6959
premises where sold as may be sold by the holders of D-1 and D-2 6960
permits. In addition to the privileges authorized by this 6961
division, the holder of a D-5o permit may exercise the same 6962
privileges as the holder of a D-5 permit. A D-5o permit shall not 6963
be transferred to another location. No quota restrictions shall be 6964
placed on the number of such permits that may be issued. The fee 6965
for this permit is five thousand dollars. 6966

Sec. 4303.182. (A) Except as otherwise provided in divisions 6967
(B) to (J) of this section, permit D-6 shall be issued to the 6968

holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 6969
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 6970
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 6971
that permit as follows: 6972

(1) Between the hours of ten a.m. and midnight on Sunday if 6973
sale during those hours has been approved under question (C)(1), 6974
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 6975
under question (B)(2) of section 4301.355 of the Revised Code, or 6976
under section 4301.356 of the Revised Code and has been authorized 6977
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6978
Revised Code, under the restrictions of that authorization; 6979

(2) Between the hours of eleven a.m. and midnight on Sunday, 6980
if sale during those hours has been approved on or after the 6981
effective date of this amendment under question (B)(1), (2), or 6982
(3) of section 4301.351 or 4301.354 of the Revised Code, under 6983
question (B)(2) of section 4301.355 of the Revised Code, or under 6984
section 4301.356 of the Revised Code and has been authorized under 6985
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 6986
Code, under the restrictions of that authorization; 6987

(3) Between the hours of eleven a.m. and midnight on Sunday 6988
if sale between the hours of one p.m. and midnight was approved 6989
before the effective date of this amendment under question (B)(1), 6990
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 6991
under question (B)(2) of section 4301.355 of the Revised Code, or 6992
under section 4301.356 of the Revised Code and has been authorized 6993
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6994
Revised Code, under the other restrictions of that authorization. 6995

(B) Permit D-6 shall be issued to the holder of any permit, 6996
including a D-4a and D-5d permit, authorizing the sale of 6997
intoxicating liquor issued for a premises located at any publicly 6998
owned airport, as defined in section 4563.01 of the Revised Code, 6999
at which commercial airline companies operate regularly scheduled 7000

flights on which space is available to the public, to allow sale 7001
under such permit between the hours of ten a.m. and midnight on 7002
Sunday, whether or not that sale has been authorized under section 7003
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 7004

(C) Permit D-6 shall be issued to the holder of a D-5a 7005
permit, and to the holder of a D-3 or D-3a permit who is the owner 7006
or operator of a hotel or motel that is required to be licensed 7007
under section 3731.03 of the Revised Code, that contains at least 7008
fifty rooms for registered transient guests, and that has on its 7009
premises a retail food establishment or a food service operation 7010
licensed pursuant to Chapter 3717. of the Revised Code that 7011
operates as a restaurant for purposes of this chapter and is 7012
affiliated with the hotel or motel and within or contiguous to the 7013
hotel or motel and serving food within the hotel or motel, to 7014
allow sale under such permit between the hours of ten a.m. and 7015
midnight on Sunday, whether or not that sale has been authorized 7016
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 7017
Revised Code. 7018

(D) The holder of a D-6 permit that is issued to a sports 7019
facility may make sales under the permit between the hours of 7020
eleven a.m. and midnight on any Sunday on which a professional 7021
baseball, basketball, football, hockey, or soccer game is being 7022
played at the sports facility. As used in this division, "sports 7023
facility" means a stadium or arena that has a seating capacity of 7024
at least four thousand and that is owned or leased by a 7025
professional baseball, basketball, football, hockey, or soccer 7026
franchise or any combination of those franchises. 7027

(E) Permit D-6 shall be issued to the holder of any permit 7028
that authorizes the sale of beer or intoxicating liquor and that 7029
is issued to a premises located in or at the Ohio historical 7030
society area or the state fairgrounds, as defined in division (B) 7031
of section 4301.40 of the Revised Code, to allow sale under that 7032

permit between the hours of ten a.m. and midnight on Sunday, 7033
whether or not that sale has been authorized under section 7034
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 7035

(F) Permit D-6 shall be issued to the holder of any permit 7036
that authorizes the sale of intoxicating liquor and that is issued 7037
to an outdoor performing arts center to allow sale under that 7038
permit between the hours of one p.m. and midnight on Sunday, 7039
whether or not that sale has been authorized under section 7040
4301.361 of the Revised Code. A D-6 permit issued under this 7041
division is subject to the results of an election, held after the 7042
D-6 permit is issued, on question (B)(4) as set forth in section 7043
4301.351 of the Revised Code. Following the end of the period 7044
during which an election may be held on question (B)(4) as set 7045
forth in that section, sales of intoxicating liquor may continue 7046
at an outdoor performing arts center under a D-6 permit issued 7047
under this division, unless an election on that question is held 7048
during the permitted period and a majority of the voters voting in 7049
the precinct on that question vote "no." 7050

As used in this division, "outdoor performing arts center" 7051
means an outdoor performing arts center that is located on not 7052
less than eight hundred acres of land and that is open for 7053
performances from the first day of April to the last day of 7054
October of each year. 7055

(G) Permit D-6 shall be issued to the holder of any permit 7056
that authorizes the sale of beer or intoxicating liquor and that 7057
is issued to a golf course owned by the state, a conservancy 7058
district, a park district created under Chapter 1545. of the 7059
Revised Code, or another political subdivision to allow sale under 7060
that permit between the hours of ten a.m. and midnight on Sunday, 7061
whether or not that sale has been authorized under section 7062
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 7063

(H) Permit D-6 shall be issued to the holder of a D-5g permit 7064

to allow sale under that permit between the hours of ten a.m. and 7065
midnight on Sunday, whether or not that sale has been authorized 7066
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 7067
Revised Code. 7068

(I) Permit D-6 shall be issued to the holder of any D permit 7069
for a premises that is licensed under Chapter 3717. of the Revised 7070
Code and that is located at a ski area to allow sale under the D-6 7071
permit between the hours of ten a.m. and midnight on Sunday, 7072
whether or not that sale has been authorized under section 7073
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 7074

As used in this division, "ski area" means a ski area as 7075
defined in section 4169.01 of the Revised Code, provided that the 7076
passenger tramway operator at that area is registered under 7077
section 4169.03 of the Revised Code. 7078

(J) Permit D-6 shall be issued to the holder of any permit 7079
that is described in division (A) of this section for a permit 7080
premises that is located in a community entertainment district, as 7081
defined in section 4301.80 of the Revised Code, that was approved 7082
by the legislative authority of a municipal corporation under that 7083
section between October 1 and October 15, 2005, to allow sale 7084
under the permit between the hours of ten a.m. and midnight on 7085
Sunday, whether or not that sale has been authorized under section 7086
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 7087

(K) If the restriction to licensed premises where the sale of 7088
food and other goods and services exceeds fifty per cent of the 7089
total gross receipts of the permit holder at the premises is 7090
applicable, the division of liquor control may accept an affidavit 7091
from the permit holder to show the proportion of the permit 7092
holder's gross receipts derived from the sale of food and other 7093
goods and services. If the liquor control commission determines 7094
that affidavit to have been false, it shall revoke the permits of 7095
the permit holder at the premises concerned. 7096

(L) The fee for the D-6 permit is five hundred dollars when 7097
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 7098
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 7099
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee 7100
for the D-6 permit is four hundred dollars when it is issued to 7101
the holder of a C-2 permit. 7102

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 7103
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 7104
D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be exercised at not 7105
more than two fixed counters, commonly known as bars, in rooms or 7106
places on the permit premises, where beer, mixed beverages, wine, 7107
or spirituous liquor is sold to the public for consumption on the 7108
premises. For each additional fixed counter on the permit premises 7109
where those beverages are sold for consumption on the premises, 7110
the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, 7111
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 7112
D-5l, D-5m, D-5n, D-5o, or D-6 permit. 7113

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 7114
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 7115
or D-6 permit shall be granted, upon application to the division 7116
of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 7117
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 7118
D-5n, D-5o, or D-6 permit for each additional fixed counter on the 7119
permit premises at which beer, mixed beverages, wine, or 7120
spirituous liquor is sold for consumption on the premises, 7121
provided the application is made in the same manner as an 7122
application for an original permit. The application shall be 7123
identified with DUPLICATE printed on the permit application form 7124
furnished by the department, in boldface type. The application 7125
shall identify by name, or otherwise amply describe, the room or 7126
place on the premises where the duplicate permit is to be 7127
operative. Each duplicate permit shall be issued only to the same 7128

individual, firm, or corporation as that of the original permit 7129
and shall be an exact duplicate in size and word content as the 7130
original permit, except that it shall show on it the name or other 7131
ample identification of the room, or place, for which it is issued 7132
and shall have DUPLICATE printed on it in boldface type. A 7133
duplicate permit shall bear the same number as the original 7134
permit. The fee for a duplicate permit is: D-1, one hundred 7135
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 7136
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 7137
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 7138
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 7139
dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; 7140
D-6, one hundred dollars when issued to the holder of a D-4a 7141
permit; and in all other cases one hundred dollars or an amount 7142
which is twenty per cent of the fees payable for the A-1-A, D-2, 7143
D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, 7144
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, and D-6 permits issued to the 7145
same premises, whichever is higher. Application for a duplicate 7146
permit may be filed any time during the life of an original 7147
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 7148
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 7149
D-5n, D-5o, or D-6 permit shall be paid in accordance with section 7150
4303.24 of the Revised Code. 7151

Sec. 5502.03. (A) There is hereby created in the department 7152
of public safety a division of homeland security. 7153

(B) The division shall do all of the following: 7154

(1) Coordinate all homeland security activities of all state 7155
agencies and be the liaison between state agencies and local 7156
entities for the purposes of communicating homeland security 7157
funding and policy initiatives; 7158

(2) Collect, analyze, maintain, and disseminate information 7159

to support local, state, and federal law enforcement agencies, 7160
other government agencies, and private organizations in detecting, 7161
deterring, preventing, preparing for, responding to, and 7162
recovering from threatened or actual terrorist events. This 7163
information is not a public record pursuant to section 149.43 of 7164
the Revised Code. 7165

(3) Coordinate efforts of state and local governments and 7166
private organizations to enhance the security and protection of 7167
critical infrastructure, including casino facilities, and key 7168
assets in this state; 7169

(4) Develop and coordinate policies, protocols, and 7170
strategies that may be used to prevent, detect, prepare for, 7171
respond to, and recover from terrorist acts or threats; 7172

(5) Develop, update, and coordinate the implementation of an 7173
Ohio homeland security strategic plan that will guide state and 7174
local governments in the achievement of homeland security in this 7175
state. 7176

(C) The director of public safety shall appoint an executive 7177
director, who shall be head of the division of homeland security 7178
and who regularly shall advise the governor and the director on 7179
matters pertaining to homeland security. The executive director 7180
shall serve at the pleasure of the director of public safety. To 7181
carry out the duties assigned under this section, the executive 7182
director, subject to the direction and control of the director of 7183
public safety, may appoint and maintain necessary staff and may 7184
enter into any necessary agreements. 7185

(D) Except as otherwise provided by law, nothing in this 7186
section shall be construed to give the director of public safety 7187
or the executive director of the division of homeland security 7188
authority over the incident management structure or 7189
responsibilities of local emergency response personnel. 7190

(E) There is hereby created in the state treasury the 7191
homeland security fund. The fund shall consist of sixty cents of 7192
each fee collected under sections 4501.34, 4503.26, 4506.08, and 7193
4509.05 of the Revised Code as specified in those sections, plus 7194
on and after October 1, 2009, sixty cents of each fee collected 7195
under sections 4505.14 and 4519.63 of the Revised Code as 7196
specified in those sections. The fund shall be used to pay the 7197
expenses of administering the law relative to the powers and 7198
duties of the executive director of the division of homeland 7199
security, except that the director of budget and management may 7200
transfer excess money from the homeland security fund to the state 7201
highway safety fund if the director of public safety determines 7202
that the amount of money in the homeland security fund exceeds the 7203
amount required to cover such costs incurred by the division of 7204
homeland security and requests the director of budget and 7205
management to make the transfer. 7206

Sec. 5703.052. (A) There is hereby created in the state 7207
treasury the tax refund fund, from which refunds shall be paid for 7208
taxes illegally or erroneously assessed or collected, or for any 7209
other reason overpaid, that are levied by Chapter 4301., 4305., 7210
5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 7211
5749., ~~or~~ 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 7212
4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 7213
of the Revised Code. Refunds for fees illegally or erroneously 7214
assessed or collected, or for any other reason overpaid, that are 7215
levied by sections 3734.90 to 3734.9014 of the Revised Code also 7216
shall be paid from the fund. Refunds for amounts illegally or 7217
erroneously assessed or collected by the tax commissioner, or for 7218
any other reason overpaid, that are due under section 1509.50 of 7219
the Revised Code shall be paid from the fund. However, refunds for 7220
taxes levied under section 5739.101 of the Revised Code shall not 7221
be paid from the tax refund fund, but shall be paid as provided in 7222

section 5739.104 of the Revised Code. 7223

(B)(1) Upon certification by the tax commissioner to the 7224
treasurer of state of a tax refund, a fee refund, or an other 7225
amount refunded, or by the superintendent of insurance of a 7226
domestic or foreign insurance tax refund, the treasurer of state 7227
shall place the amount certified to the credit of the fund. The 7228
certified amount transferred shall be derived from current 7229
receipts of the same tax, fee, or other amount from which the 7230
refund arose. If current receipts from the tax, fee, or other 7231
amount from which the refund arose are inadequate to make the 7232
transfer of the amount so certified, the treasurer of state shall 7233
transfer such certified amount from current receipts of the sales 7234
tax levied by section 5739.02 of the Revised Code. 7235

(2) When the treasurer of state provides for the payment of a 7236
refund of a tax, fee, or other amount from the current receipts of 7237
the sales tax, and the refund is for a tax, fee, or other amount 7238
that is not levied by the state, the tax commissioner shall 7239
recover the amount of that refund from the next distribution of 7240
that tax, fee, or other amount that otherwise would be made to the 7241
taxing jurisdiction. If the amount to be recovered would exceed 7242
twenty-five per cent of the next distribution of that tax, fee, or 7243
other amount, the commissioner may spread the recovery over more 7244
than one future distribution, taking into account the amount to be 7245
recovered and the amount of the anticipated future distributions. 7246
In no event may the commissioner spread the recovery over a period 7247
to exceed twenty-four months. 7248

Sec. 5703.19. (A) To carry out the purposes of the laws that 7249
the tax commissioner is required to administer, the commissioner 7250
or any person employed by the commissioner for that purpose, upon 7251
demand, may inspect books, accounts, records, and memoranda of any 7252
person or public utility subject to those laws, and may examine 7253

under oath any officer, agent, or employee of that person or 7254
public utility. Any person other than the commissioner who makes a 7255
demand pursuant to this section shall produce the person's 7256
authority to make the inspection. 7257

(B) If a person or public utility receives at least ten days' 7258
written notice of a demand made under division (A) of this section 7259
and refuses to comply with that demand, a penalty of five hundred 7260
dollars shall be imposed upon the person or public utility for 7261
each day the person or public utility refuses to comply with the 7262
demand. Penalties imposed under this division may be assessed and 7263
collected in the same manner as assessments made under Chapter 7264
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 7265
5747., 5749., ~~or 5751.~~ or 5753., or sections 3734.90 to 7266
3734.9014, of the Revised Code. 7267

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 7268
of this section, no agent of the department of taxation, except in 7269
the agent's report to the department or when called on to testify 7270
in any court or proceeding, shall divulge any information acquired 7271
by the agent as to the transactions, property, or business of any 7272
person while acting or claiming to act under orders of the 7273
department. Whoever violates this provision shall thereafter be 7274
disqualified from acting as an officer or employee or in any other 7275
capacity under appointment or employment of the department. 7276

(B)(1) For purposes of an audit pursuant to section 117.15 of 7278
the Revised Code, or an audit of the department pursuant to 7279
Chapter 117. of the Revised Code, or an audit, pursuant to that 7280
chapter, the objective of which is to express an opinion on a 7281
financial report or statement prepared or issued pursuant to 7282
division (A)(7) or (9) of section 126.21 of the Revised Code, the 7283
officers and employees of the auditor of state charged with 7284

conducting the audit shall have access to and the right to examine 7285
any state tax returns and state tax return information in the 7286
possession of the department to the extent that the access and 7287
examination are necessary for purposes of the audit. Any 7288
information acquired as the result of that access and examination 7289
shall not be divulged for any purpose other than as required for 7290
the audit or unless the officers and employees are required to 7291
testify in a court or proceeding under compulsion of legal 7292
process. Whoever violates this provision shall thereafter be 7293
disqualified from acting as an officer or employee or in any other 7294
capacity under appointment or employment of the auditor of state. 7295

(2) For purposes of an internal audit pursuant to section 7296
126.45 of the Revised Code, the officers and employees of the 7297
office of internal auditing in the office of budget and management 7298
charged with conducting the internal audit shall have access to 7299
and the right to examine any state tax returns and state tax 7300
return information in the possession of the department to the 7301
extent that the access and examination are necessary for purposes 7302
of the internal audit. Any information acquired as the result of 7303
that access and examination shall not be divulged for any purpose 7304
other than as required for the internal audit or unless the 7305
officers and employees are required to testify in a court or 7306
proceeding under compulsion of legal process. Whoever violates 7307
this provision shall thereafter be disqualified from acting as an 7308
officer or employee or in any other capacity under appointment or 7309
employment of the office of internal auditing. 7310

(3) As provided by section 6103(d)(2) of the Internal Revenue 7311
Code, any federal tax returns or federal tax information that the 7312
department has acquired from the internal revenue service, through 7313
federal and state statutory authority, may be disclosed to the 7314
auditor of state or the office of internal auditing solely for 7315
purposes of an audit of the department. 7316

(4) For purposes of Chapter 3739. of the Revised Code, an 7317
agent of the department of taxation may share information with the 7318
division of state fire marshal that the agent finds during the 7319
course of an investigation. 7320

(C) Division (A) of this section does not prohibit any of the 7321
following: 7322

(1) Divulging information contained in applications, 7323
complaints, and related documents filed with the department under 7324
section 5715.27 of the Revised Code or in applications filed with 7325
the department under section 5715.39 of the Revised Code; 7326

(2) Providing information to the office of child support 7327
within the department of job and family services pursuant to 7328
section 3125.43 of the Revised Code; 7329

(3) Disclosing to the board of motor vehicle collision repair 7330
registration any information in the possession of the department 7331
that is necessary for the board to verify the existence of an 7332
applicant's valid vendor's license and current state tax 7333
identification number under section 4775.07 of the Revised Code; 7334

(4) Providing information to the administrator of workers' 7335
compensation pursuant to sections 4123.271 and 4123.591 of the 7336
Revised Code; 7337

(5) Providing to the attorney general information the 7338
department obtains under division (J) of section 1346.01 of the 7339
Revised Code; 7340

(6) Permitting properly authorized officers, employees, or 7341
agents of a municipal corporation from inspecting reports or 7342
information pursuant to rules adopted under section 5745.16 of the 7343
Revised Code; 7344

(7) Providing information regarding the name, account number, 7345
or business address of a holder of a vendor's license issued 7346

pursuant to section 5739.17 of the Revised Code, a holder of a 7347
direct payment permit issued pursuant to section 5739.031 of the 7348
Revised Code, or a seller having a use tax account maintained 7349
pursuant to section 5741.17 of the Revised Code, or information 7350
regarding the active or inactive status of a vendor's license, 7351
direct payment permit, or seller's use tax account; 7352

(8) Releasing invoices or invoice information furnished under 7353
section 4301.433 of the Revised Code pursuant to that section; 7354

(9) Providing to a county auditor notices or documents 7355
concerning or affecting the taxable value of property in the 7356
county auditor's county. Unless authorized by law to disclose 7357
documents so provided, the county auditor shall not disclose such 7358
documents; 7359

(10) Providing to a county auditor sales or use tax return or 7360
audit information under section 333.06 of the Revised Code; 7361

(11) Subject to section 4301.441 of the Revised Code, 7362
disclosing to the appropriate state agency information in the 7363
possession of the department of taxation that is necessary to 7364
verify a permit holder's gallonage or noncompliance with taxes 7365
levied under Chapter 4301. or 4305. of the Revised Code; 7366

(12) Disclosing to the department of natural resources 7367
information in the possession of the department that is necessary 7368
to verify the taxpayer's compliance with division (A)(1), (8), or 7369
(9) of section 5749.02 of the Revised Code and information 7370
received pursuant to section 1509.50 of the Revised Code 7371
concerning the amount due under that section; 7372

(13) Disclosing to the department of job and family services, 7373
industrial commission, and bureau of workers' compensation 7374
information in the possession of the department of taxation solely 7375
for the purpose of identifying employers that misclassify 7376
employees as independent contractors or that fail to properly 7377

report and pay employer tax liabilities. The department of 7378
taxation shall disclose only such information that is necessary to 7379
verify employer compliance with law administered by those 7380
agencies. 7381

(14) Disclosing to the Ohio casino control commission 7382
information in the possession of the department of taxation that 7383
is necessary to verify a taxpayer's compliance with section 7384
5753.02 of the Revised Code and sections related thereto. 7385

Sec. 5703.70. (A) On the filing of an application for refund 7386
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 7387
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 7388
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 7389
5749.08, ~~or~~ 5751.08, or 5753.06 of the Revised Code, or an 7390
application for compensation under section 5739.061 of the Revised 7391
Code, if the tax commissioner determines that the amount of the 7392
refund or compensation to which the applicant is entitled is less 7393
than the amount claimed in the application, the commissioner shall 7394
give the applicant written notice by ordinary mail of the amount. 7395
The notice shall be sent to the address shown on the application 7396
unless the applicant notifies the commissioner of a different 7397
address. The applicant shall have sixty days from the date the 7398
commissioner mails the notice to provide additional information to 7399
the commissioner or request a hearing, or both. 7400

(B) If the applicant neither requests a hearing nor provides 7401
additional information to the tax commissioner within the time 7402
prescribed by division (A) of this section, the commissioner shall 7403
take no further action, and the refund or compensation amount 7404
denied becomes final. 7405

(C)(1) If the applicant requests a hearing within the time 7406
prescribed by division (A) of this section, the tax commissioner 7407
shall assign a time and place for the hearing and notify the 7408

applicant of such time and place, but the commissioner may 7409
continue the hearing from time to time as necessary. After the 7410
hearing, the commissioner may make such adjustments to the refund 7411
or compensation as the commissioner finds proper, and shall issue 7412
a final determination thereon. 7413

(2) If the applicant does not request a hearing, but provides 7414
additional information, within the time prescribed by division (A) 7415
of this section, the commissioner shall review the information, 7416
make such adjustments to the refund or compensation as the 7417
commissioner finds proper, and issue a final determination 7418
thereon. 7419

(3) The commissioner shall serve a copy of the final 7420
determination made under division (C)(1) or (2) of this section on 7421
the applicant in the manner provided in section 5703.37 of the 7422
Revised Code, and the decision is final, subject to appeal under 7423
section 5717.02 of the Revised Code. 7424

(D) The tax commissioner shall certify to the director of 7425
budget and management and treasurer of state for payment from the 7426
tax refund fund created by section 5703.052 of the Revised Code, 7427
the amount of the refund to be refunded under division (B) or (C) 7428
of this section. The commissioner also shall certify to the 7429
director and treasurer of state for payment from the general 7430
revenue fund the amount of compensation to be paid under division 7431
(B) or (C) of this section. 7432

Sec. 5747.02. (A) For the purpose of providing revenue for 7433
the support of schools and local government functions, to provide 7434
relief to property taxpayers, to provide revenue for the general 7435
revenue fund, and to meet the expenses of administering the tax 7436
levied by this chapter, there is hereby levied on every 7437
individual, trust, and estate residing in or earning or receiving 7438
income in this state, on every individual, trust, and estate 7439

earning or receiving lottery winnings, prizes, or awards pursuant 7440
to Chapter 3770. of the Revised Code, on every individual, trust, 7441
and estate earning or receiving winnings on casino gaming, and on 7442
every individual, trust, and estate otherwise having nexus with or 7443
in this state under the Constitution of the United States, an 7444
annual tax measured in the case of individuals by Ohio adjusted 7445
gross income less an exemption for the taxpayer, the taxpayer's 7446
spouse, and each dependent as provided in section 5747.025 of the 7447
Revised Code; measured in the case of trusts by modified Ohio 7448
taxable income under division (D) of this section; and measured in 7449
the case of estates by Ohio taxable income. The tax imposed by 7450
this section on the balance thus obtained is hereby levied as 7451
follows: 7452

(1) For taxable years beginning in 2004: 7453

OHIO ADJUSTED GROSS INCOME LESS 7454

EXEMPTIONS (INDIVIDUALS)

OR 7455

MODIFIED OHIO 7456

TAXABLE INCOME (TRUSTS) 7457

OR 7458

OHIO TAXABLE INCOME (ESTATES) TAX 7459

\$5,000 or less .743% 7460

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 7461
than \$10,000 in excess of \$5,000

More than \$10,000 but not more \$111.45 plus 2.972% of the 7462
than \$15,000 amount in excess of \$10,000

More than \$15,000 but not more \$260.05 plus 3.715% of the 7463
than \$20,000 amount in excess of \$15,000

More than \$20,000 but not more \$445.80 plus 4.457% of the 7464
than \$40,000 amount in excess of \$20,000

More than \$40,000 but not more \$1,337.20 plus 5.201% of the 7465
than \$80,000 amount in excess of \$40,000

More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	7466
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	7467
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	7468
(2) For taxable years beginning in 2005:		7469
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		7470
OR		7471
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		7472
OR		7473
OHIO TAXABLE INCOME (ESTATES)	TAX	7474
\$5,000 or less	.712%	7475
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	7476
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	7477
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	7478
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	7479
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	7480
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	7481
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	7482
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	7483
(3) For taxable years beginning in 2006:		7484

OHIO ADJUSTED GROSS INCOME LESS		7486
EXEMPTIONS (INDIVIDUALS)		
OR		7487
MODIFIED OHIO		7488
TAXABLE INCOME (TRUSTS)		7489
OR		7490
OHIO TAXABLE INCOME (ESTATES)	TAX	7491
\$5,000 or less	.681%	7492
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	7493
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	7494
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	7495
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	7496
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	7497
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	7498
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	7499
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	7500
(4) For taxable years beginning in 2007:		7501
OHIO ADJUSTED GROSS INCOME LESS		7502
EXEMPTIONS (INDIVIDUALS)		
OR		7503
MODIFIED OHIO		7504
TAXABLE INCOME (TRUSTS)		7505
OR		7506
OHIO TAXABLE INCOME (ESTATES)	TAX	7507
\$5,000 or less	.649%	7508

More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	7509
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	7510
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	7511
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	7512
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	7513
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	7514
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	7515
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	7516
(5) For taxable years beginning in 2008, 2009, or 2010:		7517
OHIO ADJUSTED GROSS INCOME LESS		7518
EXEMPTIONS (INDIVIDUALS)		
OR		7519
MODIFIED OHIO		7520
TAXABLE INCOME (TRUSTS)		7521
OR		7522
OHIO TAXABLE INCOME (ESTATES)	TAX	7523
\$5,000 or less	.618%	7524
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	7525
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	7526
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	7527
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	7528

More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	7529
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	7530
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	7531
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	7532
(6) For taxable years beginning in 2011 or thereafter:		7533
OHIO ADJUSTED GROSS INCOME LESS		7534
EXEMPTIONS (INDIVIDUALS)		
OR		7535
MODIFIED OHIO		7536
TAXABLE INCOME (TRUSTS)		7537
OR		7538
OHIO TAXABLE INCOME (ESTATES)	TAX	7539
\$5,000 or less	.587%	7540
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	7541
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	7542
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	7543
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	7544
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	7545
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	7546
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	7547
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	7548

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 made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70 or 715.71 or sections 715.72 to 715.81 of the Revised Code from levying a tax on income.

(D) This division applies only to taxable years of a trust beginning in 2002 or thereafter.

(1) The tax imposed by this section on a trust shall be 7580
computed by multiplying the Ohio modified taxable income of the 7581
trust by the rates prescribed by division (A) of this section. 7582

(2) A nonresident trust may claim a credit against the tax 7583
computed under division (D) of this section equal to the lesser of 7584
(1) the tax paid to another state or the District of Columbia on 7585
the nonresident trust's modified nonbusiness income, other than 7586
the portion of the nonresident trust's nonbusiness income that is 7587
qualifying investment income as defined in section 5747.012 of the 7588
Revised Code, or (2) the effective tax rate, based on modified 7589
Ohio taxable income, multiplied by the nonresident trust's 7590
modified nonbusiness income other than the portion of the 7591
nonresident trust's nonbusiness income that is qualifying 7592
investment income. The credit applies before any other applicable 7593
credits. 7594

(3) The credits enumerated in divisions (A)(1) to (13) of 7595
section 5747.98 of the Revised Code do not apply to a trust 7596
subject to division (D) of this section. Any credits enumerated in 7597
other divisions of section 5747.98 of the Revised Code apply to a 7598
trust subject to division (D) of this section. To the extent that 7599
the trust distributes income for the taxable year for which a 7600
credit is available to the trust, the credit shall be shared by 7601
the trust and its beneficiaries. The tax commissioner and the 7602
trust shall be guided by applicable regulations of the United 7603
States treasury regarding the sharing of credits. 7604

(E) For the purposes of this section, "trust" means any trust 7605
described in Subchapter J of Chapter 1 of the Internal Revenue 7606
Code, excluding trusts that are not irrevocable as defined in 7607
division (I)(3)(b) of section 5747.01 of the Revised Code and that 7608
have no modified Ohio taxable income for the taxable year, 7609
charitable remainder trusts, qualified funeral trusts and preneed 7610
funeral contract trusts established pursuant to sections 4717.31 7611

to 4717.38 of the Revised Code that are not qualified funeral 7612
trusts, endowment and perpetual care trusts, qualified settlement 7613
trusts and funds, designated settlement trusts and funds, and 7614
trusts exempted from taxation under section 501(a) of the Internal 7615
Revenue Code. 7616

Sec. 5747.063. (A)(1) If a person's winnings at a casino 7617
facility are an amount for which reporting to the internal revenue 7618
service of the amount is required by 26 U.S.C. 6041 or a 7619
subsequent, analogous section of the Internal Revenue Code, the 7620
casino operator shall deduct and withhold Ohio income tax from the 7621
person's winnings at a rate of six per cent of the amount won. A 7622
person's amount of winnings shall be determined each time the 7623
person exchanges amounts won in tokens, chips, casino credit, or 7624
other pre-paid representations of value for cash or a cash 7625
equivalent. The casino operator shall issue, to a person from 7626
whose winnings an amount has been deducted and withheld, a receipt 7627
for the amount deducted and withheld, and also shall obtain from 7628
the person additional information that will be necessary for the 7629
casino operator to prepare the returns required by this section. 7630

(2) If a person's winnings at a casino facility require 7631
reporting to the internal revenue service under division (A)(1) of 7632
this section, the casino operator also shall require the person to 7633
state in writing, under penalty of falsification, whether the 7634
person is in default under a support order. 7635

(B) Amounts deducted and withheld by a casino operator are 7636
held in trust for the benefit of the state. 7637

(1) On or before the tenth banking day of each month, the 7638
casino operator shall file a return electronically with the tax 7639
commissioner identifying the persons from whose winnings amounts 7640
were deducted and withheld and the amount of each such deduction 7641
and withholding during the preceding calendar month. With the 7642

return, the casino operator shall remit electronically to the tax 7643
commissioner all the amounts deducted and withheld during the 7644
preceding month. And together with the return and remittance, the 7645
casino operator shall transmit electronically to the tax 7646
commissioner a copy of each receipt issued, and a copy of each 7647
statement made, under divisions (A)(1) and (2) of this section. 7648

(2) Annually on or before the thirty-first day of January, a 7649
casino operator shall file an annual return electronically with 7650
the tax commissioner indicating the total amount deducted and 7651
withheld during the preceding calendar year. The casino operator 7652
shall remit electronically with the annual return any amount that 7653
was deducted and withheld and that was not previously remitted. If 7654
the identity of a person and the amount deducted and withheld with 7655
respect to that person were omitted on a monthly return, that 7656
information shall be indicated on the annual return. And if a copy 7657
of the receipt and statement pertaining to a person was not 7658
previously transmitted to the tax commissioner, the receipt and 7659
statement shall be transmitted to the tax commissioner 7660
electronically with the annual return. 7661

(3)(a) A casino operator who fails to file a return and remit 7662
the amounts deducted and withheld is personally liable for the 7663
amount deducted and withheld and not remitted. The tax 7664
commissioner may impose a penalty up to one thousand dollars if a 7665
return is filed late, if amounts deducted and withheld are 7666
remitted late, if a return is not filed, or if amounts deducted 7667
and withheld are not remitted. Interest accrues on past due 7668
amounts deducted and withheld at the rate prescribed in section 7669
5703.47 of the Revised Code. The tax commissioner may collect past 7670
due amounts deducted and withheld and penalties and interest 7671
thereon by assessment under section 5747.13 of the Revised Code as 7672
if they were income taxes collected by an employer. 7673

(b) If a casino operator sells the casino facility or 7674

otherwise quits the casino business, the amounts deducted and 7675
withheld and any penalties and interest thereon are immediately 7676
due and payable. The successor shall withhold an amount of the 7677
purchase money that is sufficient to cover the amounts deducted 7678
and withheld and penalties and interest thereon until the 7679
predecessor casino operator produces either a receipt from the tax 7680
commissioner showing that the amounts deducted and withheld and 7681
penalties and interest thereon have been paid or a certificate 7682
from the tax commissioner indicating that no amounts deducted and 7683
withheld or penalties and interest thereon are due. If the 7684
successor fails to withhold purchase money, the successor is 7685
personally liable for payment of the amounts deducted and withheld 7686
and penalties and interest thereon, up to the amount of the 7687
purchase money. 7688

(C) Annually, on or before the thirty-first day of January, a 7689
casino operator shall issue an information return to each person 7690
with respect to whom an amount has been deducted and withheld 7691
during the preceding calendar year. The information return shall 7692
show the total amount deducted from the person's winnings by the 7693
casino operator during the preceding calendar year. 7694

(D) Amounts deducted and withheld shall be treated as a 7695
credit against the tax imposed by section 5747.02 of the Revised 7696
Code. The credit is refundable and shall be claimed in the order 7697
required under section 5747.98 of the Revised Code. Only the 7698
person for whom the amount is deducted and withheld may claim a 7699
credit for such amount. 7700

(E) The failure of a casino operator to deduct and withhold 7701
the required amount from a person's winnings does not relieve the 7702
person from liability for the tax imposed by section 5747.02 of 7703
the Revised Code with respect to those winnings. And compliance 7704
with this section does not relieve a casino operator or a person 7705
who has winnings at a casino facility from compliance with 7706

relevant provisions of federal tax laws. 7707

(F) The tax commissioner shall prescribe the form of the 7708

receipt, statement, and returns required by this section. 7709

Sec. 5747.98. (A) To provide a uniform procedure for 7710
calculating the amount of tax due under section 5747.02 of the 7711
Revised Code, a taxpayer shall claim any credits to which the 7712
taxpayer is entitled in the following order: 7713

(1) The retirement income credit under division (B) of 7714
section 5747.055 of the Revised Code; 7715

(2) The senior citizen credit under division (C) of section 7716
5747.05 of the Revised Code; 7717

(3) The lump sum distribution credit under division (D) of 7718
section 5747.05 of the Revised Code; 7719

(4) The dependent care credit under section 5747.054 of the 7720
Revised Code; 7721

(5) The lump sum retirement income credit under division (C) 7722
of section 5747.055 of the Revised Code; 7723

(6) The lump sum retirement income credit under division (D) 7724
of section 5747.055 of the Revised Code; 7725

(7) The lump sum retirement income credit under division (E) 7726
of section 5747.055 of the Revised Code; 7727

(8) The low-income credit under section 5747.056 of the 7728
Revised Code; 7729

(9) The credit for displaced workers who pay for job training 7730
under section 5747.27 of the Revised Code; 7731

(10) The campaign contribution credit under section 5747.29 7732
of the Revised Code; 7733

(11) The twenty-dollar personal exemption credit under 7734

section 5747.022 of the Revised Code;	7735
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	7736 7737
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	7738 7739
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	7740 7741
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	7742 7743
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	7744 7745
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	7746 7747
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	7748 7749
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	7750 7751
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	7752 7753
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	7754 7755 7756
(22) The job training credit under section 5747.39 of the Revised Code;	7757 7758
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	7759 7760
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	7761 7762
(25) The credit for employers that establish on-site child	7763

day-care centers under section 5747.35 of the Revised Code;	7764
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	7765 7766
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	7767 7768
(28) The export sales credit under section 5747.057 of the Revised Code;	7769 7770
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	7771 7772
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	7773 7774
(31) The research and development credit under section 5747.331 of the Revised Code;	7775 7776
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	7777 7778
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	7779 7780
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	7781 7782
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	7783 7784
(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	7785 7786 7787
(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	7788 7789
(38) <u>The refundable credit for tax withheld under section 5747.063 of the Revised Code;</u>	7790 7791
<u>(39)</u> The refundable credit under section 5747.80 of the	7792

Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; 7793
7794

~~(39)~~(40) The refundable motion picture production credit under section 5747.66 of the Revised Code. 7795
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(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 7797
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Sec. 5753.01. As used in this chapter: 7807

(A) "Casino facility" has the same meaning as in section 3772.01 of the Revised Code. 7808
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(B) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code. 7810
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(C) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code. 7812
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(D) "Gross casino revenue" means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic cards, or similar objects by casino patrons, less winnings paid to wagerers. 7814
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(E) "Person" has the same meaning as in section 3772.01 of the Revised Code. 7818
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(F) "Slot machine" has the same meaning as in section 3772.01 of the Revised Code. 7820
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(G) "Table game" has the same meaning as in section 3772.01 7822
of the Revised Code. 7823

(H) "Tax period" means one twenty-four-hour period with 7824
regard to which a casino operator is required to pay the tax 7825
levied by this chapter. 7826

Sec. 5753.02. For the purpose of funding the needs of cities, 7827
counties, public school districts, law enforcement, and the horse 7828
racing industry; funding efforts to alleviate problem gambling and 7829
substance abuse; defraying Ohio casino control commission 7830
operating costs; and defraying the costs of administering the tax, 7831
a tax is levied on the gross casino revenue received by a casino 7832
operator of a casino facility at the rate of thirty-three per cent 7833
of the casino operator's gross casino revenue at the casino 7834
facility. The tax is in addition to any other taxes or fees 7835
imposed under the Revised Code or other law and for which the 7836
casino operator is liable under Section 6(C)(2) of Article XV, 7837
Ohio Constitution. 7838

Sec. 5753.03. (A) For the purpose of receiving and 7839
distributing, and accounting for, revenue received from the tax 7840
levied by section 5753.02 of the Revised Code, the following funds 7841
are created in the state treasury: 7842

(1) The casino tax revenue fund; 7843

(2) The gross casino revenue county fund; 7844

(3) The gross casino revenue county student fund; 7845

(4) The gross casino revenue host city fund; 7846

(5) The Ohio state racing commission fund; 7847

(6) The Ohio law enforcement training fund; 7848

(7) The problem casino gambling and addictions fund; 7849

<u>(8) The casino control commission fund;</u>	7850
<u>(9) The casino tax administration fund.</u>	7851
<u>(B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund.</u>	7852 7853
<u>(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code.</u>	7854 7855 7856 7857
<u>(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows:</u>	7858 7859 7860 7861
<u>(1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;</u>	7862 7863 7864
<u>(2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution;</u>	7865 7866 7867
<u>(3) Five per cent to the gross casino revenue host city fund to make payments to the cities in which casino facilities are located as required by Section 6(C)(3)(c) of Article XV, Ohio Constitution;</u>	7868 7869 7870 7871
<u>(4) Three per cent to the Ohio state racing commission fund to support horse racing in this state at which the pari-mutuel system of wagering is conducted;</u>	7872 7873 7874
<u>(5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;</u>	7875 7876
<u>(6) Two per cent to the problem casino gambling and addictions fund to support efforts to alleviate problem gambling and substance abuse and related research in the state;</u>	7877 7878 7879

(7) Three per cent to the casino control commission fund to 7880
support the operations of the Ohio casino control commission and 7881
to defray the cost of administering the tax levied under section 7882
5753.02 of the Revised Code. 7883

Payments under divisions (D)(1), (2), and (3) of this section 7884
shall be made by the end of the month following the end of the 7885
quarterly period. 7886

Of the money credited to the Ohio law enforcement training 7887
fund, the director of budget and management shall distribute 7888
eighty-five per cent of the money to the Ohio peace officer 7889
training academy and fifteen per cent of the money to the division 7890
of criminal justice services. 7891

(E) The director of budget and management shall transfer one 7892
per cent of the money credited to the Ohio casino control 7893
commission fund to the casino tax administration fund. The tax 7894
commissioner shall use the casino tax administration fund to 7895
defray the costs incurred in administering the tax levied by this 7896
chapter. 7897

Sec. 5753.04. Daily each day banks are open for business, not 7898
later than noon, a casino operator shall file a return 7899
electronically with the tax commissioner. The return shall be in 7900
the form required by the tax commissioner, and shall reflect the 7901
relevant tax period. The return shall include, but is not limited 7902
to, the amount of the casino operator's gross casino revenue for 7903
the tax period and the amount of tax due under section 5753.02 of 7904
the Revised Code for the tax period. The casino operator shall 7905
remit electronically with the return the tax due. 7906

If the casino operator ceases to be a taxpayer at any time, 7907
the casino operator shall indicate the last date for which the 7908
casino operator was liable for the tax. The return shall include a 7909
space for this purpose. 7910

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 not to exceed the greater of fifty dollars or ten per cent of the tax due.

(2) If the tax commissioner finds additional tax to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent of the additional tax found to be due. A delinquent payment of tax made as the result of a notice or an audit is subject to the additional penalty imposed by this division.

(3) If a casino operator fails to file a return electronically or to remit the tax electronically, the tax commissioner may impose an additional penalty of fifty dollars or ten per cent of the tax due as shown on the return, whichever is greater.

(B) If the tax due under section 5753.02 of the Revised Code is not timely paid, the casino operator shall pay interest at the rate per annum prescribed in section 5703.47 of the Revised Code beginning on the day the tax was due through the day the tax is paid or an assessment is issued, whichever occurs first.

(C) The tax commissioner shall collect any penalty or interest as if it were the tax levied by section 5753.02 of the Revised Code. Penalties and interest shall be treated as if they were revenue arising from the tax levied by section 5753.02 of the Revised Code.

(D) The tax commissioner may abate all or a portion of any penalty imposed under this section and may adopt rules governing abatements.

(E) If a casino operator fails to file a return or remit the tax due as required by section 5753.04 of the Revised Code within

a period of one year after the due date for filing the return or 7941
remitting the tax, the Ohio casino control commission may suspend 7942
the casino operator's license. 7943

Sec. 5753.06. (A) A casino operator may apply to the tax 7944
commissioner for refund of the amount of taxes under section 7945
5753.02 of the Revised Code that were overpaid, paid illegally or 7946
erroneously, or paid on an illegal or erroneous assessment. The 7947
application shall be on a form prescribed by the tax commissioner. 7948
The casino operator shall provide the amount of the requested 7949
refund along with the claimed reasons for, and documentation to 7950
support, the issuance of a refund. The casino operator shall file 7951
the application with the tax commissioner within four years after 7952
the date the payment was made, unless the applicant has waived the 7953
time limitation under division (D) of section 5753.07 of the 7954
Revised Code. In the latter event, the four-year limitation is 7955
extended for the same period of time as the waiver. 7956

(B) Upon the filing of a refund application, the tax 7957
commissioner shall determine the amount of refund to which the 7958
applicant is entitled. If the amount is not less than that 7959
claimed, the tax commissioner shall certify the amount to the 7960
director of budget and management and treasurer of state for 7961
payment from the tax refund fund. If the amount is less than that 7962
claimed, the tax commissioner shall proceed under section 5703.70 7963
of the Revised Code. 7964

(C) Interest on a refund applied for under this section, 7965
computed at the rate provided for in section 5703.47 of the 7966
Revised Code, shall be allowed from the later of the date the tax 7967
was due or the date payment of the tax was made. Except as 7968
provided in section 5753.07 of the Revised Code, the tax 7969
commissioner may, with the consent of the casino operator, provide 7970
for crediting against the tax due for a tax period, the amount of 7971

any refund due the casino operator for a preceding tax period. 7972

(D) Refunds under this section are subject to offset under 7973
section 5753.061 of the Revised Code. 7974

Sec. 5753.061. As used in this section, "debt to the state" 7975
means unpaid taxes that are due the state, unpaid workers' 7976
compensation premiums that are due, unpaid unemployment 7977
compensation contributions that are due, unpaid unemployment 7978
compensation payments in lieu of contributions that are due, 7979
unpaid fees payable to the state or to the clerk of courts under 7980
section 4505.06 of the Revised Code, incorrect medical assistance 7981
payments, or any unpaid charge, penalty, or interest arising from 7982
any of the foregoing. A debt to the state is not a "debt to the 7983
state" as used in this section unless the liability underlying the 7984
debt to the state has become incontestable because the time for 7985
appealing, reconsidering, reassessing, or otherwise questioning 7986
the liability has expired or the liability has been finally 7987
determined to be valid. 7988

If a casino operator who is entitled to a refund under 7989
section 5753.06 of the Revised Code owes a debt to the state, the 7990
amount refundable may be applied in satisfaction of the debt to 7991
the state. If the amount refundable is less than the amount of the 7992
debt to the state, the amount refundable may be applied in partial 7993
satisfaction of the debt. If the amount refundable is greater than 7994
the amount of the debt, the amount refundable remaining after 7995
satisfaction of the debt shall be refunded to the casino operator. 7996

Sec. 5753.07. (A)(1) The tax commissioner may issue an 7997
assessment, based on any information in the tax commissioner's 7998
possession, against a casino operator who fails to pay the tax 7999
levied under section 5753.02 of the Revised Code or to file a 8000
return under section 5753.04 of the Revised Code. The tax 8001

commissioner shall give the casino operator written notice of the 8002
assessment under section 5703.37 of the Revised Code. With the 8003
notice, the tax commissioner shall include instructions on how to 8004
petition for reassessment and on how to request a hearing with 8005
respect to the petition. 8006

(2) Unless the casino operator, within sixty days after 8007
service of the notice of assessment, files with the tax 8008
commissioner, either personally or by certified mail, a written 8009
petition signed by the casino operator, or by the casino 8010
operator's authorized agent who has knowledge of the facts, the 8011
assessment becomes final, and the amount of the assessment is due 8012
and payable from the casino operator to the treasurer of state. 8013
The petition shall indicate the casino operator's objections to 8014
the assessment. Additional objections may be raised in writing if 8015
they are received by the tax commissioner before the date shown on 8016
the final determination. 8017

(3) If a petition for reassessment has been properly filed, 8018
the tax commissioner shall proceed under section 5703.60 of the 8019
Revised Code. 8020

(4) After an assessment becomes final, if any portion of the 8021
assessment, including penalties and accrued interest, remains 8022
unpaid, the tax commissioner may file a certified copy of the 8023
entry making the assessment final in the office of the clerk of 8024
the court of common pleas of Franklin county or in the office of 8025
the clerk of the court of common pleas of the county in which the 8026
casino operator resides, the casino operator's casino facility is 8027
located, or the casino operator's principal place of business in 8028
this state is located. Immediately upon the filing of the entry, 8029
the clerk shall enter a judgment for the state against the 8030
taxpayer assessed in the amount shown on the entry. The judgment 8031
may be filed by the clerk in a loose-leaf book entitled, "special 8032

judgments for the gross casino revenue tax." The judgment has the 8033
same effect as other judgments. Execution shall issue upon the 8034
judgment at the request of the tax commissioner, and all laws 8035
applicable to sales on execution apply to sales made under the 8036
judgment. 8037

(5) The portion of an assessment not paid within sixty days 8038
after the day the assessment was issued bears interest at the rate 8039
per annum prescribed by section 5703.47 of the Revised Code from 8040
the day the tax commissioner issued the assessment until the 8041
assessment is paid. Interest shall be paid in the same manner as 8042
the tax levied under section 5753.02 of the Revised Code and may 8043
be collected by the issuance of an assessment under this section. 8044

(B) If the tax commissioner believes that collection of the 8045
tax levied under section 5753.02 of the Revised Code will be 8046
jeopardized unless proceedings to collect or secure collection of 8047
the tax are instituted without delay, the commissioner may issue a 8048
jeopardy assessment against the casino operator who is liable for 8049
the tax. Immediately upon the issuance of a jeopardy assessment, 8050
the tax commissioner shall file an entry with the clerk of the 8051
court of common pleas in the manner prescribed by division (A)(4) 8052
of this section, and the clerk shall proceed as directed in that 8053
division. Notice of the jeopardy assessment shall be served on the 8054
casino operator or the casino operator's authorized agent under 8055
section 5703.37 of the Revised Code within five days after the 8056
filing of the entry with the clerk. The total amount assessed is 8057
immediately due and payable, unless the casino operator assessed 8058
files a petition for reassessment under division (A)(2) of this 8059
section and provides security in a form satisfactory to the tax 8060
commissioner that is in an amount sufficient to satisfy the unpaid 8061
balance of the assessment. If a petition for reassessment has been 8062
filed, and if satisfactory security has been provided, the tax 8063
commissioner shall proceed under division (A)(3) of this section. 8064

Full or partial payment of the assessment does not prejudice the 8065
tax commissioner's consideration of the petition for reassessment. 8066

(C) The tax commissioner shall immediately forward to the 8067
treasurer of state all amounts the tax commissioner receives under 8068
this section, and the amounts forwarded shall be treated as if 8069
they were revenue arising from the tax levied under section 8070
5753.02 of the Revised Code. 8071

(D) Except as otherwise provided in this division, no 8072
assessment shall be issued against a casino operator for the tax 8073
levied under section 5753.02 of the Revised Code more than four 8074
years after the due date for filing the return for the tax period 8075
for which the tax was reported, or more than four years after the 8076
return for the tax period was filed, whichever is later. This 8077
division does not bar an assessment against a casino operator who 8078
fails to file a return as required by section 5753.04 of the 8079
Revised Code or who files a fraudulent return, or when the casino 8080
operator and the tax commissioner waive in writing the time 8081
limitation. 8082

(E) If the tax commissioner possesses information that 8083
indicates that the amount of tax a casino operator is liable to 8084
pay under section 5753.02 of the Revised Code exceeds the amount 8085
the casino operator paid, the tax commissioner may audit a sample 8086
of the casino operator's gross casino revenue over a 8087
representative period of time to ascertain the amount of tax due, 8088
and may issue an assessment based on the audit. The tax 8089
commissioner shall make a good faith effort to reach agreement 8090
with the casino operator in selecting a representative sample. The 8091
tax commissioner may apply a sampling method only if the tax 8092
commissioner has prescribed the method by rule. 8093

(F) If the whereabouts of a casino operator who is liable for 8094
the tax levied under section 5753.02 of the Revised Code are 8095
unknown to the tax commissioner, the tax commissioner shall 8096

proceed under section 5703.37 of the Revised Code. 8097

(G) If a casino operator fails to pay the tax levied under section 5753.02 of the Revised Code within a period of one year after the due date for remitting the tax, the Ohio casino control commission may suspend the casino operator's license. 8098
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8101

Sec. 5753.08. If a casino operator who is liable for the tax levied under section 5753.02 of the Revised Code sells the casino facility, disposes of the casino facility in any manner other than in the regular course of business, or quits the casino gaming business, any tax owed by that person becomes immediately due and payable, and the person shall pay the tax due, including any applicable penalties and interest. The person's successor shall withhold a sufficient amount of the purchase money to cover the amounts due and unpaid until the predecessor produces a receipt from the tax commissioner showing that the amounts due have been paid or a certificate indicating that no taxes are due. If the successor fails to withhold purchase money, the successor is personally liable, up to the purchase money amount, for amounts that were unpaid during the operation of the business by the predecessor. 8102
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Sec. 5753.09. The tax commissioner shall administer and enforce this chapter. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may: 8117
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8119

(A) Prescribe all forms that are required to be filed under this chapter; 8120
8121

(B) Adopt rules that are necessary and proper to carry out this chapter; and 8122
8123

(C) Appoint professional, technical, and clerical employees as are necessary to carry out the tax commissioner's duties under this chapter. 8124
8125
8126

Sec. 5753.10. The tax commissioner may prescribe requirements 8127
for the keeping of records and pertinent documents, for the filing 8128
of copies of federal income tax returns and determinations, and 8129
for computations reconciling federal income tax returns with the 8130
return required by section 5753.04 of the Revised Code. The tax 8131
commissioner may require a casino operator, by rule or by notice 8132
served on the casino operator, to keep records and other documents 8133
that the tax commissioner considers necessary to show the extent 8134
to which the casino operator is subject to this chapter. The 8135
records and other documents shall be open to inspection by the tax 8136
commissioner during business hours, and shall be preserved for a 8137
period of four years unless the tax commissioner, in writing, 8138
consents to their destruction within that period, or by order 8139
served on the casino operator requires that they be kept longer. 8140
If the records are normally kept electronically by the casino 8141
operator, the casino operator shall provide the records to the tax 8142
commissioner electronically at the tax commissioner's request. 8143

Any information required by the tax commissioner under this 8145
section is confidential under section 5703.21 of the Revised Code. 8146

Section 2. That existing sections 101.70, 102.02, 102.03, 8147
109.32, 109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2915.01, 8148
2915.02, 2915.061, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 8149
2915.093, 2915.10, 2915.101, 2915.13, 3793.02, 4301.355, 4301.62, 8150
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 8151
5703.70, 5747.02, and 5747.98 and section 2915.06 of the Revised 8152
Code are hereby repealed. 8153

Section 3. Except as otherwise provided in this act, all 8154
appropriation items in this act are appropriated out of moneys in 8155
the state treasury to the credit of the designated fund that are 8156

not otherwise appropriated. For all appropriations in this act, 8157
the amounts in the first column are for fiscal year 2010 and the 8158
amounts in the second column are for fiscal year 2011. 8159

Section 4. CAC CASINO CONTROL COMMISSION 8160

State Special Revenue 8161

5Hs0 955321 Casino Control - \$ 0 \$ 7,666,000 8162
Operating

TOTAL SSR State Special Revenue \$ 0 \$ 7,666,000 8163
Fund Group

Section 5. DEV DEPARTMENT OF DEVELOPMENT 8165

General Service Fund Group 8166

5AD0 195668 Workforce Guarantee \$ 0 \$ 60,000,000 8167
Program

TOTAL GSF General Services Fund \$ 0 \$ 60,000,000 8168
Group

State Special Revenue 8169

XXX 195xxx Urban Workforce \$ 0 \$ 70,000,000 8170
Initiative

XXX 195xxx Build Your Own \$ 0 \$ 10,000,000 8171
Business Program

TOTAL SSR State Special Revenue \$ 0 \$ 80,000,000 8172
Fund Group

Should proceeds from license or application fees be available 8173
before June 30, 2010, the Director of Budget and Management may 8174
seek Controlling Board approval to establish such funds and 8175
appropriations as are necessary to carry out the provisions of 8176
this act. The Director of Budget and Management shall transfer 8177
\$60,000,000 when it is available in the Economic Development 8178
Programs Fund (Fund XXXX) to the Job Development Initiative Fund 8179

(Fund 5AD0). 8180

The foregoing appropriation item, 195xxx, Build Your Own 8181
Business Program, shall be used by the Director of Development, in 8182
consultation with the Chancellor of the Board of Regents, for the 8183
establishment and administration of the Build Your Own Business 8184
Program. Pursuant to the Build Your Own Business Program, the 8185
Director shall administer a competitive process for making grants 8186
to small business development centers and participants in the 8187
Microenterprise Business Development Program, to provide micro 8188
loans, supportive services, and technical assistance for 8189
businesses that have been newly established by Ohioans who were 8190
unemployed immediately prior to establishing such businesses. 8191

The Director shall issue a request for proposals setting 8192
forth criteria of the program to be offered by the selected small 8193
business development centers and the selected participants in the 8194
Microenterprise Business Development Program. As a prerequisite 8195
for eligibility, individuals must have completed an acceptable 8196
entrepreneurship education program at any state institution of 8197
higher education as defined in section 3345.011 of the Revised 8198
Code or career center. 8199

Section 6. IGO OFFICE OF THE INSPECTOR GENERAL 8200

State Special Revenue 8201

XXX xxxxxx Casino Investigations \$ 0 \$ 100,000 8202

TOTAL SSR State Special Revenue \$ 0 \$ 100,000 8203

Fund Group

The foregoing appropriation shall be used only for the 8204
performance of casino-related duties. 8205

Section 7. ETH ETHICS COMMISSION 8206

State Special Revenue 8207

XXX	xxxxxx	Casino Investigations	\$	0	\$	234,000	8208
TOTAL SSR State Special Revenue			\$	0	\$	234,000	8209
Fund Group							

The foregoing appropriation shall be used only for the 8210
performance of casino-related duties. 8211

Section 8. BOR BOARD OF REGENTS 8212

State Special Revenue 8213

XXX	235xxx	Co-Op/Internship	\$	0	\$	60,000,000	8214
Program							

TOTAL SSR State Special Revenue			\$	0	\$	60,000,000	8215
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Fund Group

TOTAL All BUDGET FUND GROUPS			\$	0	\$	208,000,000	8216
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Section 8.20. CO-OP/INTERNSHIP PROGRAM 8218

The foregoing appropriation item, 235xxx, Co-op/Internship 8219
Program, shall be used by the Chancellor of the Board of Regents 8220
to operate the Co-op/Internship Program under sections 3333.71 to 8221
3333.80 of the Revised Code. Funding for eligible institutions 8222
shall be disbursed in accordance with the terms of the agreements 8223
entered into under section 3333.75 of the Revised Code. 8224

Section 9. The first return filed under section 5753.04 of 8225
the Revised Code shall reflect the tax period consisting of or 8226
beginning on the day on which operations of the casino facility 8227
commence. 8228

Section 10. It is the intent of the General Assembly to 8229
recognize the efforts of the Department of Development in 8230
providing resources for small businesses in this state and to 8231
strengthen the resources available to small businesses in this 8232
state by codifying and supplementing these efforts as the online 8233
small business resource center. 8234

Section 11. The General Assembly, applying the principle 8235
stated in division (B) of section 1.52 of the Revised Code that 8236
amendments are to be harmonized if reasonably capable of 8237
simultaneous operation, finds that the following sections, 8238
presented in this act as composites of the sections as amended by 8239
the acts indicated, are the resulting versions of the sections in 8240
effect before the effective date of the sections as presented in 8241
this act: 8242

Section 109.572 of the Revised Code as amended by both Am. 8243
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 8244

Section 109.77 of the Revised Code as amended by both Am. 8245
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 8246

Section 4301.62 of the Revised Code as amended by both Am. 8247
Sub. H.B. 562 and Sub. S.B. 150 of the 127th General Assembly. 8248