

**As Passed by the Senate**

**128th General Assembly**

**Regular Session**

**2009-2010**

**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**

**Senators Niehaus, Faber, Goodman, Harris**

—

**A B I L L**

To amend sections 101.70, 102.02, 102.03, 109.31, 1  
109.572, 109.71, 109.77, 109.79, 121.41, 121.60, 2  
1705.48, 2915.01, 2915.02, 2915.091, 2915.101, 3  
3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4  
4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5  
5703.70, 5747.01, 5747.02, 5747.20, and 5747.98 6  
and to enact sections 3517.1015, 3772.01 to 7  
3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 8  
3772.04, 3772.05, 3772.051, 3772.06, 3772.061, 9  
3772.062, 3772.07, 3772.08, 3772.09, 3772.091, 10  
3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 11  
3772.121, 3772.13, 3772.131, 3772.14 to 3772.33, 12  
3772.99, 3793.032, 5747.063, 5753.01 to 5753.06, 13  
5753.061, and 5753.07 to 5753.10 of the Revised 14  
Code to create the Ohio Casino Control Commission 15  
and related provisions and to set forth casino 16  
gaming statutes under Ohio Constitution, Article 17  
XV, Section 6(C), to make changes to bingo and 18  
instant bingo laws, and to allow raffles of free 19  
prizes at professional sporting events. 20

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

**Section 1.** That sections 101.70, 102.02, 102.03, 109.31, 21  
109.572, 109.71, 109.77, 109.79, 121.41, 121.60, 1705.48, 2915.01, 22  
2915.02, 2915.091, 2915.101, 3793.02, 4301.355, 4301.62, 4303.181, 23  
4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 24  
5747.01, 5747.02, 5747.20, and 5747.98 be amended and sections 25  
2915.083, 3517.1015, 3772.01, 3772.02, 3772.03, 3772.031, 26  
3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 27  
3772.061, 3772.062, 3772.07, 3772.08, 3772.09, 3772.091, 3772.10, 28  
3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 29  
3772.14, 3772.15, 3772.16, 3772.17, 3772.18, 3772.19, 3772.20, 30  
3772.21, 3772.22, 3772.23, 3772.24, 3772.25, 3772.26, 3772.27, 31  
3772.28, 3772.29, 3772.30, 3772.31, 3772.32, 3772.33, 3772.99, 32  
3793.032, 5747.063, 5753.01, 5753.02, 5753.03, 5753.04, 5753.05, 33  
5753.06, 5753.061, 5753.07, 5753.08, 5753.09, and 5753.10 of the 34  
Revised Code be enacted to read as follows: 35

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

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

(B) "Legislation" means bills, resolutions, amendments, 48

49 nominations, and any other matter pending before the general  
50 assembly, any matter pending before the controlling board, or the  
51 executive approval or veto of any bill acted upon by the general  
52 assembly.

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

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

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

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

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

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

adopted under the authority of the "Securities Act of 1933," 48 80  
Stat. 74, 15 U.S.C.A. and following, or that is governed by a 81  
comparable provision under state law. 82

(E) "Actively advocate" means to promote, advocate, or oppose 83  
the passage, modification, defeat, or executive approval or veto 84  
of any legislation by direct communication with any member of the 85  
general assembly, any member of the controlling board, the 86  
governor, the director of any department listed in section 121.02 87  
of the Revised Code, or any member of the staff of any public 88  
officer or employee listed in this division. "Actively advocate" 89  
does not include the action of any person not engaged by an 90  
employer who has a direct interest in legislation if the person, 91  
acting under Section 3 of Article I, Ohio Constitution, assembles 92  
together with other persons to consult for their common good, 93  
instructs a public officer or employee who is listed in this 94  
division, or petitions that public officer or employee for the 95  
redress of grievances. 96

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

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

(H) "Engage" means to make any arrangement, and "engagement" 111

means any arrangement, whereby an individual is employed or 112  
retained for compensation to act for or on behalf of an employer 113  
to actively advocate. 114

(I) "Financial transaction" means a transaction or activity 115  
that is conducted or undertaken for profit and arises from the 116  
joint ownership or the ownership or part ownership in common of 117  
any real or personal property or any commercial or business 118  
enterprise of whatever form or nature between the following: 119

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

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

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

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

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 141

of this section, all of the following shall file with the 142  
appropriate ethics commission the disclosure statement described 143  
in this division on a form prescribed by the appropriate 144  
commission: every person who is elected to or is a candidate for a 145  
state, county, or city office and every person who is appointed to 146  
fill a vacancy for an unexpired term in such an elective office; 147  
all members of the state board of education; the director, 148  
assistant directors, deputy directors, division chiefs, or persons 149  
of equivalent rank of any administrative department of the state; 150  
the president or other chief administrative officer of every state 151  
institution of higher education as defined in section 3345.011 of 152  
the Revised Code; the executive director and the members of the 153  
capitol square review and advisory board appointed or employed 154  
pursuant to section 105.41 of the Revised Code; all members of the 155  
Ohio casino control commission, the executive director of the 156  
commission, all professional employees of the commission, and all 157  
technical employees of the commission who perform an internal 158  
audit function; the chief executive officer and the members of the 159  
board of each state retirement system; each employee of a state 160  
retirement board who is a state retirement system investment 161  
officer licensed pursuant to section 1707.163 of the Revised Code; 162  
the members of the Ohio retirement study council appointed 163  
pursuant to division (C) of section 171.01 of the Revised Code; 164  
employees of the Ohio retirement study council, other than 165  
employees who perform purely administrative or clerical functions; 166  
the administrator of workers' compensation and each member of the 167  
bureau of workers' compensation board of directors; the bureau of 168  
workers' compensation director of investments; the chief 169  
investment officer of the bureau of workers' compensation; the 170  
director appointed by the workers' compensation council; all 171  
members of the board of commissioners on grievances and discipline 172  
of the supreme court and the ethics commission created under 173  
section 102.05 of the Revised Code; every business manager, 174

treasurer, or superintendent of a city, local, exempted village, 175  
joint vocational, or cooperative education school district or an 176  
educational service center; every person who is elected to or is a 177  
candidate for the office of member of a board of education of a 178  
city, local, exempted village, joint vocational, or cooperative 179  
education school district or of a governing board of an 180  
educational service center that has a total student count of 181  
twelve thousand or more as most recently determined by the 182  
department of education pursuant to section 3317.03 of the Revised 183  
Code; every person who is appointed to the board of education of a 184  
municipal school district pursuant to division (B) or (F) of 185  
section 3311.71 of the Revised Code; all members of the board of 186  
directors of a sanitary district that is established under Chapter 187  
6115. of the Revised Code and organized wholly for the purpose of 188  
providing a water supply for domestic, municipal, and public use, 189  
and that includes two municipal corporations in two counties; 190  
every public official or employee who is paid a salary or wage in 191  
accordance with schedule C of section 124.15 or schedule E-2 of 192  
section 124.152 of the Revised Code; members of the board of 193  
trustees and the executive director of the southern Ohio 194  
agricultural and community development foundation; all members 195  
appointed to the Ohio livestock care standards board under section 196  
904.02 of the Revised Code; and every other public official or 197  
employee who is designated by the appropriate ethics commission 198  
pursuant to division (B) of this section. 199

The disclosure statement shall include all of the following: 200

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

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 205  
and except as otherwise provided in section 102.022 of the Revised 206

Code, identification of every source of income, other than income 207  
from a legislative agent identified in division (A)(2)(b) of this 208  
section, received during the preceding calendar year, in the 209  
person's own name or by any other person for the person's use or 210  
benefit, by the person filing the statement, and a brief 211  
description of the nature of the services for which the income was 212  
received. If the person filing the statement is a member of the 213  
general assembly, the statement shall identify the amount of every 214  
source of income received in accordance with the following ranges 215  
of amounts: zero or more, but less than one thousand dollars; one 216  
thousand dollars or more, but less than ten thousand dollars; ten 217  
thousand dollars or more, but less than twenty-five thousand 218  
dollars; twenty-five thousand dollars or more, but less than fifty 219  
thousand dollars; fifty thousand dollars or more, but less than 220  
one hundred thousand dollars; and one hundred thousand dollars or 221  
more. Division (A)(2)(a) of this section shall not be construed to 222  
require a person filing the statement who derives income from a 223  
business or profession to disclose the individual items of income 224  
that constitute the gross income of that business or profession, 225  
except for those individual items of income that are attributable 226  
to the person's or, if the income is shared with the person, the 227  
partner's, solicitation of services or goods or performance, 228  
arrangement, or facilitation of services or provision of goods on 229  
behalf of the business or profession of clients, including 230  
corporate clients, who are legislative agents. A person who files 231  
the statement under this section shall disclose the identity of 232  
and the amount of income received from a person who the public 233  
official or employee knows or has reason to know is doing or 234  
seeking to do business of any kind with the public official's or 235  
employee's agency. 236

(b) If the person filing the statement is a member of the 237  
general assembly, the statement shall identify every source of 238  
income and the amount of that income that was received from a 239



legislative agent during the preceding calendar year, in the 240  
person's own name or by any other person for the person's use or 241  
benefit, by the person filing the statement, and a brief 242  
description of the nature of the services for which the income was 243  
received. Division (A)(2)(b) of this section requires the 244  
disclosure of clients of attorneys or persons licensed under 245  
section 4732.12 of the Revised Code, or patients of persons 246  
certified under section 4731.14 of the Revised Code, if those 247  
clients or patients are legislative agents. Division (A)(2)(b) of 248  
this section requires a person filing the statement who derives 249  
income from a business or profession to disclose those individual 250  
items of income that constitute the gross income of that business 251  
or profession that are received from legislative agents. 252

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

recipient of professional services. Division (A)(2)(a) of this 273  
section does not require an attorney, physician, or other 274  
professional subject to a confidentiality requirement as described 275  
in division (A)(2)(c) of this section to disclose in the brief 276  
description of the nature of services required by division 277  
(A)(2)(a) of this section any information pertaining to specific 278  
professional services rendered for a client, patient, or other 279  
recipient of professional services that would reveal details of 280  
the subject matter for which legal, medical, or professional 281  
advice was sought or would reveal an otherwise privileged 282  
communication involving the client, patient, or other recipient of 283  
professional services. 284

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

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

recreation; 305

(5) The names of all persons residing or transacting business 306  
in the state to whom the person filing the statement owes, in the 307  
person's own name or in the name of any other person, more than 308  
one thousand dollars. Division (A)(5) of this section shall not be 309  
construed to require the disclosure of debts owed by the person 310  
resulting from the ordinary conduct of a business or profession or 311  
debts on the person's residence or real property used primarily 312  
for personal recreation, except that the superintendent of 313  
financial institutions shall disclose the names of all 314  
state-chartered savings and loan associations and of all service 315  
corporations subject to regulation under division (E)(2) of 316  
section 1151.34 of the Revised Code to whom the superintendent in 317  
the superintendent's own name or in the name of any other person 318  
owes any money, and that the superintendent and any deputy 319  
superintendent of banks shall disclose the names of all 320  
state-chartered banks and all bank subsidiary corporations subject 321  
to regulation under section 1109.44 of the Revised Code to whom 322  
the superintendent or deputy superintendent owes any money. 323

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

(7) Except as otherwise provided in section 102.022 of the 335  
Revised Code, the source of each gift of over seventy-five 336

dollars, or of each gift of over twenty-five dollars received by a 337  
member of the general assembly from a legislative agent, received 338  
by the person in the person's own name or by any other person for 339  
the person's use or benefit during the preceding calendar year, 340  
except gifts received by will or by virtue of section 2105.06 of 341  
the Revised Code, or received from spouses, parents, grandparents, 342  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 343  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 344  
fathers-in-law, mothers-in-law, or any person to whom the person 345  
filing the statement stands in loco parentis, or received by way 346  
of distribution from any inter vivos or testamentary trust 347  
established by a spouse or by an ancestor; 348

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

(9) Except as otherwise provided in section 102.022 of the 362  
Revised Code, identification of the source of payment of expenses 363  
for meals and other food and beverages, other than for meals and 364  
other food and beverages provided at a meeting at which the person 365  
participated in a panel, seminar, or speaking engagement or at a 366  
meeting or convention of a national or state organization to which 367  
any state agency, including, but not limited to, any legislative 368

agency or state institution of higher education as defined in 369  
section 3345.011 of the Revised Code, pays membership dues, or any 370  
political subdivision or any office or agency of a political 371  
subdivision pays membership dues, that are incurred in connection 372  
with the person's official duties and that exceed one hundred 373  
dollars aggregated per calendar year; 374

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

A person may file a statement required by this section in 387  
person or by mail. A person who is a candidate for elective office 388  
shall file the statement no later than the thirtieth day before 389  
the primary, special, or general election at which the candidacy 390  
is to be voted on, whichever election occurs soonest, except that 391  
a person who is a write-in candidate shall file the statement no 392  
later than the twentieth day before the earliest election at which 393  
the person's candidacy is to be voted on. A person who holds 394  
elective office shall file the statement on or before the 395  
fifteenth day of April of each year unless the person is a 396  
candidate for office. A person who is appointed to fill a vacancy 397  
for an unexpired term in an elective office shall file the 398  
statement within fifteen days after the person qualifies for 399  
office. Other persons shall file an annual statement on or before 400

the fifteenth day of April or, if appointed or employed after that 401  
date, within ninety days after appointment or employment. No 402  
person shall be required to file with the appropriate ethics 403  
commission more than one statement or pay more than one filing fee 404  
for any one calendar year. 405

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

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

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

Except for disclosure statements filed by members of the 430  
board of trustees and the executive director of the southern Ohio 431  
agricultural and community development foundation, disclosure 432

statements filed under this division with the Ohio ethics 433  
commission by members of boards, commissions, or bureaus of the 434  
state for which no compensation is received other than reasonable 435  
and necessary expenses shall be kept confidential. Disclosure 436  
statements filed with the Ohio ethics commission under division 437  
(A) of this section by business managers, treasurers, and 438  
superintendents of city, local, exempted village, joint 439  
vocational, or cooperative education school districts or 440  
educational service centers shall be kept confidential, except 441  
that any person conducting an audit of any such school district or 442  
educational service center pursuant to section 115.56 or Chapter 443  
117. of the Revised Code may examine the disclosure statement of 444  
any business manager, treasurer, or superintendent of that school 445  
district or educational service center. The Ohio ethics commission 446  
shall examine each disclosure statement required to be kept 447  
confidential to determine whether a potential conflict of interest 448  
exists for the person who filed the disclosure statement. A 449  
potential conflict of interest exists if the private interests of 450  
the person, as indicated by the person's disclosure statement, 451  
might interfere with the public interests the person is required 452  
to serve in the exercise of the person's authority and duties in 453  
the person's office or position of employment. If the commission 454  
determines that a potential conflict of interest exists, it shall 455  
notify the person who filed the disclosure statement and shall 456  
make the portions of the disclosure statement that indicate a 457  
potential conflict of interest subject to public inspection in the 458  
same manner as is provided for other disclosure statements. Any 459  
portion of the disclosure statement that the commission determines 460  
does not indicate a potential conflict of interest shall be kept 461  
confidential by the commission and shall not be made subject to 462  
public inspection, except as is necessary for the enforcement of 463  
Chapters 102. and 2921. of the Revised Code and except as 464  
otherwise provided in this division. 465

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

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

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

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

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



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

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

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

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

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

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

(H) Division (A) of this section does not apply to a person 529  
elected or appointed to the office of precinct, ward, or district 530  
committee member under Chapter 3517. of the Revised Code; a 531  
presidential elector; a delegate to a national convention; village 532  
or township officials and employees; any physician or psychiatrist 533  
who is paid a salary or wage in accordance with schedule C of 534  
section 124.15 or schedule E-2 of section 124.152 of the Revised 535  
Code and whose primary duties do not require the exercise of 536  
administrative discretion; or any member of a board, commission, 537  
or bureau of any county or city who receives less than one 538  
thousand dollars per year for serving in that position. 539

**Sec. 102.03.** (A)(1) No present or former public official or 540  
employee shall, during public employment or service or for twelve 541  
months thereafter, represent a client or act in a representative 542  
capacity for any person on any matter in which the public official 543  
or employee personally participated as a public official or 544  
employee through decision, approval, disapproval, recommendation, 545  
the rendering of advice, investigation, or other substantial 546  
exercise of administrative discretion. 547

(2) For twenty-four months after the conclusion of service, 548  
no former commissioner or attorney examiner of the public 549  
utilities commission shall represent a public utility, as defined 550  
in section 4905.02 of the Revised Code, or act in a representative 551  
capacity on behalf of such a utility before any state board, 552  
commission, or agency. 553

(3) For twenty-four months after the conclusion of employment 554  
or service, no former public official or employee who personally 555  
participated as a public official or employee through decision, 556  
approval, disapproval, recommendation, the rendering of advice, 557  
the development or adoption of solid waste management plans, 558  
investigation, inspection, or other substantial exercise of 559

administrative discretion under Chapter 343. or 3734. of the 560  
Revised Code shall represent a person who is the owner or operator 561  
of a facility, as defined in section 3734.01 of the Revised Code, 562  
or who is an applicant for a permit or license for a facility 563  
under that chapter, on any matter in which the public official or 564  
employee personally participated as a public official or employee. 565

(4) For a period of one year after the conclusion of 566  
employment or service as a member or employee of the general 567  
assembly, no former member or employee of the general assembly 568  
shall represent, or act in a representative capacity for, any 569  
person on any matter before the general assembly, any committee of 570  
the general assembly, or the controlling board. Division (A)(4) of 571  
this section does not apply to or affect a person who separates 572  
from service with the general assembly on or before December 31, 573  
1995. As used in division (A)(4) of this section "person" does not 574  
include any state agency or political subdivision of the state. 575

(5) As used in divisions (A)(1), (2), and (3) of this 576  
section, "matter" includes any case, proceeding, application, 577  
determination, issue, or question, but does not include the 578  
proposal, consideration, or enactment of statutes, rules, 579  
ordinances, resolutions, or charter or constitutional amendments. 580  
As used in division (A)(4) of this section, "matter" includes the 581  
proposal, consideration, or enactment of statutes, resolutions, or 582  
constitutional amendments. As used in division (A) of this 583  
section, "represent" includes any formal or informal appearance 584  
before, or any written or oral communication with, any public 585  
agency on behalf of any person. 586

(6) Nothing contained in division (A) of this section shall 587  
prohibit, during such period, a former public official or employee 588  
from being retained or employed to represent, assist, or act in a 589  
representative capacity for the public agency by which the public 590  
official or employee was employed or on which the public official 591

or employee served. 592

(7) Division (A) of this section shall not be construed to 593  
prohibit the performance of ministerial functions, including, but 594  
not limited to, the filing or amendment of tax returns, 595  
applications for permits and licenses, incorporation papers, and 596  
other similar documents. 597

(8) No present or former Ohio casino control commission 598  
official shall, during public service or for two years thereafter, 599  
represent a client, be employed or compensated by a person 600  
regulated by the commission, or act in a representative capacity 601  
for any person on any matter before or concerning the commission. 602

No present or former commission employee shall, during public 603  
employment or for two years thereafter, represent a client or act 604  
in a representative capacity on any matter in which the employee 605  
personally participated as a commission employee through decision, 606  
approval, disapproval, recommendation, the rendering of advice, 607  
investigation, or other substantial exercise of administrative 608  
discretion. 609

(B) No present or former public official or employee shall 610  
disclose or use, without appropriate authorization, any 611  
information acquired by the public official or employee in the 612  
course of the public official's or employee's official duties that 613  
is confidential because of statutory provisions, or that has been 614  
clearly designated to the public official or employee as 615  
confidential when that confidential designation is warranted 616  
because of the status of the proceedings or the circumstances 617  
under which the information was received and preserving its 618  
confidentiality is necessary to the proper conduct of government 619  
business. 620

(C) No public official or employee shall participate within 621  
the scope of duties as a public official or employee, except 622

through ministerial functions as defined in division (A) of this 623  
section, in any license or rate-making proceeding that directly 624  
affects the license or rates of any person, partnership, trust, 625  
business trust, corporation, or association in which the public 626  
official or employee or immediate family owns or controls more 627  
than five per cent. No public official or employee shall 628  
participate within the scope of duties as a public official or 629  
employee, except through ministerial functions as defined in 630  
division (A) of this section, in any license or rate-making 631  
proceeding that directly affects the license or rates of any 632  
person to whom the public official or employee or immediate 633  
family, or a partnership, trust, business trust, corporation, or 634  
association of which the public official or employee or the public 635  
official's or employee's immediate family owns or controls more 636  
than five per cent, has sold goods or services totaling more than 637  
one thousand dollars during the preceding year, unless the public 638  
official or employee has filed a written statement acknowledging 639  
that sale with the clerk or secretary of the public agency and the 640  
statement is entered in any public record of the agency's 641  
proceedings. This division shall not be construed to require the 642  
disclosure of clients of attorneys or persons licensed under 643  
section 4732.12 or 4732.15 of the Revised Code, or patients of 644  
persons certified under section 4731.14 of the Revised Code. 645

(D) No public official or employee shall use or authorize the 646  
use of the authority or influence of office or employment to 647  
secure anything of value or the promise or offer of anything of 648  
value that is of such a character as to manifest a substantial and 649  
improper influence upon the public official or employee with 650  
respect to that person's duties. 651

(E) No public official or employee shall solicit or accept 652  
anything of value that is of such a character as to manifest a 653  
substantial and improper influence upon the public official or 654

employee with respect to that person's duties. 655

(F) No person shall promise or give to a public official or 656  
employee anything of value that is of such a character as to 657  
manifest a substantial and improper influence upon the public 658  
official or employee with respect to that person's duties. 659

(G) In the absence of bribery or another offense under the 660  
Revised Code or a purpose to defraud, contributions made to a 661  
campaign committee, political party, legislative campaign fund, 662  
political action committee, or political contributing entity on 663  
behalf of an elected public officer or other public official or 664  
employee who seeks elective office shall be considered to accrue 665  
ordinarily to the public official or employee for the purposes of 666  
divisions (D), (E), and (F) of this section. 667

As used in this division, "contributions," "campaign 668  
committee," "political party," "legislative campaign fund," 669  
"political action committee," and "political contributing entity" 670  
have the same meanings as in section 3517.01 of the Revised Code. 671

(H)(1) No public official or employee, except for the 672  
president or other chief administrative officer or a member of 673  
a board of trustees of a state institution of higher education as 674  
defined in section 3345.011 of the Revised Code, who is required 675  
to file a financial disclosure statement under section 102.02 of 676  
the Revised Code shall solicit or accept, and no person shall give 677  
to that public official or employee, an honorarium. Except as 678  
provided in division (H)(2) of this section, this division and 679  
divisions (D), (E), and (F) of this section do not prohibit a 680  
public official or employee who is required to file a financial 681  
disclosure statement under section 102.02 of the Revised Code from 682  
accepting and do not prohibit a person from giving to that public 683  
official or employee the payment of actual travel expenses, 684  
including any expenses incurred in connection with the travel for 685  
lodging, and meals, food, and beverages provided to the public 686

official or employee at a meeting at which the public official or 687  
employee participates in a panel, seminar, or speaking engagement 688  
or provided to the public official or employee at a meeting or 689  
convention of a national organization to which any state agency, 690  
including, but not limited to, any state legislative agency or 691  
state institution of higher education as defined in section 692  
3345.011 of the Revised Code, pays membership dues. Except as 693  
provided in division (H)(2) of this section, this division and 694  
divisions (D), (E), and (F) of this section do not prohibit a 695  
public official or employee who is not required to file a 696  
financial disclosure statement under section 102.02 of the Revised 697  
Code from accepting and do not prohibit a person from promising or 698  
giving to that public official or employee an honorarium or the 699  
payment of travel, meal, and lodging expenses if the honorarium, 700  
expenses, or both were paid in recognition of demonstrable 701  
business, professional, or esthetic interests of the public 702  
official or employee that exist apart from public office or 703  
employment, including, but not limited to, such a demonstrable 704  
interest in public speaking and were not paid by any person or 705  
other entity, or by any representative or association of those 706  
persons or entities, that is regulated by, doing business with, or 707  
seeking to do business with the department, division, institution, 708  
board, commission, authority, bureau, or other instrumentality of 709  
the governmental entity with which the public official or employee 710  
serves. 711

(2) No person who is a member of the board of a state 712  
retirement system, a state retirement system investment officer, 713  
or an employee of a state retirement system whose position 714  
involves substantial and material exercise of discretion in the 715  
investment of retirement system funds shall solicit or accept, and 716  
no person shall give to that board member, officer, or employee, 717  
payment of actual travel expenses, including expenses incurred 718  
with the travel for lodging, meals, food, and beverages. 719

(I) A public official or employee may accept travel, meals, 720  
and lodging or expenses or reimbursement of expenses for travel, 721  
meals, and lodging in connection with conferences, seminars, and 722  
similar events related to official duties if the travel, meals, 723  
and lodging, expenses, or reimbursement is not of such a character 724  
as to manifest a substantial and improper influence upon the 725  
public official or employee with respect to that person's duties. 726  
The house of representatives and senate, in their code of ethics, 727  
and the Ohio ethics commission, under section 111.15 of the 728  
Revised Code, may adopt rules setting standards and conditions for 729  
the furnishing and acceptance of such travel, meals, and lodging, 730  
expenses, or reimbursement. 731

A person who acts in compliance with this division and any 732  
applicable rules adopted under it, or any applicable, similar 733  
rules adopted by the supreme court governing judicial officers and 734  
employees, does not violate division (D), (E), or (F) of this 735  
section. This division does not preclude any person from seeking 736  
an advisory opinion from the appropriate ethics commission under 737  
section 102.08 of the Revised Code. 738

(J) For purposes of divisions (D), (E), and (F) of this 739  
section, the membership of a public official or employee in an 740  
organization shall not be considered, in and of itself, to be of 741  
such a character as to manifest a substantial and improper 742  
influence on the public official or employee with respect to that 743  
person's duties. As used in this division, "organization" means a 744  
church or a religious, benevolent, fraternal, or professional 745  
organization that is tax exempt under subsection 501(a) and 746  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 747  
"Internal Revenue Code of 1986." This division does not apply to a 748  
public official or employee who is an employee of an organization, 749  
serves as a trustee, director, or officer of an organization, or 750  
otherwise holds a fiduciary relationship with an organization. 751



This division does not allow a public official or employee who is 752  
a member of an organization to participate, formally or 753  
informally, in deliberations, discussions, or voting on a matter 754  
or to use his official position with regard to the interests of 755  
the organization on the matter if the public official or employee 756  
has assumed a particular responsibility in the organization with 757  
respect to the matter or if the matter would affect that person's 758  
personal, pecuniary interests. 759

(K) It is not a violation of this section for a prosecuting 760  
attorney to appoint assistants and employees in accordance with 761  
division (B) of section 309.06 and section 2921.421 of the Revised 762  
Code, for a chief legal officer of a municipal corporation or an 763  
official designated as prosecutor in a municipal corporation to 764  
appoint assistants and employees in accordance with sections 765  
733.621 and 2921.421 of the Revised Code, for a township law 766  
director appointed under section 504.15 of the Revised Code to 767  
appoint assistants and employees in accordance with sections 768  
504.151 and 2921.421 of the Revised Code, or for a coroner to 769  
appoint assistants and employees in accordance with division (B) 770  
of section 313.05 of the Revised Code. 771

As used in this division, "chief legal officer" has the same 772  
meaning as in section 733.621 of the Revised Code. 773

(L) No present public official or employee with a casino 774  
gaming regulatory function shall indirectly invest, by way of an 775  
entity the public official or employee has an ownership interest 776  
or control in, or directly invest in a casino operator, management 777  
company, holding company, casino facility, or gaming-related 778  
vendor. No present public official or employee with a casino 779  
gaming regulatory function shall directly or indirectly have a 780  
financial interest in, have an ownership interest in, be the 781  
creditor or hold a debt instrument issued by, or have an interest 782  
in a contractual or service relationship with a casino operator, 783

management company, holding company, casino facility, or 784  
gaming-related vendor. This section does not prohibit or limit 785  
permitted passive investing by the public official or employee. 786

As used in this division, "passive investing" means 787  
investment by the public official or employee by means of a mutual 788  
fund in which the public official or employee has no control of 789  
the investments or investment decisions. "Casino operator," 790  
"holding company," "management company," "casino facility," and 791  
"gaming-related vendor" have the same meanings as in section 792  
3772.01 of the Revised Code. 793

(M) A member of the Ohio casino control commission, the 794  
executive director of the commission, or an employee of the 795  
commission shall not: 796

(1) Accept anything of value, including but not limited to a 797  
gift, gratuity, emolument, or employment from a casino operator, 798  
management company, or other person subject to the jurisdiction of 799  
the commission, or from an officer, attorney, agent, or employee 800  
of a casino operator, management company, or other person subject 801  
to the jurisdiction of the commission; 802

(2) Solicit, suggest, request, or recommend, directly or 803  
indirectly, to a casino operator, management company, or other 804  
person subject to the jurisdiction of the commission, or to an 805  
officer, attorney, agent, or employee of a casino operator, 806  
management company, or other person subject to the jurisdiction of 807  
the commission, the appointment of a person to an office, place, 808  
position, or employment; 809

(3) Participate in casino gaming or any other amusement or 810  
activity at a casino facility in this state or at an affiliate 811  
gaming facility of a licensed casino operator, wherever located. 812

In addition to the penalty provided in section 102.99 of the 813  
Revised Code, whoever violates division (M)(1), (2), or (3) of 814

this section forfeits the individual's office or employment. 815

**Sec. 109.31.** Except as otherwise provided by this section, 816  
the trustees of a charitable trust required to register under 817  
section 109.26 of the Revised Code shall file annual reports on 818  
forms prescribed by the attorney general, on or before the 819  
fifteenth day of the fifth month following the close of the 820  
trust's taxable year as established for federal tax purposes; or, 821  
in lieu of filing those reports, the trustees may file complete 822  
copies of all annual federal returns required to be filed by the 823  
trust with the internal revenue service for the taxable year, 824  
together with all schedules, attachments, and reports due with the 825  
return or returns. The federal returns shall be filed with the 826  
attorney general at the same time as required by the internal 827  
revenue service, taking into account any applicable extension of 828  
the federal filing date. 829

The annual report shall be signed by the trustee who is 830  
authorized to sign it. The annual report shall be considered 831  
certified by the trustee and ~~his~~ the trustee's signature on the 832  
report shall have the same effect as though made under oath. 833

A charitable trust required to register under section 109.26 834  
of the Revised Code is not required to file the reports required 835  
by this section if any of the following apply: 836

(A) It is organized and operated exclusively for religious 837  
purposes. 838

(B) It is an educational institution that normally maintains 839  
a regular faculty and curriculum and normally has a regularly 840  
organized body of pupils or students in attendance at the place 841  
where its educational activities are regularly carried on. 842

(C) For any taxable year it has gross receipts of less than 843  
twenty-five thousand dollars and at the end of which it has gross 844

assets of less than ~~fifteen~~ twenty-five thousand dollars. 845

The attorney general, by rule pursuant to section 109.27 of 846  
the Revised Code, may exempt other classes of charitable trusts 847  
from the requirements of this section, and may by rule increase 848  
monetary limits set forth in division (C) of this section, that 849  
require filing with the attorney general's office. 850

The attorney general may institute judicial proceedings to 851  
secure compliance with this section and to secure the proper 852  
administration of any trust or other relationship to which this 853  
section applies. The willful failure of any trustee to file 854  
reports as required by this section may be grounds for judicial 855  
removal of the trustee responsible for such failure. 856

The attorney general shall charge the following fees for 857  
filing the annual report: 858

Assets	Fee	
Less than \$25,000	\$ 0	860
\$25,000 but less than \$100,000	50	861
\$100,000 but less than \$500,000	100	862
\$500,000 or more	200	863

For the purposes of this section, "assets" refers to the 864  
total fair market value of the charitable trust's assets at the 865  
end of that trust's taxable year as established for federal tax 866  
purposes. 867

Any charitable trust that fails to pay the fee required by 868  
this section at the time required shall pay an additional fee of 869  
two hundred dollars, except that the attorney general may waive 870  
the two-hundred-dollar fee upon a showing that the trustees of the 871  
charitable trust failed to pay the fee for filing the annual 872  
report at the time required by this section for reasons that were 873  
beyond the control of the trustees of the charitable trust or of a 874  
designee of the trustees. 875

This section shall not be subject to section 119.12 of the Revised Code.

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

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

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially

equivalent to any of the offenses listed in division (A)(1)(a) of 907  
this section. 908

(2) On receipt of a request pursuant to section 5123.081 of 909  
the Revised Code with respect to an applicant for employment in 910  
any position with the department of developmental disabilities, 911  
pursuant to section 5126.28 of the Revised Code with respect to an 912  
applicant for employment in any position with a county board of 913  
developmental disabilities, or pursuant to section 5126.281 of the 914  
Revised Code with respect to an applicant for employment in a 915  
direct services position with an entity contracting with a county 916  
board for employment, a completed form prescribed pursuant to 917  
division (C)(1) of this section, and a set of fingerprint 918  
impressions obtained in the manner described in division (C)(2) of 919  
this section, the superintendent of the bureau of criminal 920  
identification and investigation shall conduct a criminal records 921  
check. The superintendent shall conduct the criminal records check 922  
in the manner described in division (B) of this section to 923  
determine whether any information exists that indicates that the 924  
person who is the subject of the request has been convicted of or 925  
pleaded guilty to any of the following: 926

(a) A violation of section 2903.01, 2903.02, 2903.03, 927  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 928  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 929  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 930  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 931  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 932  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 933  
2925.03, or 3716.11 of the Revised Code; 934

(b) An existing or former municipal ordinance or law of this 935  
state, any other state, or the United States that is substantially 936  
equivalent to any of the offenses listed in division (A)(2)(a) of 937  
this section. 938

(3) On receipt of a request pursuant to section 173.27, 939  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 940  
completed form prescribed pursuant to division (C)(1) of this 941  
section, and a set of fingerprint impressions obtained in the 942  
manner described in division (C)(2) of this section, the 943  
superintendent of the bureau of criminal identification and 944  
investigation shall conduct a criminal records check with respect 945  
to any person who has applied for employment in a position for 946  
which a criminal records check is required by those sections. The 947  
superintendent shall conduct the criminal records check in the 948  
manner described in division (B) of this section to determine 949  
whether any information exists that indicates that the person who 950  
is the subject of the request previously has been convicted of or 951  
pleaded guilty to any of the following: 952

(a) A violation of section 2903.01, 2903.02, 2903.03, 953  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 954  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 955  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 956  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 957  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 958  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 959  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 960  
2925.22, 2925.23, or 3716.11 of the Revised Code; 961

(b) An existing or former law of this state, any other state, 962  
or the United States that is substantially equivalent to any of 963  
the offenses listed in division (A)(3)(a) of this section. 964

(4) On receipt of a request pursuant to section 3701.881 of 965  
the Revised Code with respect to an applicant for employment with 966  
a home health agency as a person responsible for the care, 967  
custody, or control of a child, a completed form prescribed 968  
pursuant to division (C)(1) of this section, and a set of 969  
fingerprint impressions obtained in the manner described in 970

division (C)(2) of this section, the superintendent of the bureau 971  
of criminal identification and investigation shall conduct a 972  
criminal records check. The superintendent shall conduct the 973  
criminal records check in the manner described in division (B) of 974  
this section to determine whether any information exists that 975  
indicates that the person who is the subject of the request 976  
previously has been convicted of or pleaded guilty to any of the 977  
following: 978

(a) A violation of section 2903.01, 2903.02, 2903.03, 979  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 980  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 981  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 982  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 983  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 984  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 985  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 986  
violation of section 2925.11 of the Revised Code that is not a 987  
minor drug possession offense; 988

(b) An existing or former law of this state, any other state, 989  
or the United States that is substantially equivalent to any of 990  
the offenses listed in division (A)(4)(a) of this section. 991

(5) On receipt of a request pursuant to section 5111.032, 992  
5111.033, or 5111.034 of the Revised Code, a completed form 993  
prescribed pursuant to division (C)(1) of this section, and a set 994  
of fingerprint impressions obtained in the manner described in 995  
division (C)(2) of this section, the superintendent of the bureau 996  
of criminal identification and investigation shall conduct a 997  
criminal records check. The superintendent shall conduct the 998  
criminal records check in the manner described in division (B) of 999  
this section to determine whether any information exists that 1000  
indicates that the person who is the subject of the request 1001  
previously has been convicted of, has pleaded guilty to, or has 1002



been found eligible for intervention in lieu of conviction for any 1003  
of the following, regardless of the date of the conviction, the 1004  
date of entry of the guilty plea, or the date the person was found 1005  
eligible for intervention in lieu of conviction: 1006

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1007  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1008  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1009  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1010  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 1011  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1012  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 1013  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 1014  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 1015  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1016  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 1017  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1018  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 1019  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 1020  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 1021  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 1022  
penetration in violation of former section 2907.12 of the Revised 1023  
Code, a violation of section 2905.04 of the Revised Code as it 1024  
existed prior to July 1, 1996, a violation of section 2919.23 of 1025  
the Revised Code that would have been a violation of section 1026  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1027  
had the violation been committed prior to that date; 1028

(b) A violation of an existing or former municipal ordinance 1029  
or law of this state, any other state, or the United States that 1030  
is substantially equivalent to any of the offenses listed in 1031  
division (A)(5)(a) of this section. 1032

(6) On receipt of a request pursuant to section 3701.881 of 1033  
the Revised Code with respect to an applicant for employment with 1034

a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall 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 offense specified in section 3319.31 of the Revised Code.

(8) On receipt of a request pursuant to section 2151.86 of

the Revised Code, a completed form prescribed pursuant to division 1067  
(C)(1) of this section, and a set of fingerprint impressions 1068  
obtained in the manner described in division (C)(2) of this 1069  
section, the superintendent of the bureau of criminal 1070  
identification and investigation shall conduct a criminal records 1071  
check in the manner described in division (B) of this section to 1072  
determine whether any information exists that indicates that the 1073  
person who is the subject of the request previously has been 1074  
convicted of or pleaded guilty to any of the following: 1075

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1076  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1077  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1078  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1079  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1080  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1081  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1082  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1083  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1084  
of the Revised Code, a violation of section 2905.04 of the Revised 1085  
Code as it existed prior to July 1, 1996, a violation of section 1086  
2919.23 of the Revised Code that would have been a violation of 1087  
section 2905.04 of the Revised Code as it existed prior to July 1, 1088  
1996, had the violation been committed prior to that date, a 1089  
violation of section 2925.11 of the Revised Code that is not a 1090  
minor drug possession offense, two or more OVI or OVUAC violations 1091  
committed within the three years immediately preceding the 1092  
submission of the application or petition that is the basis of the 1093  
request, or felonious sexual penetration in violation of former 1094  
section 2907.12 of the Revised Code; 1095

(b) A violation of an existing or former law of this state, 1096  
any other state, or the United States that is substantially 1097  
equivalent to any of the offenses listed in division (A)(8)(a) of 1098

this section. 1099

(9) Upon receipt of a request pursuant to section 5104.012 or 1100  
5104.013 of the Revised Code, a completed form prescribed pursuant 1101  
to division (C)(1) of this section, and a set of fingerprint 1102  
impressions obtained in the manner described in division (C)(2) of 1103  
this section, the superintendent of the bureau of criminal 1104  
identification and investigation shall conduct a criminal records 1105  
check in the manner described in division (B) of this section to 1106  
determine whether any information exists that indicates that the 1107  
person who is the subject of the request has been convicted of or 1108  
pleaded guilty to any of the following: 1109

(a) A violation of section 2903.01, 2903.02, 2903.03, 1110  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1111  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1112  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1113  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1114  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1115  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1116  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1117  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1118  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1119  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1120  
3716.11 of the Revised Code, felonious sexual penetration in 1121  
violation of former section 2907.12 of the Revised Code, a 1122  
violation of section 2905.04 of the Revised Code as it existed 1123  
prior to July 1, 1996, a violation of section 2919.23 of the 1124  
Revised Code that would have been a violation of section 2905.04 1125  
of the Revised Code as it existed prior to July 1, 1996, had the 1126  
violation been committed prior to that date, a violation of 1127  
section 2925.11 of the Revised Code that is not a minor drug 1128  
possession offense, a violation of section 2923.02 or 2923.03 of 1129  
the Revised Code that relates to a crime specified in this 1130

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code

that is not a minor drug possession offense; 1163

(b) A violation of an existing or former law of this state, 1164  
any other state, or the United States that is substantially 1165  
equivalent to any of the offenses listed in division (A)(10)(a) of 1166  
this section. 1167

(11) On receipt of a request for a criminal records check 1168  
from an individual pursuant to section 4749.03 or 4749.06 of the 1169  
Revised Code, accompanied by a completed copy of the form 1170  
prescribed in division (C)(1) of this section and a set of 1171  
fingerprint impressions obtained in a manner described in division 1172  
(C)(2) of this section, the superintendent of the bureau of 1173  
criminal identification and investigation shall conduct a criminal 1174  
records check in the manner described in division (B) of this 1175  
section to determine whether any information exists indicating 1176  
that the person who is the subject of the request has been 1177  
convicted of or pleaded guilty to a felony in this state or in any 1178  
other state. If the individual indicates that a firearm will be 1179  
carried in the course of business, the superintendent shall 1180  
require information from the federal bureau of investigation as 1181  
described in division (B)(2) of this section. The superintendent 1182  
shall report the findings of the criminal records check and any 1183  
information the federal bureau of investigation provides to the 1184  
director of public safety. 1185

(12) On receipt of a request pursuant to section 1321.37, 1186  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1187  
Code, a completed form prescribed pursuant to division (C)(1) of 1188  
this section, and a set of fingerprint impressions obtained in the 1189  
manner described in division (C)(2) of this section, the 1190  
superintendent of the bureau of criminal identification and 1191  
investigation shall conduct a criminal records check with respect 1192  
to any person who has applied for a license, permit, or 1193  
certification from the department of commerce or a division in the 1194

department. The superintendent shall conduct the criminal records 1195  
check in the manner described in division (B) of this section to 1196  
determine whether any information exists that indicates that the 1197  
person who is the subject of the request previously has been 1198  
convicted of or pleaded guilty to any of the following: a 1199  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 1200  
2925.03 of the Revised Code; any other criminal offense involving 1201  
theft, receiving stolen property, embezzlement, forgery, fraud, 1202  
passing bad checks, money laundering, or drug trafficking, or any 1203  
criminal offense involving money or securities, as set forth in 1204  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1205  
the Revised Code; or any existing or former law of this state, any 1206  
other state, or the United States that is substantially equivalent 1207  
to those offenses. 1208

(13) On receipt of a request for a criminal records check 1209  
from the treasurer of state under section 113.041 of the Revised 1210  
Code or from an individual under section 4701.08, 4715.101, 1211  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1212  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1213  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1214  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1215  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1216  
a completed form prescribed under division (C)(1) of this section 1217  
and a set of fingerprint impressions obtained in the manner 1218  
described in division (C)(2) of this section, the superintendent 1219  
of the bureau of criminal identification and investigation shall 1220  
conduct a criminal records check in the manner described in 1221  
division (B) of this section to determine whether any information 1222  
exists that indicates that the person who is the subject of the 1223  
request has been convicted of or pleaded guilty to any criminal 1224  
offense in this state or any other state. The superintendent shall 1225  
send the results of a check requested under section 113.041 of the 1226  
Revised Code to the treasurer of state and shall send the results 1227

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

(15) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed 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 previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

(16) Not later than thirty days after the date the superintendent receives a request of a type described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),



~~or~~ (14), or (15) of this section, the completed form, and the 1260  
fingerprint impressions, the superintendent shall send the person, 1261  
board, or entity that made the request any information, other than 1262  
information the dissemination of which is prohibited by federal 1263  
law, the superintendent determines exists with respect to the 1264  
person who is the subject of the request that indicates that the 1265  
person previously has been convicted of or pleaded guilty to any 1266  
offense listed or described in division (A)(1), (2), (3), (4), 1267  
(5), (6), (7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of 1268  
this section, as appropriate. The superintendent shall send the 1269  
person, board, or entity that made the request a copy of the list 1270  
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 1271  
(7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of this section, 1272  
as appropriate. If the request was made under section 3701.881 of 1273  
the Revised Code with regard to an applicant who may be both 1274  
responsible for the care, custody, or control of a child and 1275  
involved in providing direct care to an older adult, the 1276  
superintendent shall provide a list of the offenses specified in 1277  
divisions (A)(4) and (6) of this section. 1278

Not later than thirty days after the superintendent receives 1279  
a request for a criminal records check pursuant to section 113.041 1280  
of the Revised Code, the completed form, and the fingerprint 1281  
impressions, the superintendent shall send the treasurer of state 1282  
any information, other than information the dissemination of which 1283  
is prohibited by federal law, the superintendent determines exist 1284  
with respect to the person who is the subject of the request that 1285  
indicates that the person previously has been convicted of or 1286  
pleaded guilty to any criminal offense in this state or any other 1287  
state. 1288

(B) The superintendent shall conduct any criminal records 1289  
check requested under section 113.041, 121.08, 173.27, 173.394, 1290  
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1291

1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1292  
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 1293  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1294  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1295  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1296  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1297  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1298  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1299  
5126.281, or 5153.111 of the Revised Code as follows: 1300

(1) The superintendent shall review or cause to be reviewed 1301  
any relevant information gathered and compiled by the bureau under 1302  
division (A) of section 109.57 of the Revised Code that relates to 1303  
the person who is the subject of the request, including, if the 1304  
criminal records check was requested under section 113.041, 1305  
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1306  
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1307  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1308  
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1309  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1310  
5153.111 of the Revised Code, any relevant information contained 1311  
in records that have been sealed under section 2953.32 of the 1312  
Revised Code; 1313

(2) If the request received by the superintendent asks for 1314  
information from the federal bureau of investigation, the 1315  
superintendent shall request from the federal bureau of 1316  
investigation any information it has with respect to the person 1317  
who is the subject of the request, including fingerprint-based 1318  
checks of national crime information databases as described in 42 1319  
U.S.C. 671 if the request is made pursuant to section 2151.86, 1320  
5104.012, or 5104.013 of the Revised Code or if any other Revised 1321  
Code section requires fingerprint-based checks of that nature, and 1322  
shall review or cause to be reviewed any information the 1323

superintendent receives from that bureau. If a request under 1324  
section 3319.39 of the Revised Code asks only for information from 1325  
the federal bureau of investigation, the superintendent shall not 1326  
conduct the review prescribed by division (B)(1) of this section. 1327

(3) The superintendent or the superintendent's designee may 1328  
request criminal history records from other states or the federal 1329  
government pursuant to the national crime prevention and privacy 1330  
compact set forth in section 109.571 of the Revised Code. 1331

(C)(1) The superintendent shall prescribe a form to obtain 1332  
the information necessary to conduct a criminal records check from 1333  
any person for whom a criminal records check is requested under 1334  
section 113.041 of the Revised Code or required by section 121.08, 1335  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1336  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1337  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 1338  
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 1339  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1340  
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 1341  
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 1342  
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1343  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1344  
5126.281, or 5153.111 of the Revised Code. The form that the 1345  
superintendent prescribes pursuant to this division may be in a 1346  
tangible format, in an electronic format, or in both tangible and 1347  
electronic formats. 1348

(2) The superintendent shall prescribe standard impression 1349  
sheets to obtain the fingerprint impressions of any person for 1350  
whom a criminal records check is requested under section 113.041 1351  
of the Revised Code or required by section 121.08, 173.27, 1352  
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1353  
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1354  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 1355

4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1356  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1357  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1358  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1359  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1360  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1361  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1362  
records check is requested under or required by any of those 1363  
sections shall obtain the fingerprint impressions at a county 1364  
sheriff's office, municipal police department, or any other entity 1365  
with the ability to make fingerprint impressions on the standard 1366  
impression sheets prescribed by the superintendent. The office, 1367  
department, or entity may charge the person a reasonable fee for 1368  
making the impressions. The standard impression sheets the 1369  
superintendent prescribes pursuant to this division may be in a 1370  
tangible format, in an electronic format, or in both tangible and 1371  
electronic formats. 1372

(3) Subject to division (D) of this section, the 1373  
superintendent shall prescribe and charge a reasonable fee for 1374  
providing a criminal records check requested under section 1375  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1376  
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1377  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1378  
3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 1379  
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1380  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 1381  
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 1382  
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 1383  
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1384  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 1385  
person making a criminal records request under any of those 1386  
sections shall pay the fee prescribed pursuant to this division. A 1387  
person making a request under section 3701.881 of the Revised Code 1388

for a criminal records check for an applicant who may be both 1389  
responsible for the care, custody, or control of a child and 1390  
involved in providing direct care to an older adult shall pay one 1391  
fee for the request. In the case of a request under section 1392  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 1393  
of the Revised Code, the fee shall be paid in the manner specified 1394  
in that section. 1395

(4) The superintendent of the bureau of criminal 1396  
identification and investigation may prescribe methods of 1397  
forwarding fingerprint impressions and information necessary to 1398  
conduct a criminal records check, which methods shall include, but 1399  
not be limited to, an electronic method. 1400

(D) A determination whether any information exists that 1401  
indicates that a person previously has been convicted of or 1402  
pleaded guilty to any offense listed or described in division 1403  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1404  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1405  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), ~~or~~ (A)(14), or 1406  
(A)(15) of this section, or that indicates that a person 1407  
previously has been convicted of or pleaded guilty to any criminal 1408  
offense in this state or any other state regarding a criminal 1409  
records check of a type described in division (A)(13) of this 1410  
section, and that is made by the superintendent with respect to 1411  
information considered in a criminal records check in accordance 1412  
with this section is valid for the person who is the subject of 1413  
the criminal records check for a period of one year from the date 1414  
upon which the superintendent makes the determination. During the 1415  
period in which the determination in regard to a person is valid, 1416  
if another request under this section is made for a criminal 1417  
records check for that person, the superintendent shall provide 1418  
the information that is the basis for the superintendent's initial 1419  
determination at a lower fee than the fee prescribed for the 1420

initial criminal records check.	1421
(E) As used in this section:	1422
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	1423 1424 1425 1426
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1427 1428
(3) "Older adult" means a person age sixty or older.	1429
(4) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	1430 1431 1432 1433 1434
<b>Sec. 109.71.</b> There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one member who is the special agent in charge of a field office of the federal bureau of investigation in this state; and one member from the department of education, trade and industrial education services, law enforcement training.	1435 1436 1437 1438 1439 1440 1441 1442 1443 1444 1445 1446
This section does not confer any arrest authority or any ability or authority to detain a person, write or issue any citation, or provide any disposition alternative, as granted under Chapter 2935. of the Revised Code.	1447 1448 1449 1450

As used in sections 109.71 to 109.801 of the Revised Code:	1451
(A) "Peace officer" means:	1452
(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;	1453 1454 1455 1456 1457 1458 1459 1460 1461 1462 1463 1464 1465 1466
(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;	1467 1468 1469
(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;	1470 1471 1472 1473 1474
(4) An undercover drug agent;	1475
(5) Enforcement agents of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1476 1477 1478
(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	1479 1480 1481

to section 1541.10, a forest officer designated pursuant to	1482
section 1503.29, a preserve officer designated pursuant to section	1483
1517.10, a wildlife officer designated pursuant to section	1484
1531.13, or a state watercraft officer designated pursuant to	1485
section 1547.521 of the Revised Code;	1486
(7) An employee of a park district who is designated pursuant	1487
to section 511.232 or 1545.13 of the Revised Code;	1488
(8) An employee of a conservancy district who is designated	1489
pursuant to section 6101.75 of the Revised Code;	1490
(9) A police officer who is employed by a hospital that	1491
employs and maintains its own proprietary police department or	1492
security department, and who is appointed and commissioned by the	1493
secretary of state pursuant to sections 4973.17 to 4973.22 of the	1494
Revised Code;	1495
(10) Veterans' homes police officers designated under section	1496
5907.02 of the Revised Code;	1497
(11) A police officer who is employed by a qualified	1498
nonprofit corporation police department pursuant to section	1499
1702.80 of the Revised Code;	1500
(12) A state university law enforcement officer appointed	1501
under section 3345.04 of the Revised Code or a person serving as a	1502
state university law enforcement officer on a permanent basis on	1503
June 19, 1978, who has been awarded a certificate by the executive	1504
director of the Ohio peace officer training commission attesting	1505
to the person's satisfactory completion of an approved state,	1506
county, municipal, or department of natural resources peace	1507
officer basic training program;	1508
(13) A special police officer employed by the department of	1509
mental health pursuant to section 5119.14 of the Revised Code or	1510
the department of developmental disabilities pursuant to section	1511
5123.13 of the Revised Code;	1512



(14) A member of a campus police department appointed under	1513
section 1713.50 of the Revised Code;	1514
(15) A member of a police force employed by a regional	1515
transit authority under division (Y) of section 306.35 of the	1516
Revised Code;	1517
(16) Investigators appointed by the auditor of state pursuant	1518
to section 117.091 of the Revised Code and engaged in the	1519
enforcement of Chapter 117. of the Revised Code;	1520
(17) A special police officer designated by the	1521
superintendent of the state highway patrol pursuant to section	1522
5503.09 of the Revised Code or a person who was serving as a	1523
special police officer pursuant to that section on a permanent	1524
basis on October 21, 1997, and who has been awarded a certificate	1525
by the executive director of the Ohio peace officer training	1526
commission attesting to the person's satisfactory completion of an	1527
approved state, county, municipal, or department of natural	1528
resources peace officer basic training program;	1529
(18) A special police officer employed by a port authority	1530
under section 4582.04 or 4582.28 of the Revised Code or a person	1531
serving as a special police officer employed by a port authority	1532
on a permanent basis on May 17, 2000, who has been awarded a	1533
certificate by the executive director of the Ohio peace officer	1534
training commission attesting to the person's satisfactory	1535
completion of an approved state, county, municipal, or department	1536
of natural resources peace officer basic training program;	1537
(19) A special police officer employed by a municipal	1538
corporation who has been awarded a certificate by the executive	1539
director of the Ohio peace officer training commission for	1540
satisfactory completion of an approved peace officer basic	1541
training program and who is employed on a permanent basis on or	1542
after March 19, 2003, at a municipal airport, or other municipal	1543

air navigation facility, that has scheduled operations, as defined 1544  
in section 119.3 of Title 14 of the Code of Federal Regulations, 1545  
14 C.F.R. 119.3, as amended, and that is required to be under a 1546  
security program and is governed by aviation security rules of the 1547  
transportation security administration of the United States 1548  
department of transportation as provided in Parts 1542. and 1544. 1549  
of Title 49 of the Code of Federal Regulations, as amended; 1550

(20) A police officer who is employed by an owner or operator 1551  
of an amusement park that has an average yearly attendance in 1552  
excess of six hundred thousand guests and that employs and 1553  
maintains its own proprietary police department or security 1554  
department, and who is appointed and commissioned by a judge of 1555  
the appropriate municipal court or county court pursuant to 1556  
section 4973.17 of the Revised Code; 1557

(21) A police officer who is employed by a bank, savings and 1558  
loan association, savings bank, credit union, or association of 1559  
banks, savings and loan associations, savings banks, or credit 1560  
unions, who has been appointed and commissioned by the secretary 1561  
of state pursuant to sections 4973.17 to 4973.22 of the Revised 1562  
Code, and who has been awarded a certificate by the executive 1563  
director of the Ohio peace officer training commission attesting 1564  
to the person's satisfactory completion of a state, county, 1565  
municipal, or department of natural resources peace officer basic 1566  
training program; 1567

(22) An investigator, as defined in section 109.541 of the 1568  
Revised Code, of the bureau of criminal identification and 1569  
investigation who is commissioned by the superintendent of the 1570  
bureau as a special agent for the purpose of assisting law 1571  
enforcement officers or providing emergency assistance to peace 1572  
officers pursuant to authority granted under that section; 1573

(23) A state fire marshal law enforcement officer appointed 1574  
under section 3737.22 of the Revised Code or a person serving as a 1575

state fire marshal law enforcement officer on a permanent basis on 1576  
or after July 1, 1982, who has been awarded a certificate by the 1577  
executive director of the Ohio peace officer training commission 1578  
attesting to the person's satisfactory completion of an approved 1579  
state, county, municipal, or department of natural resources peace 1580  
officer basic training program; 1581

(24) A gaming agent employed under section 3772.03 of the 1582  
Revised Code. 1583

(B) "Undercover drug agent" has the same meaning as in 1584  
division (B)(2) of section 109.79 of the Revised Code. 1585

(C) "Crisis intervention training" means training in the use 1586  
of interpersonal and communication skills to most effectively and 1587  
sensitively interview victims of rape. 1588

(D) "Missing children" has the same meaning as in section 1589  
2901.30 of the Revised Code. 1590

**Sec. 109.77.** (A) As used in this section, "felony" has the 1591  
same meaning as in section 109.511 of the Revised Code. 1592

(B)(1) Notwithstanding any general, special, or local law or 1593  
charter to the contrary, and except as otherwise provided in this 1594  
section, no person shall receive an original appointment on a 1595  
permanent basis as any of the following unless the person 1596  
previously has been awarded a certificate by the executive 1597  
director of the Ohio peace officer training commission attesting 1598  
to the person's satisfactory completion of an approved state, 1599  
county, municipal, or department of natural resources peace 1600  
officer basic training program: 1601

(a) A peace officer of any county, township, municipal 1602  
corporation, regional transit authority, or metropolitan housing 1603  
authority; 1604

(b) A natural resources law enforcement staff officer, park 1605

officer, forest officer, preserve officer, wildlife officer, or 1606  
state watercraft officer of the department of natural resources; 1607

(c) An employee of a park district under section 511.232 or 1608  
1545.13 of the Revised Code; 1609

(d) An employee of a conservancy district who is designated 1610  
pursuant to section 6101.75 of the Revised Code; 1611

(e) A state university law enforcement officer; 1612

(f) A special police officer employed by the department of 1613  
mental health pursuant to section 5119.14 of the Revised Code or 1614  
the department of developmental disabilities pursuant to section 1615  
5123.13 of the Revised Code; 1616

(g) An enforcement agent of the department of public safety 1617  
whom the director of public safety designates under section 1618  
5502.14 of the Revised Code; 1619

(h) A special police officer employed by a port authority 1620  
under section 4582.04 or 4582.28 of the Revised Code; 1621

(i) A special police officer employed by a municipal 1622  
corporation at a municipal airport, or other municipal air 1623  
navigation facility, that has scheduled operations, as defined in 1624  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1625  
C.F.R. 119.3, as amended, and that is required to be under a 1626  
security program and is governed by aviation security rules of the 1627  
transportation security administration of the United States 1628  
department of transportation as provided in Parts 1542. and 1544. 1629  
of Title 49 of the Code of Federal Regulations, as amended; 1630

(j) A gaming agent employed under section 3772.03 of the 1631  
Revised Code. 1632

(2) Every person who is appointed on a temporary basis or for 1633  
a probationary term or on other than a permanent basis as any of 1634  
the following shall forfeit the appointed position unless the 1635

person previously has completed satisfactorily or, within the time 1636  
prescribed by rules adopted by the attorney general pursuant to 1637  
section 109.74 of the Revised Code, satisfactorily completes a 1638  
state, county, municipal, or department of natural resources peace 1639  
officer basic training program for temporary or probationary 1640  
officers and is awarded a certificate by the director attesting to 1641  
the satisfactory completion of the program: 1642

(a) A peace officer of any county, township, municipal 1643  
corporation, regional transit authority, or metropolitan housing 1644  
authority; 1645

(b) A natural resources law enforcement staff officer, park 1646  
officer, forest officer, preserve officer, wildlife officer, or 1647  
state watercraft officer of the department of natural resources; 1648

(c) An employee of a park district under section 511.232 or 1649  
1545.13 of the Revised Code; 1650

(d) An employee of a conservancy district who is designated 1651  
pursuant to section 6101.75 of the Revised Code; 1652

(e) A special police officer employed by the department of 1653  
mental health pursuant to section 5119.14 of the Revised Code or 1654  
the department of developmental disabilities pursuant to section 1655  
5123.13 of the Revised Code; 1656

(f) An enforcement agent of the department of public safety 1657  
whom the director of public safety designates under section 1658  
5502.14 of the Revised Code; 1659

(g) A special police officer employed by a port authority 1660  
under section 4582.04 or 4582.28 of the Revised Code; 1661

(h) A special police officer employed by a municipal 1662  
corporation at a municipal airport, or other municipal air 1663  
navigation facility, that has scheduled operations, as defined in 1664  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1665

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.

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

(4) Division (B) of this section does not apply to any person serving on a permanent basis on March 28, 1985, as a park officer,

forest officer, preserve officer, wildlife officer, or state 1698  
watercraft officer of the department of natural resources or as an 1699  
employee of a park district under section 511.232 or 1545.13 of 1700  
the Revised Code, to any person serving on a permanent basis on 1701  
March 6, 1986, as an employee of a conservancy district designated 1702  
pursuant to section 6101.75 of the Revised Code, to any person 1703  
serving on a permanent basis on January 10, 1991, as a preserve 1704  
officer of the department of natural resources, to any person 1705  
employed on a permanent basis on July 2, 1992, as a special police 1706  
officer by the department of mental health pursuant to section 1707  
5119.14 of the Revised Code or by the department of developmental 1708  
disabilities pursuant to section 5123.13 of the Revised Code, to 1709  
any person serving on a permanent basis on May 17, 2000, as a 1710  
special police officer employed by a port authority under section 1711  
4582.04 or 4582.28 of the Revised Code, to any person serving on a 1712  
permanent basis on March 19, 2003, as a special police officer 1713  
employed by a municipal corporation at a municipal airport or 1714  
other municipal air navigation facility described in division 1715  
(A)(19) of section 109.71 of the Revised Code, to any person 1716  
serving on a permanent basis on June 19, 1978, as a state 1717  
university law enforcement officer pursuant to section 3345.04 of 1718  
the Revised Code and who, immediately prior to June 19, 1978, was 1719  
serving as a special police officer designated under authority of 1720  
that section, or to any person serving on a permanent basis on 1721  
September 20, 1984, as a liquor control investigator, known after 1722  
June 30, 1999, as an enforcement agent of the department of public 1723  
safety, engaged in the enforcement of Chapters 4301. and 4303. of 1724  
the Revised Code. 1725

(5) Division (B) of this section does not apply to any person 1726  
who is appointed as a regional transit authority police officer 1727  
pursuant to division (Y) of section 306.35 of the Revised Code if, 1728  
on or before July 1, 1996, the person has completed satisfactorily 1729  
an approved state, county, municipal, or department of natural 1730

resources peace officer basic training program and has been 1731  
awarded a certificate by the executive director of the Ohio peace 1732  
officer training commission attesting to the person's satisfactory 1733  
completion of such an approved program and if, on July 1, 1996, 1734  
the person is performing peace officer functions for a regional 1735  
transit authority. 1736

(C) No person, after September 20, 1984, shall receive an 1737  
original appointment on a permanent basis as a veterans' home 1738  
police officer designated under section 5907.02 of the Revised 1739  
Code unless the person previously has been awarded a certificate 1740  
by the executive director of the Ohio peace officer training 1741  
commission attesting to the person's satisfactory completion of an 1742  
approved police officer basic training program. Every person who 1743  
is appointed on a temporary basis or for a probationary term or on 1744  
other than a permanent basis as a veterans' home police officer 1745  
designated under section 5907.02 of the Revised Code shall forfeit 1746  
that position unless the person previously has completed 1747  
satisfactorily or, within one year from the time of appointment, 1748  
satisfactorily completes an approved police officer basic training 1749  
program. 1750

(D) No bailiff or deputy bailiff of a court of record of this 1751  
state and no criminal investigator who is employed by the state 1752  
public defender shall carry a firearm, as defined in section 1753  
2923.11 of the Revised Code, while on duty unless the bailiff, 1754  
deputy bailiff, or criminal investigator has done or received one 1755  
of the following: 1756

(1) Has been awarded a certificate by the executive director 1757  
of the Ohio peace officer training commission, which certificate 1758  
attests to satisfactory completion of an approved state, county, 1759  
or municipal basic training program for bailiffs and deputy 1760  
bailiffs of courts of record and for criminal investigators 1761  
employed by the state public defender that has been recommended by 1762



the Ohio peace officer training commission; 1763

(2) Has successfully completed a firearms training program 1764  
approved by the Ohio peace officer training commission prior to 1765  
employment as a bailiff, deputy bailiff, or criminal investigator; 1766

(3) Prior to June 6, 1986, was authorized to carry a firearm 1767  
by the court that employed the bailiff or deputy bailiff or, in 1768  
the case of a criminal investigator, by the state public defender 1769  
and has received training in the use of firearms that the Ohio 1770  
peace officer training commission determines is equivalent to the 1771  
training that otherwise is required by division (D) of this 1772  
section. 1773

(E)(1) Before a person seeking a certificate completes an 1774  
approved peace officer basic training program, the executive 1775  
director of the Ohio peace officer training commission shall 1776  
request the person to disclose, and the person shall disclose, any 1777  
previous criminal conviction of or plea of guilty of that person 1778  
to a felony. 1779

(2) Before a person seeking a certificate completes an 1780  
approved peace officer basic training program, the executive 1781  
director shall request a criminal history records check on the 1782  
person. The executive director shall submit the person's 1783  
fingerprints to the bureau of criminal identification and 1784  
investigation, which shall submit the fingerprints to the federal 1785  
bureau of investigation for a national criminal history records 1786  
check. 1787

Upon receipt of the executive director's request, the bureau 1788  
of criminal identification and investigation and the federal 1789  
bureau of investigation shall conduct a criminal history records 1790  
check on the person and, upon completion of the check, shall 1791  
provide a copy of the criminal history records check to the 1792  
executive director. The executive director shall not award any 1793

certificate prescribed in this section unless the executive 1794  
director has received a copy of the criminal history records check 1795  
on the person to whom the certificate is to be awarded. 1796

(3) The executive director of the commission shall not award 1797  
a certificate prescribed in this section to a person who has been 1798  
convicted of or has pleaded guilty to a felony or who fails to 1799  
disclose any previous criminal conviction of or plea of guilty to 1800  
a felony as required under division (E)(1) of this section. 1801

(4) The executive director of the commission shall revoke the 1802  
certificate awarded to a person as prescribed in this section, and 1803  
that person shall forfeit all of the benefits derived from being 1804  
certified as a peace officer under this section, if the person, 1805  
before completion of an approved peace officer basic training 1806  
program, failed to disclose any previous criminal conviction of or 1807  
plea of guilty to a felony as required under division (E)(1) of 1808  
this section. 1809

(F)(1) Regardless of whether the person has been awarded the 1810  
certificate or has been classified as a peace officer prior to, 1811  
on, or after October 16, 1996, the executive director of the Ohio 1812  
peace officer training commission shall revoke any certificate 1813  
that has been awarded to a person as prescribed in this section if 1814  
the person does either of the following: 1815

(a) Pleads guilty to a felony committed on or after January 1816  
1, 1997; 1817

(b) Pleads guilty to a misdemeanor committed on or after 1818  
January 1, 1997, pursuant to a negotiated plea agreement as 1819  
provided in division (D) of section 2929.43 of the Revised Code in 1820  
which the person agrees to surrender the certificate awarded to 1821  
the person under this section. 1822

(2) The executive director of the commission shall suspend 1823  
any certificate that has been awarded to a person as prescribed in 1824

this section if the person is convicted, after trial, of a felony 1825  
committed on or after January 1, 1997. The executive director 1826  
shall suspend the certificate pursuant to division (F)(2) of this 1827  
section pending the outcome of an appeal by the person from that 1828  
conviction to the highest court to which the appeal is taken or 1829  
until the expiration of the period in which an appeal is required 1830  
to be filed. If the person files an appeal that results in that 1831  
person's acquittal of the felony or conviction of a misdemeanor, 1832  
or in the dismissal of the felony charge against that person, the 1833  
executive director shall reinstate the certificate awarded to the 1834  
person under this section. If the person files an appeal from that 1835  
person's conviction of the felony and the conviction is upheld by 1836  
the highest court to which the appeal is taken or if the person 1837  
does not file a timely appeal, the executive director shall revoke 1838  
the certificate awarded to the person under this section. 1839

(G)(1) If a person is awarded a certificate under this 1840  
section and the certificate is revoked pursuant to division (E)(4) 1841  
or (F) of this section, the person shall not be eligible to 1842  
receive, at any time, a certificate attesting to the person's 1843  
satisfactory completion of a peace officer basic training program. 1844

(2) The revocation or suspension of a certificate under 1845  
division (E)(4) or (F) of this section shall be in accordance with 1846  
Chapter 119. of the Revised Code. 1847

(H)(1) A person who was employed as a peace officer of a 1848  
county, township, or municipal corporation of the state on January 1849  
1, 1966, and who has completed at least sixteen years of full-time 1850  
active service as such a peace officer, or equivalent service as 1851  
determined by the executive director of the Ohio peace officer 1852  
training commission, may receive an original appointment on a 1853  
permanent basis and serve as a peace officer of a county, 1854  
township, or municipal corporation, or as a state university law 1855  
enforcement officer, without complying with the requirements of 1856

division (B) of this section. 1857

(2) Any person who held an appointment as a state highway 1858  
trooper on January 1, 1966, may receive an original appointment on 1859  
a permanent basis and serve as a peace officer of a county, 1860  
township, or municipal corporation, or as a state university law 1861  
enforcement officer, without complying with the requirements of 1862  
division (B) of this section. 1863

(I) No person who is appointed as a peace officer of a 1864  
county, township, or municipal corporation on or after April 9, 1865  
1985, shall serve as a peace officer of that county, township, or 1866  
municipal corporation unless the person has received training in 1867  
the handling of missing children and child abuse and neglect cases 1868  
from an approved state, county, township, or municipal police 1869  
officer basic training program or receives the training within the 1870  
time prescribed by rules adopted by the attorney general pursuant 1871  
to section 109.741 of the Revised Code. 1872

(J) No part of any approved state, county, or municipal basic 1873  
training program for bailiffs and deputy bailiffs of courts of 1874  
record and no part of any approved state, county, or municipal 1875  
basic training program for criminal investigators employed by the 1876  
state public defender shall be used as credit toward the 1877  
completion by a peace officer of any part of the approved state, 1878  
county, or municipal peace officer basic training program that the 1879  
peace officer is required by this section to complete 1880  
satisfactorily. 1881

(K) This section does not apply to any member of the police 1882  
department of a municipal corporation in an adjoining state 1883  
serving in this state under a contract pursuant to section 737.04 1884  
of the Revised Code. 1885

**Sec. 109.79.** (A) The Ohio peace officer training commission 1886  
shall establish and conduct a training school for law enforcement 1887

officers of any political subdivision of the state or of the state 1888  
public defender's office. The school shall be known as the Ohio 1889  
peace officer training academy. No bailiff or deputy bailiff of a 1890  
court of record of this state and no criminal investigator 1891  
employed by the state public defender shall be permitted to attend 1892  
the academy for training unless the employing court of the bailiff 1893  
or deputy bailiff or the state public defender, whichever is 1894  
applicable, has authorized the bailiff, deputy bailiff, or 1895  
investigator to attend the academy. 1896

The Ohio peace officer training commission shall develop the 1897  
training program, which shall include courses in both the civil 1898  
and criminal functions of law enforcement officers, a course in 1899  
crisis intervention with six or more hours of training, and 1900  
training in the handling of missing children and child abuse and 1901  
neglect cases, and shall establish rules governing qualifications 1902  
for admission to the academy. The commission may require 1903  
competitive examinations to determine fitness of prospective 1904  
trainees, so long as the examinations or other criteria for 1905  
admission to the academy are consistent with the provisions of 1906  
Chapter 124. of the Revised Code. 1907

The Ohio peace officer training commission shall determine 1908  
tuition costs sufficient in the aggregate to pay the costs of 1909  
operating the academy. The costs of acquiring and equipping the 1910  
academy shall be paid from appropriations made by the general 1911  
assembly to the Ohio peace officer training commission for that 1912  
purpose, from gifts or grants received for that purpose, or from 1913  
fees for goods related to the academy. 1914

The Ohio peace officer training commission shall create a 1915  
gaming-related curriculum for gaming agents. The Ohio peace 1916  
officer training commission shall use money distributed to the 1917  
Ohio peace officer training academy from the Ohio law enforcement 1918  
training fund to first support the academy's training programs for 1919

gaming agents and gaming-related curriculum. The Ohio peace 1920  
officer training commission may utilize existing training programs 1921  
in other states that specialize in training gaming agents. 1922

The law enforcement officers, during the period of their 1923  
training, shall receive compensation as determined by the 1924  
political subdivision that sponsors them or, if the officer is a 1925  
criminal investigator employed by the state public defender, as 1926  
determined by the state public defender. The political subdivision 1927  
may pay the tuition costs of the law enforcement officers they 1928  
sponsor and the state public defender may pay the tuition costs of 1929  
criminal investigators of that office who attend the academy. 1930

If trainee vacancies exist, the academy may train and issue 1931  
certificates of satisfactory completion to peace officers who are 1932  
employed by a campus police department pursuant to section 1713.50 1933  
of the Revised Code, by a qualified nonprofit corporation police 1934  
department pursuant to section 1702.80 of the Revised Code, or by 1935  
a railroad company, who are amusement park police officers 1936  
appointed and commissioned by a judge of the appropriate municipal 1937  
court or county court pursuant to section 4973.17 of the Revised 1938  
Code, or who are bank, savings and loan association, savings bank, 1939  
credit union, or association of banks, savings and loan 1940  
associations, savings banks, or credit unions, or hospital police 1941  
officers appointed and commissioned by the secretary of state 1942  
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 1943  
provided that no such officer shall be trained at the academy 1944  
unless the officer meets the qualifications established for 1945  
admission to the academy and the qualified nonprofit corporation 1946  
police department; bank, savings and loan association, savings 1947  
bank, credit union, or association of banks, savings and loan 1948  
associations, savings banks, or credit unions; railroad company; 1949  
hospital; or amusement park or the private college or university 1950  
that established the campus police department prepays the entire 1951

cost of the training. A qualified nonprofit corporation police 1952  
department; bank, savings and loan association, savings bank, 1953  
credit union, or association of banks, savings and loan 1954  
associations, savings banks, or credit unions; railroad company; 1955  
hospital; or amusement park or a private college or university 1956  
that has established a campus police department is not entitled to 1957  
reimbursement from the state for any amount paid for the cost of 1958  
training the bank, savings and loan association, savings bank, 1959  
credit union, or association of banks, savings and loan 1960  
associations, savings banks, or credit unions peace officers; the 1961  
railroad company's peace officers; or the peace officers of the 1962  
qualified nonprofit corporation police department, campus police 1963  
department, hospital, or amusement park. 1964

The academy shall permit investigators employed by the state 1965  
medical board to take selected courses that the board determines 1966  
are consistent with its responsibilities for initial and 1967  
continuing training of investigators as required under sections 1968  
4730.26 and 4731.05 of the Revised Code. The board shall pay the 1969  
entire cost of training that investigators receive at the academy. 1970

(B) As used in this section: 1971

(1) "Law enforcement officers" include any undercover drug 1972  
agent, any bailiff or deputy bailiff of a court of record, and any 1973  
criminal investigator who is employed by the state public 1974  
defender. 1975

(2) "Undercover drug agent" means any person who: 1976

(a) Is employed by a county, township, or municipal 1977  
corporation for the purposes set forth in division (B)(2)(b) of 1978  
this section but who is not an employee of a county sheriff's 1979  
department, of a township constable, or of the police department 1980  
of a municipal corporation or township; 1981

(b) In the course of the person's employment by a county, 1982

township, or municipal corporation, investigates and gathers 1983  
information pertaining to persons who are suspected of violating 1984  
Chapter 2925. or 3719. of the Revised Code, and generally does not 1985  
wear a uniform in the performance of the person's duties. 1986

(3) "Crisis intervention training" has the same meaning as in 1987  
section 109.71 of the Revised Code. 1988

(4) "Missing children" has the same meaning as in section 1989  
2901.30 of the Revised Code. 1990

**Sec. 121.41.** As used in sections 121.41 to 121.50 of the 1991  
Revised Code: 1992

(A) "Appropriate ethics commission" has the same meaning as 1993  
in section 102.01 of the Revised Code. 1994

(B) "Appropriate licensing agency" means a public or private 1995  
entity that is responsible for licensing, certifying, or 1996  
registering persons who are engaged in a particular vocation. 1997

(C) "Person" has the same meaning as in section 1.59 of the 1998  
Revised Code and also includes any officer or employee of the 1999  
state or any political subdivision of the state. 2000

(D) "State agency" has the same meaning as in section 1.60 of 2001  
the Revised Code and includes the Ohio casino control commission, 2002  
but does not include any of the following: 2003

(1) The general assembly; 2004

(2) Any court; 2005

(3) The secretary of state, auditor of state, treasurer of 2006  
state, or attorney general and their respective offices. 2007

(E) "State employee" means any person who is an employee of a 2008  
state agency or any person who does business with the state. 2009

(F) "State officer" means any person who is elected or 2010  
appointed to a public office in a state agency. 2011



(G) "Wrongful act or omission" means an act or omission, 2012  
committed in the course of office holding or employment, that is 2013  
not in accordance with the requirements of law or such standards 2014  
of proper governmental conduct as are commonly accepted in the 2015  
community and thereby subverts, or tends to subvert, the process 2016  
of government. 2017

**Sec. 121.60.** As used in sections 121.60 to 121.69 of the 2018  
Revised Code: 2019

(A) "Person" and "compensation" have the same meanings as in 2020  
section 101.70 of the Revised Code. 2021

(B) "Expenditure" means any of the following that is made to, 2022  
at the request of, for the benefit of, or on behalf of an elected 2023  
executive official, the director of a department created under 2024  
section 121.02 of the Revised Code, an executive agency official, 2025  
or a member of the staff of any public officer or employee listed 2026  
in this division: 2027

(1) A payment, distribution, loan, advance, deposit, 2028  
reimbursement, or gift of money, real estate, or anything of 2029  
value, including, but not limited to, food and beverages, 2030  
entertainment, lodging, transportation, or honorariums; 2031

(2) A contract, promise, or agreement to make an expenditure, 2032  
whether or not legally enforceable; 2033

(3) The purchase, sale, or gift of services or any other 2034  
thing of value. "Expenditure" does not include a contribution, 2035  
gift, or grant to a foundation or other charitable organization 2036  
that is exempt from federal income taxation under subsection 2037  
501(c)(3) of the Internal Revenue Code. "Expenditure" does not 2038  
include the purchase, sale, or gift of services or any other thing 2039  
of value that is available to the general public on the same terms 2040  
as it is available to the persons listed in this division, or an 2041

offer or sale of securities to any person listed in this division 2042  
that is governed by regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to 2043  
~~2301.508~~ 230.508, adopted under the authority of the "Securities 2044  
Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is 2045  
governed by a comparable provision under state law. 2046

(C) "Employer" means any person who, directly or indirectly, 2047  
engages an executive agency lobbyist. 2048

(D) "Engage" means to make any arrangement, and "engagement" 2049  
means arrangement, whereby an individual is employed or retained 2050  
for compensation to act for or on behalf of an employer to 2051  
influence executive agency decisions or to conduct any executive 2052  
agency lobbying activity. 2053

(E) "Financial transaction" means a transaction or activity 2054  
that is conducted or undertaken for profit and arises from the 2055  
joint ownership or the ownership or part ownership in common of 2056  
any real or personal property or any commercial or business 2057  
enterprise of whatever form or nature between the following: 2058

(1) An executive agency lobbyist, ~~his~~ the executive agency 2059  
lobbyist's employer, or a member of the immediate family of the 2060  
executive agency lobbyist or ~~his~~ the executive agency lobbyist's 2061  
employer; and 2062

(2) Any elected executive official, the director of a 2063  
department created under section 121.02 of the Revised Code, an 2064  
executive agency official, or any member of the staff of a public 2065  
officer or employee listed in division (E)(2) of this section. 2066

"Financial transaction" does not include any transaction or 2067  
activity described in division (E) of this section if it is 2068  
available to the general public on the same terms, or if it is an 2069  
offer or sale of securities to any person listed in division 2070  
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 2071  
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 2072

of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 2073  
following, or that is governed by a comparable provision under 2074  
state law. 2075

(F) "Executive agency" means the office of an elected 2076  
executive official, a department created under section 121.02 of 2077  
the Revised Code, or any other state agency, department, board, or 2078  
commission controlled or directed by an elected executive official 2079  
or otherwise subject to ~~his~~ an elected executive official's 2080  
authority. "Executive agency" does not include any court, the 2081  
general assembly, or the controlling board. 2082

(G) "Executive agency decision" means a decision of an 2083  
executive agency regarding the expenditure of funds of the state 2084  
or of an executive agency with respect to the award of a contract, 2085  
grant, lease, or other financial arrangement under which such 2086  
funds are distributed or allocated, or a regulatory decision of an 2087  
executive agency or any board or commission of the state. 2088  
"Executive agency decision" does not include either of the 2089  
following: 2090

(1) A purchasing decision for which a vendor has filed a 2091  
statement certifying that ~~he~~ the vendor has not made campaign 2092  
contributions in an amount such that section 3517.13 of the 2093  
Revised Code would invalidate the decision, if that vendor has not 2094  
engaged an executive agency lobbyist; 2095

(2) The award of a competitively bid contract for which bid 2096  
specifications were prepared and for which at least three eligible 2097  
competitive bids were received by the executive agency. 2098

(H) "Executive agency lobbyist" means any person engaged to 2099  
influence executive agency decisions or to conduct executive 2100  
agency lobbying activity as one of ~~his~~ the person's main purposes 2101  
on a regular and substantial basis. "Executive agency lobbyist" 2102  
does not include an elected or appointed officer or employee of a 2103

federal or state agency, state college, state university, or 2104  
political subdivision who attempts to influence or affect 2105  
executive agency decisions in ~~his~~ a fiduciary capacity as a 2106  
representative of ~~his~~ the officer's or employee's agency, college, 2107  
university, or political subdivision. 2108

(I) "Executive agency lobbying activity" means contacts made 2109  
to promote, oppose, or otherwise influence the outcome of an 2110  
executive agency decision by direct communication with an elected 2111  
executive official, the director of any department listed in 2112  
section 121.02 of the Revised Code, any executive agency official, 2113  
~~or~~ a member of the staff of any public officer or employee listed 2114  
in this division, or the Ohio casino control commission. "Lobbying 2115  
activity" does not include any of the following: 2116

(1) The action of any person having a direct interest in 2117  
executive agency decisions who, under Section 3 of Article I, Ohio 2118  
Constitution, assembles together with other persons to consult for 2119  
their common good, instructs a person listed in the first 2120  
paragraph of division (I) of this section, or petitions such a 2121  
person for the redress of grievances; 2122

(2) Contacts made for the sole purpose of gathering 2123  
information contained in a public record; 2124

(3) Appearances before an executive agency to give testimony. 2125

(J) "Executive agency official" means an officer or employee 2126  
of an executive agency whose principal duties are to formulate 2127  
policy or to participate directly or indirectly in the 2128  
preparation, review, or award of contracts, grants, leases, or 2129  
other financial arrangements with an executive agency. 2130

(K) "Aggrieved party" means a party entitled to resort to a 2131  
remedy. 2132

(L) "Elected executive official" means the governor, 2133  
lieutenant governor, secretary of state, auditor of state, 2134

treasurer of state, and the attorney general. 2135

(M) "Staff" means any officer or employee of an executive 2136  
agency whose official duties are to formulate policy and who 2137  
exercises administrative or supervisory authority or who 2138  
authorizes the expenditure of state funds. 2139

**Sec. 1705.48.** Except as otherwise provided by this chapter or 2140  
any other provision of the Revised Code, including, but not 2141  
limited to, sections 3734.908, 5739.33, 5743.57, 5747.07, and 2142  
~~5753.09~~ 5753.02 of the Revised Code, all of the following apply: 2143

(A) The debts, obligations, and liabilities of a limited 2144  
liability company, whether arising in contract, tort, or 2145  
otherwise, are solely the debts, obligations, and liabilities of 2146  
the limited liability company. 2147

(B) Neither the members of the limited liability company nor 2148  
any managers of the limited liability company are personally 2149  
liable to satisfy any judgment, decree, or order of a court for, 2150  
or are personally liable to satisfy in any other manner, a debt, 2151  
obligation, or liability of the company solely by reason of being 2152  
a member or manager of the limited liability company. 2153

(C) Nothing in this chapter affects any personal liability of 2154  
a member of a limited liability company or any manager of a 2155  
limited liability company for the member's or manager's own 2156  
actions or omissions. 2157

(D) This chapter does not affect any statutory or common law 2158  
of this or another state that pertains to the relationship between 2159  
an individual who renders a professional service and a recipient 2160  
of that service, including, but not limited to, any contract or 2161  
tort liability arising out of acts or omissions committed or 2162  
omitted during the course of rendering the professional service. 2163

**Sec. 2915.01.** As used in this chapter: 2164

- (A) "Bookmaking" means the business of receiving or paying off bets. 2165  
2166
- (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. 2167  
2168  
2169
- (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. 2170  
2171  
2172  
2173  
2174
- (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. 2175  
2176  
2177  
2178
- (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. 2179  
2180  
2181
- (F) "Gambling device" means any of the following: 2182
- (1) A book, totalizer, or other equipment for recording bets; 2183
- (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet; 2184  
2185
- (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; 2186  
2187  
2188
- (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes; 2189  
2190
- (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter. 2191  
2192
- (G) "Gambling offense" means any of the following: 2193

(1) A violation of section 2915.02, 2915.03, 2915.04,	2194
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,	2195
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	2196
(2) A violation of an existing or former municipal ordinance	2197
or law of this or any other state or the United States	2198
substantially equivalent to any section listed in division (G)(1)	2199
of this section or a violation of section 2915.06 of the Revised	2200
Code as it existed prior to July 1, 1996;	2201
(3) An offense under an existing or former municipal	2202
ordinance or law of this or any other state or the United States,	2203
of which gambling is an element;	2204
(4) A conspiracy or attempt to commit, or complicity in	2205
committing, any offense under division (G)(1), (2), or (3) of this	2206
section.	2207
(H) Except as otherwise provided in this chapter, "charitable	2208
organization" means any tax exempt religious, educational,	2209
veteran's, fraternal, sporting, service, nonprofit medical,	2210
volunteer rescue service, volunteer firefighter's, senior	2211
citizen's, historic railroad educational, youth athletic, amateur	2212
athletic, or youth athletic park organization. An organization is	2213
tax exempt if the organization is, and has received from the	2214
internal revenue service a determination letter that currently is	2215
in effect stating that the organization is, exempt from federal	2216
income taxation under subsection 501(a) and described in	2217
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or	2218
501(c)(19) of the Internal Revenue Code, or if the organization is	2219
a sporting organization that is exempt from federal income	2220
taxation under subsection 501(a) and is described in subsection	2221
501(c)(7) of the Internal Revenue Code. To qualify as a charitable	2222
organization, an organization, except a volunteer rescue service	2223
or volunteer firefighter's organization, shall have been in	2224
continuous existence as such in this state for a period of two	2225

years immediately preceding either the making of an application 2226  
for a bingo license under section 2915.08 of the Revised Code or 2227  
the conducting of any game of chance as provided in division (D) 2228  
of section 2915.02 of the Revised Code. A charitable organization 2229  
that is exempt from federal income taxation under subsection 2230  
501(a) and described in subsection 501(c)(3) of the Internal 2231  
Revenue Code and that is created by a veteran's organization, a 2232  
fraternal organization, or a sporting organization does not have 2233  
to have been in continuous existence as such in this state for a 2234  
period of two years immediately preceding either the making of an 2235  
application for a bingo license under section 2915.08 of the 2236  
Revised Code or the conducting of any game of chance as provided 2237  
in division (D) of section 2915.02 of the Revised Code. 2238

(I) "Religious organization" means any church, body of 2239  
communicants, or group that is not organized or operated for 2240  
profit and that gathers in common membership for regular worship 2241  
and religious observances. 2242

(J) "Educational organization" means any organization within 2243  
this state that is not organized for profit, the primary purpose 2244  
of which is to educate and develop the capabilities of individuals 2245  
through instruction by means of operating or contributing to the 2246  
support of a school, academy, college, or university. 2247

(K) "Veteran's organization" means any individual post or 2248  
state headquarters of a national veteran's association or an 2249  
auxiliary unit of any individual post of a national veteran's 2250  
association, which post, state headquarters, or auxiliary unit ~~has~~ 2251  
~~been in continuous existence in this state for at least two years~~ 2252  
~~and~~ is incorporated as a nonprofit corporation and either has 2253  
received a letter from the state headquarters of the national 2254  
veteran's association indicating that the individual post or 2255  
auxiliary unit is in good standing with the national veteran's 2256  
association or has received a letter from the national veteran's 2257



association indicating that the state headquarters is in good 2258  
standing with the national veteran's association. As used in this 2259  
division, "national veteran's association" means any veteran's 2260  
association that has been in continuous existence as such for a 2261  
period of at least five years and either is incorporated by an act 2262  
of the United States congress or has a national dues-paying 2263  
membership of at least five thousand persons. 2264

(L) "Volunteer firefighter's organization" means any 2265  
organization of volunteer firefighters, as defined in section 2266  
146.01 of the Revised Code, that is organized and operated 2267  
exclusively to provide financial support for a volunteer fire 2268  
department or a volunteer fire company and that is recognized or 2269  
ratified by a county, municipal corporation, or township. 2270

(M) "Fraternal organization" means any society, order, state 2271  
headquarters, or association within this state, except a college 2272  
or high school fraternity, that is not organized for profit, that 2273  
is a branch, lodge, or chapter of a national or state 2274  
organization, that exists exclusively for the common business or 2275  
sodality of its members, ~~and that has been in continuous existence~~ 2276  
~~in this state for a period of five years.~~ 2277

(N) "Volunteer rescue service organization" means any 2278  
organization of volunteers organized to function as an emergency 2279  
medical service organization, as defined in section 4765.01 of the 2280  
Revised Code. 2281

(O) "Service organization" means either of the following: 2282

(1) Any organization, not organized for profit, that is 2283  
organized and operated exclusively to provide, or to contribute to 2284  
the support of organizations or institutions organized and 2285  
operated exclusively to provide, medical and therapeutic services 2286  
for persons who are crippled, born with birth defects, or have any 2287  
other mental or physical defect or those organized and operated 2288

exclusively to protect, or to contribute to the support of 2289  
organizations or institutions organized and operated exclusively 2290  
to protect, animals from inhumane treatment or provide immediate 2291  
shelter to victims of domestic violence; 2292

(2) Any organization that is described in subsection 2293  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2294  
and is either a governmental unit or an organization that is tax 2295  
exempt under subsection 501(a) and described in subsection 2296  
501(c)(3) of the Internal Revenue Code and that is an 2297  
organization, not organized for profit, that is organized and 2298  
operated primarily to provide, or to contribute to the support of 2299  
organizations or institutions organized and operated primarily to 2300  
provide, medical and therapeutic services for persons who are 2301  
crippled, born with birth defects, or have any other mental or 2302  
physical defect. 2303

(P) "Nonprofit medical organization" means either of the 2304  
following: 2305

(1) Any organization that has been incorporated as a 2306  
nonprofit corporation for at least five years and that has 2307  
continuously operated and will be operated exclusively to provide, 2308  
or to contribute to the support of organizations or institutions 2309  
organized and operated exclusively to provide, hospital, medical, 2310  
research, or therapeutic services for the public; 2311

(2) Any organization that is described and qualified under 2312  
subsection 501(c)(3) of the Internal Revenue Code, that has been 2313  
incorporated as a nonprofit corporation for at least five years, 2314  
and that has continuously operated and will be operated primarily 2315  
to provide, or to contribute to the support of organizations or 2316  
institutions organized and operated primarily to provide, 2317  
hospital, medical, research, or therapeutic services for the 2318  
public. 2319

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(X) "Gross receipts" means all money or assets, including 2382  
admission fees, that a person receives from bingo without the 2383  
deduction of any amounts for prizes paid out or for the expenses 2384  
of conducting bingo. "Gross receipts" does not include any money 2385  
directly taken in from the sale of food or beverages by a 2386  
charitable organization conducting bingo, or by a bona fide 2387  
auxiliary unit or society of a charitable organization conducting 2388  
bingo, provided all of the following apply: 2389

(1) The auxiliary unit or society has been in existence as a 2390  
bona fide auxiliary unit or society of the charitable organization 2391  
for at least two years prior to conducting bingo. 2392

(2) The person who purchases the food or beverage receives 2393  
nothing of value except the food or beverage and items customarily 2394  
received with the purchase of that food or beverage. 2395

(3) The food and beverages are sold at customary and 2396  
reasonable prices. 2397

(Y) "Security personnel" includes any person who either is a 2398  
sheriff, deputy sheriff, marshal, deputy marshal, township 2399  
constable, or member of an organized police department of a 2400  
municipal corporation or has successfully completed a peace 2401  
officer's training course pursuant to sections 109.71 to 109.79 of 2402  
the Revised Code and who is hired to provide security for the 2403  
premises on which bingo is conducted. 2404

(Z) "Charitable purpose" means that the net profit of bingo, 2405  
other than instant bingo, is used by, or is given, donated, or 2406  
otherwise transferred to, any of the following: 2407

(1) Any organization that is described in subsection 2408  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2409  
and is either a governmental unit or an organization that is tax 2410  
exempt under subsection 501(a) and described in subsection 2411  
501(c)(3) of the Internal Revenue Code; 2412

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

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

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

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

(BB) "Youth athletic organization" means any organization,

not organized for profit, that is organized and operated 2445  
exclusively to provide financial support to, or to operate, 2446  
athletic activities for persons who are twenty-one years of age or 2447  
younger by means of sponsoring, organizing, operating, or 2448  
contributing to the support of an athletic team, club, league, or 2449  
association. 2450

(CC) "Youth athletic park organization" means any 2451  
organization, not organized for profit, that satisfies both of the 2452  
following: 2453

(1) It owns, operates, and maintains playing fields that 2454  
satisfy both of the following: 2455

(a) The playing fields are used at least one hundred days per 2456  
year for athletic activities by one or more organizations, not 2457  
organized for profit, each of which is organized and operated 2458  
exclusively to provide financial support to, or to operate, 2459  
athletic activities for persons who are eighteen years of age or 2460  
younger by means of sponsoring, organizing, operating, or 2461  
contributing to the support of an athletic team, club, league, or 2462  
association. 2463

(b) The playing fields are not used for any profit-making 2464  
activity at any time during the year. 2465

(2) It uses the proceeds of bingo it conducts exclusively for 2466  
the operation, maintenance, and improvement of its playing fields 2467  
of the type described in division (CC)(1) of this section. 2468

(DD) "Amateur athletic organization" means any organization, 2469  
not organized for profit, that is organized and operated 2470  
exclusively to provide financial support to, or to operate, 2471  
athletic activities for persons who are training for amateur 2472  
athletic competition that is sanctioned by a national governing 2473  
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 2474  
3045, 36 U.S.C.A. 373. 2475

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

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

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

(HH) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting



<u>event if both of the following apply:</u>	2508
<u>(1) The ticket stub or other detachable section is used to</u>	2509
<u>select the winner of a free prize given away at the professional</u>	2510
<u>sporting event; and</u>	2511
<u>(2) The cost of the ticket is the same as the cost of a</u>	2512
<u>ticket to the professional sporting event on days when no free</u>	2513
<u>prize is given away.</u>	2514
(II) "Punch board" means a board containing a number of holes	2515
or receptacles of uniform size in which are placed, mechanically	2516
and randomly, serially numbered slips of paper that may be punched	2517
or drawn from the hole or receptacle when used in conjunction with	2518
instant bingo. A player may punch or draw the numbered slips of	2519
paper from the holes or receptacles and obtain the prize	2520
established for the game if the number drawn corresponds to a	2521
winning number or, if the punch board includes the use of a seal	2522
card, a potential winning number.	2523
(JJ) "Gross profit" means gross receipts minus the amount	2524
actually expended for the payment of prize awards.	2525
(KK) "Net profit" means gross profit minus expenses.	2526
(LL) "Expenses" means the reasonable amount of gross profit	2527
actually expended for all of the following:	2528
(1) The purchase or lease of bingo supplies;	2529
(2) The annual license fee required under section 2915.08 of	2530
the Revised Code;	2531
(3) Bank fees and service charges for a bingo session or game	2532
account described in section 2915.10 of the Revised Code;	2533
(4) Audits and accounting services;	2534
(5) Safes;	2535
(6) Cash registers;	2536

(7) Hiring security personnel;	2537
(8) Advertising bingo;	2538
(9) Renting premises in which to conduct a bingo session;	2539
(10) Tables and chairs;	2540
(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;	2541 2542 2543 2544
(12) <u>Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;</u>	2545 2546
(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.	2547 2548 2549 2550
(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.	2551 2552 2553
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	2554 2555 2556 2557
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	2558 2559 2560 2561
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	2562 2563
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	2564 2565 2566

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

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

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

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

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

(2) It performs no gaming functions.

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

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

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

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

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

(8) It is not part of an electronic network and is not 2597  
interactive. 2598

(9) The insertion of tickets or cards into the device and the 2599  
removal of currency from the device that has been inserted into 2600  
the device are controlled by two separate keys that are controlled 2601  
by two separate individuals. 2602

(TT)(1) "Electronic bingo aid" means an electronic device 2603  
used by a participant to monitor bingo cards or sheets purchased 2604  
at the time and place of a bingo session and that does all of the 2605  
following: 2606

(a) It provides a means for a participant to input numbers 2607  
and letters announced by a bingo caller. 2608

(b) It compares the numbers and letters entered by the 2609  
participant to the bingo faces previously stored in the memory of 2610  
the device. 2611

(c) It identifies a winning bingo pattern. 2612

(2) "Electronic bingo aid" does not include any device into 2613  
which a coin, currency, token, or an equivalent is inserted to 2614  
activate play. 2615

(UU) "Deal of instant bingo tickets" means a single game of 2616  
instant bingo tickets all with the same serial number. 2617

(VV)(1) "Slot machine" means either of the following: 2618

(a) Any mechanical, electronic, video, or digital device that 2619  
is capable of accepting anything of value, directly or indirectly, 2620  
from or on behalf of a player who gives the thing of value in the 2621  
hope of gain; 2622

(b) Any mechanical, electronic, video, or digital device that 2623  
is capable of accepting anything of value, directly or indirectly, 2624  
from or on behalf of a player to conduct ~~or dispense~~ bingo or a 2625  
scheme or game of chance. 2626

(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.

(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 instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;

(6) The cost per play;	2657
(7) The serial number of the game.	2658
(ZZ) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the right of way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that received as donations from a charitable organization that holds a license to conduct bingo under this chapter an amount equal to at least fifty per cent of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003. "Historic railroad" means all or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for-profit common carrier in this state at any time prior to January 1, 1950.	2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674
(AAA)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:	2675 2676 2677 2678 2679 2680
(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;	2681 2682 2683
(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;	2684 2685 2686
(c) Redeemable vouchers are not redeemable for a merchandise	2687

prize that has a wholesale value of more than ten dollars times 2688  
the fewest number of single plays necessary to accrue the 2689  
redeemable vouchers required to obtain that prize; and 2690

(d) Any redeemable vouchers or merchandise prizes are 2691  
distributed at the site of the skill-based amusement machine at 2692  
the time of play. 2693

(2) A device shall not be considered a skill-based amusement 2694  
machine and shall be considered a slot machine if it pays cash or 2695  
one or more of the following apply: 2696

(a) The ability of a player to succeed at the game is 2697  
impacted by the number or ratio of prior wins to prior losses of 2698  
players playing the game. 2699

(b) Any reward of redeemable vouchers is not based solely on 2700  
the player achieving the object of the game or the player's score; 2701

(c) The outcome of the game, or the value of the redeemable 2702  
voucher or merchandise prize awarded for winning the game, can be 2703  
controlled by a source other than any player playing the game. 2704

(d) The success of any player is or may be determined by a 2705  
chance event that cannot be altered by player actions. 2706

(e) The ability of any player to succeed at the game is 2707  
determined by game features not visible or known to the player. 2708

(f) The ability of the player to succeed at the game is 2709  
impacted by the exercise of a skill that no reasonable player 2710  
could exercise. 2711

(3) All of the following apply to any machine that is 2712  
operated as described in division (AAA)(1) of this section: 2713

(a) As used in this section, "game" and "play" mean one event 2714  
from the initial activation of the machine until the results of 2715  
play are determined without payment of additional consideration. 2716  
An individual utilizing a machine that involves a single game, 2717

play, contest, competition, or tournament may be awarded 2718  
redeemable vouchers or merchandise prizes based on the results of 2719  
play. 2720

(b) Advance play for a single game, play, contest, 2721  
competition, or tournament participation may be purchased. The 2722  
cost of the contest, competition, or tournament participation may 2723  
be greater than a single noncontest, competition, or tournament 2724  
play. 2725

(c) To the extent that the machine is used in a contest, 2726  
competition, or tournament, that contest, competition, or 2727  
tournament has a defined starting and ending date and is open to 2728  
participants in competition for scoring and ranking results toward 2729  
the awarding of redeemable vouchers or merchandise prizes that are 2730  
stated prior to the start of the contest, competition, or 2731  
tournament. 2732

(4) For purposes of division (AAA)(1) of this section, the 2733  
mere presence of a device, such as a pin-setting, ball-releasing, 2734  
or scoring mechanism, that does not contribute to or affect the 2735  
outcome of the play of the game does not make the device a 2736  
skill-based amusement machine. 2737

(BBB) "Merchandise prize" means any item of value, but shall 2738  
not include any of the following: 2739

(1) Cash, gift cards, or any equivalent thereof; 2740

(2) Plays on games of chance, state lottery tickets, bingo, 2741  
or instant bingo; 2742

(3) Firearms, tobacco, or alcoholic beverages; or 2743

(4) A redeemable voucher that is redeemable for any of the 2744  
items listed in division (BBB)(1), (2), or (3) of this section. 2745

(CCC) "Redeemable voucher" means any ticket, token, coupon, 2746  
receipt, or other noncash representation of value. 2747



(DDD) "Pool not conducted for profit" means a scheme in which 2748  
a participant gives a valuable consideration for a chance to win a 2749  
prize and the total amount of consideration wagered is distributed 2750  
to a participant or participants. 2751

(EEE) "Sporting organization" means a hunting, fishing, or 2752  
trapping organization, other than a college or high school 2753  
fraternity or sorority, that is not organized for profit, that is 2754  
affiliated with a state or national sporting organization, 2755  
including but not limited to, the Ohio league of sportsmen, and 2756  
that has been in continuous existence in this state for a period 2757  
of three years. 2758

(FFF) "Community action agency" has the same meaning as in 2759  
section 122.66 of the Revised Code. 2760

**Sec. 2915.02.** (A) No person shall do any of the following: 2761

(1) Engage in bookmaking, or knowingly engage in conduct that 2762  
facilitates bookmaking; 2763

(2) Establish, promote, or operate or knowingly engage in 2764  
conduct that facilitates any game of chance conducted for profit 2765  
or any scheme of chance; 2766

(3) Knowingly procure, transmit, exchange, or engage in 2767  
conduct that facilitates the procurement, transmission, or 2768  
exchange of information for use in establishing odds or 2769  
determining winners in connection with bookmaking or with any game 2770  
of chance conducted for profit or any scheme of chance; 2771

(4) Engage in betting or in playing any scheme or game of 2772  
chance as a substantial source of income or livelihood; 2773

(5) With purpose to violate division (A)(1), (2), (3), or (4) 2774  
of this section, acquire, possess, control, or operate any 2775  
gambling device. 2776

(B) For purposes of division (A)(1) of this section, a person 2777

facilitates bookmaking if the person in any way knowingly aids an 2778  
illegal bookmaking operation, including, without limitation, 2779  
placing a bet with a person engaged in or facilitating illegal 2780  
bookmaking. For purposes of division (A)(2) of this section, a 2781  
person facilitates a game of chance conducted for profit or a 2782  
scheme of chance if the person in any way knowingly aids in the 2783  
conduct or operation of any such game or scheme, including, 2784  
without limitation, playing any such game or scheme. 2785

(C) This section does not prohibit conduct in connection with 2786  
gambling expressly permitted by law. 2787

(D) This section does not apply to any of the following: 2788

(1) Games of chance, if all of the following apply: 2789

(a) The games of chance are not craps for money or roulette 2790  
for money. 2791

(b) The games of chance are conducted by a charitable 2792  
organization that is, and has received from the internal revenue 2793  
service a determination letter that is currently in effect, 2794  
stating that the organization is, exempt from federal income 2795  
taxation under subsection 501(a) and described in subsection 2796  
501(c)(3) of the Internal Revenue Code. 2797

(c) The games of chance are conducted at festivals of the 2798  
charitable organization that are conducted either for a period of 2799  
four consecutive days or less and not more than twice a year or 2800  
for a period of five consecutive days not more than once a year, 2801  
and are conducted on premises owned by the charitable organization 2802  
for a period of no less than one year immediately preceding the 2803  
conducting of the games of chance, on premises leased from a 2804  
governmental unit, or on premises that are leased from a veteran's 2805  
or fraternal organization and that have been owned by the lessor 2806  
veteran's or fraternal organization for a period of no less than 2807  
one year immediately preceding the conducting of the games of 2808

chance. 2809

A charitable organization shall not lease premises from a 2810  
veteran's or fraternal organization to conduct a festival 2811  
described in division (D)(1)(c) of this section if the veteran's 2812  
or fraternal organization already has leased the premises ~~four~~ 2813  
twelve times during the preceding year to charitable organizations 2814  
for that purpose. If a charitable organization leases premises 2815  
from a veteran's or fraternal organization to conduct a festival 2816  
described in division (D)(1)(c) of this section, the charitable 2817  
organization shall not pay a rental rate for the premises per day 2818  
of the festival that exceeds the rental rate per bingo session 2819  
that a charitable organization may pay under division (B)(1) of 2820  
section 2915.09 of the Revised Code when it leases premises from 2821  
another charitable organization to conduct bingo games. 2822

(d) All of the money or assets received from the games of 2823  
chance after deduction only of prizes paid out during the conduct 2824  
of the games of chance are used by, or given, donated, or 2825  
otherwise transferred to, any organization that is described in 2826  
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 2827  
Revenue Code and is either a governmental unit or an organization 2828  
that is tax exempt under subsection 501(a) and described in 2829  
subsection 501(c)(3) of the Internal Revenue Code; 2830

(e) The games of chance are not conducted during, or within 2831  
ten hours of, a bingo game conducted for amusement purposes only 2832  
pursuant to section 2915.12 of the Revised Code. 2833

No person shall receive any commission, wage, salary, reward, 2834  
tip, donation, gratuity, or other form of compensation, directly 2835  
or indirectly, for operating or assisting in the operation of any 2836  
game of chance. 2837

(2) Any tag fishing tournament operated under a permit issued 2838  
under section 1533.92 of the Revised Code, as "tag fishing 2839

tournament" is defined in section 1531.01 of the Revised Code; 2840

(3) Bingo conducted by a charitable organization that holds a 2841  
license issued under section 2915.08 of the Revised Code. 2842

(E) Division (D) of this section shall not be construed to 2843  
authorize the sale, lease, or other temporary or permanent 2844  
transfer of the right to conduct games of chance, as granted by 2845  
that division, by any charitable organization that is granted that 2846  
right. 2847

(F) Whoever violates this section is guilty of gambling, a 2848  
misdemeanor of the first degree. If the offender previously has 2849  
been convicted of any gambling offense, gambling is a felony of 2850  
the fifth degree. 2851

**Sec. 2915.091.** (A) No charitable organization that conducts 2852  
instant bingo shall do any of the following: 2853

(1) Fail to comply with the requirements of divisions (A)(1), 2854  
(2), and (3) of section 2915.09 of the Revised Code; 2855

(2) Conduct instant bingo unless either of the following 2856  
~~apply~~ applies: 2857

(a) That organization is, and has received from the internal 2858  
revenue service a determination letter that is currently in effect 2859  
stating that the organization is, exempt from federal income 2860  
taxation under subsection 501(a), is described in subsection 2861  
501(c)(3) of the Internal Revenue Code, is a charitable 2862  
organization as defined in section 2915.01 of the Revised Code, is 2863  
in good standing in the state pursuant to section 2915.08 of the 2864  
Revised Code, and is in compliance with Chapter 1716. of the 2865  
Revised Code; 2866

(b) That organization is, and has received from the internal 2867  
revenue service a determination letter that is currently in effect 2868  
stating that the organization is, exempt from federal income 2869

taxation under subsection 501(a), is described in subsection 2870  
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 2871  
organization described in subsection 501(c)(4) of the Internal 2872  
Revenue Code, and conducts instant bingo under section 2915.13 of 2873  
the Revised Code. 2874

(3) Conduct instant bingo on any day, at any time, or at any 2875  
premises not specified on the organization's license issued 2876  
pursuant to section 2915.08 of the Revised Code; 2877

(4) Permit any person whom the organization knows or should 2878  
have known has been convicted of a felony or gambling offense in 2879  
any jurisdiction to be a bingo game operator in the conduct of 2880  
instant bingo; 2881

(5) Purchase or lease supplies used to conduct instant bingo 2882  
or punch board games from any person except a distributor licensed 2883  
under section 2915.081 of the Revised Code; 2884

(6) Sell or provide any instant bingo ticket or card for a 2885  
price different from the price printed on it by the manufacturer 2886  
on either the instant bingo ticket or card or on the game flare; 2887

(7) Sell an instant bingo ticket or card to a person under 2888  
eighteen years of age; 2889

(8) Fail to keep unsold instant bingo tickets or cards for 2890  
less than three years; 2891

(9) Pay any compensation to a bingo game operator for 2892  
conducting instant bingo that is conducted by the organization or 2893  
for preparing, selling, or serving food or beverages at the site 2894  
of the instant bingo game, permit any auxiliary unit or society of 2895  
the organization to pay compensation to any bingo game operator 2896  
who prepares, sells, or serves food or beverages at an instant 2897  
bingo game conducted by the organization, or permit any auxiliary 2898  
unit or society of the organization to prepare, sell, or serve 2899  
food or beverages at an instant bingo game conducted by the 2900

organization, if the auxiliary unit or society pays any 2901  
compensation to the bingo game operators who prepare, sell, or 2902  
serve the food or beverages; 2903

(10) Pay fees to any person for any services performed in 2904  
relation to an instant bingo game; 2905

(11) Pay fees to any person who provides refreshments to the 2906  
participants in an instant bingo game; 2907

(12)(a) Allow instant bingo tickets or cards to be sold to 2908  
bingo game operators at a premises at which the organization sells 2909  
instant bingo tickets or cards or to be sold to employees of a D 2910  
permit holder who are working at a premises at which instant bingo 2911  
tickets or cards are sold; 2912

(b) Division (A)(12)(a) of this section does not prohibit a 2913  
licensed charitable organization or a bingo game operator from 2914  
giving any person an instant bingo ~~tickets~~ ticket as a prize in 2915  
place of a cash prize won by a participant in an instant bingo 2916  
game. In no case shall an instant bingo ticket or card be sold or 2917  
provided for a price different from the price printed on it by the 2918  
manufacturer on either the instant bingo ticket or card or on the 2919  
game flare. 2920

(13) Fail to display its bingo license, and the serial 2921  
numbers of the deal of instant bingo tickets or cards to be sold, 2922  
conspicuously at each premises at which it sells instant bingo 2923  
tickets or cards; 2924

(14) Possess a deal of instant bingo tickets or cards that 2925  
was not purchased from a distributor licensed under section 2926  
2915.081 of the Revised Code as reflected on an invoice issued by 2927  
the distributor that contains all of the information required by 2928  
division (E) of section 2915.10 of the Revised Code; 2929

(15) Fail, once it opens a deal of instant bingo tickets or 2930  
cards, to continue to sell the tickets or cards in that deal until 2931

the tickets or cards with the top two highest tiers of prizes in 2932  
that deal are sold; 2933

~~(16) Purchase, lease, or use instant bingo ticket dispensers 2934  
to sell instant bingo tickets or cards; 2935~~

~~(17) Possess bingo supplies that were not obtained in 2936  
accordance with sections 2915.01 to 2915.13 of the Revised Code. 2937~~

(B)(1) A charitable organization may conduct instant bingo 2938  
other than at a bingo session at not more than five separate 2939  
locations. A charitable organization that is exempt from federal 2940  
taxation under subsection 501(a) and described in subsection 2941  
501(c)(3) of the Internal Revenue Code and that is created by a 2942  
veteran's organization or a fraternal organization is not limited 2943  
in the number of separate locations the charitable organization 2944  
may conduct instant bingo other than at a bingo session. 2945

(2) A charitable organization may purchase, lease, or use 2946  
instant bingo ticket dispensers to sell instant bingo tickets or 2947  
cards. 2948

(C) The attorney general may adopt rules in accordance with 2949  
Chapter 119. of the Revised Code that govern the conduct of 2950  
instant bingo by charitable organizations. Before those rules are 2951  
adopted, the attorney general shall reference the recommended 2952  
standards for opacity, randomization, minimum information, winner 2953  
protection, color, and cutting for instant bingo tickets or cards, 2954  
seal cards, and punch boards established by the North American 2955  
gaming regulators association. 2956

(D) Whoever violates division (A) of this section or a rule 2957  
adopted under division (C) of this section is guilty of illegal 2958  
instant bingo conduct. Except as otherwise provided in this 2959  
division, illegal instant bingo conduct is a misdemeanor of the 2960  
first degree. If the offender previously has been convicted of a 2961  
violation of division (A) of this section or of such a rule, 2962

illegal instant bingo conduct is a felony of the fifth degree. 2963

**Sec. 2915.101.** Except as otherwise provided by law, a 2964  
charitable organization that conducts instant bingo shall 2965  
distribute the net profit from the proceeds of the sale of instant 2966  
bingo as follows: 2967

(A)(1) If a veteran's organization, a fraternal organization, 2968  
or a sporting organization conducted the instant bingo, the 2969  
organization shall distribute the net profit from the proceeds of 2970  
the sale of instant bingo, as follows: 2971

(a) For the first ~~one~~ two hundred fifty thousand dollars, or 2972  
a greater amount prescribed by the attorney general to adjust for 2973  
changes in prices as measured by the consumer price index as 2974  
defined in section 325.18 of the Revised Code and other factors 2975  
affecting the organization's expenses as defined in division (LL) 2976  
of section 2915.01 of the Revised Code, or less of net profit from 2977  
the proceeds of the sale of instant bingo generated in a calendar 2978  
year: 2979

(i) At least twenty-five per cent shall be distributed to an 2980  
organization described in division (Z)(1) of section 2915.01 of 2981  
the Revised Code or to a department or agency of the federal 2982  
government, the state, or any political subdivision. 2983

(ii) Not more than seventy-five per cent may be deducted and 2984  
retained by the organization for reimbursement of or for the 2985  
organization's expenses, as defined in division (LL) of section 2986  
2915.01 of the Revised Code, in conducting the instant bingo game. 2987

(b) For any net profit from the proceeds of the sale of 2988  
instant bingo of more than ~~one~~ two hundred fifty thousand dollars 2989  
or an adjusted amount generated in a calendar year: 2990

(i) A minimum of fifty per cent shall be distributed to an 2991  
organization described in division (Z)(1) of section 2915.01 of 2992



the Revised Code or to a department or agency of the federal 2993  
government, the state, or any political subdivision. 2994

(ii) Five per cent may be distributed for the organization's 2995  
own charitable purposes or to a community action agency. 2996

(iii) Forty-five per cent may be deducted and retained by the 2997  
organization for reimbursement of or for the organization's 2998  
expenses, as defined in division (LL) of section 2915.01 of the 2999  
Revised Code, in conducting the instant bingo game. 3000

(2) If a veteran's organization, a fraternal organization, or 3001  
a sporting organization does not distribute the full percentages 3002  
specified in divisions (A)(1)(a) and (b) of this section for the 3003  
purposes specified in those divisions, the organization shall 3004  
distribute the balance of the net profit from the proceeds of the 3005  
sale of instant bingo not distributed or retained for those 3006  
purposes to an organization described in division (Z)(1) of 3007  
section 2915.01 of the Revised Code. 3008

(B) If a charitable organization other than a veteran's 3009  
organization, a fraternal organization, or a sporting organization 3010  
conducted the instant bingo, the organization shall distribute one 3011  
hundred per cent of the net profit from the proceeds of the sale 3012  
of instant bingo to an organization described in division (Z)(1) 3013  
of section 2915.01 of the Revised Code or to a department or 3014  
agency of the federal government, the state, or any political 3015  
subdivision. 3016

(C) Nothing in this section prohibits a veteran's 3017  
organization, a fraternal organization, or a sporting organization 3018  
from distributing any net profit from the proceeds of the sale of 3019  
instant bingo to an organization that is described in subsection 3020  
501(c)(3) of the Internal Revenue Code when the organization that 3021  
is described in subsection 501(c)(3) of the Internal Revenue Code 3022  
is one that makes donations to other organizations and permits 3023

donors to advise or direct such donations so long as the donations 3024  
comply with requirements established in or pursuant to subsection 3025  
501(c)(3) of the Internal Revenue Code. 3026

Sec. 3517.1015. Each person licensed under Chapter 3772. of 3027  
the Revised Code shall disclose quarterly to the secretary of 3028  
state any contribution of one hundred dollars or more made to any 3029  
ballot issue. 3030

Sec. 3772.01. As used in this chapter: 3031

(A) "Applicant" means any person who applies to the 3032  
commission for a license under this chapter. 3033

(B) "Casino control commission fund" means the casino control 3034  
commission fund described in Section 6(C)(3)(d) of Article XV, 3035  
Ohio Constitution, the money in which shall be used to fund the 3036  
commission and its related affairs. 3037

(C) "Casino facility" means a casino facility as defined in 3038  
Section 6(C)(9) of Article XV, Ohio Constitution. 3039

(D) "Casino gaming" means any type of slot machine or table 3040  
game wagering, using money, casino credit, or any representative 3041  
of value, authorized in any of the states of Indiana, Michigan, 3042  
Pennsylvania, and West Virginia as of January 1, 2009, and 3043  
includes slot machine and table game wagering subsequently 3044  
authorized by, but shall not be limited by, subsequent 3045  
restrictions placed on such wagering in such states. "Casino 3046  
gaming" does not include bingo, as authorized in Section 6 of 3047  
Article XV, Ohio Constitution and conducted as of January 1, 2009, 3048  
or horse racing where the pari-mutuel system of wagering is 3049  
conducted, as authorized under the laws of this state as of 3050  
January 1, 2009. 3051

(E) "Casino gaming employee" means any employee of a casino 3052  
operator or management company, but not a key employee, and as 3053

further defined in section 3772.131 of the Revised Code. 3054

(F) "Casino operator" means any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that directly or indirectly holds an ownership or leasehold interest in a casino facility. "Casino operator" does not include an agency of the state, any political subdivision of the state, any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming. 3055  
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(G) "Central system" means a computer system that provides the following functions related to casino gaming equipment used in connection with casino gaming authorized under this chapter: security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the commission. 3065  
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(H) "Commission" means the Ohio casino control commission. 3070

(I) "Gaming agent" means a peace officer employed by the commission that is vested with duties to enforce this chapter and conduct other investigations into the conduct of the casino gaming and the maintenance of the equipment that the commission considers necessary and proper and is in compliance with section 109.77 of the Revised Code. 3071  
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(J) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group of individuals, however organized, who supplies gaming-related equipment, goods, or services to a casino operator or management company, that are directly related to or affect casino gaming authorized under this chapter, including, but not limited to, the manufacture, sale, distribution, or repair of slot machines and table game equipment. 3077  
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(K) "Holding company" means any corporation, firm, partnership, limited partnership, limited liability company, trust, or other form of business organization not a natural person which directly or indirectly owns, has the power or right to control, or holds with power to vote, any part of an applicant, casino operator, management company, or gaming-related vendor license. 3085  
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(L) "Initial investment" includes costs related to working capital, demolition, engineering, architecture, design, site preparation, construction, infrastructure improvements, land acquisition, fixtures and equipment, insurance related to construction, and leasehold improvements. 3092  
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(M) "Institutional investor" means any of the following entities owning one per cent or less, or a percentage between one and ten per cent as approved by the commission through a waiver on a case-by-case basis, ownership interest in a casino facility, casino operator, management company, or holding company: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, any association engaged, as a substantial part of its business or operations, in purchasing or holding securities, or any trust in respect of which a bank is trustee or cotrustee, investment company registered under the "Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered under the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., and such other persons as the commission may reasonably determine to qualify as an institutional investor for reasons consistent 3097  
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with this chapter. 3117

(N) "Key employee" means any executive, employee, or agent of 3118  
a casino operator or management company licensee having the power 3119  
to exercise significant influence over decisions concerning any 3120  
part of the operation of such licensee, including: 3121

(1) An officer, director, trustee, or partner of a person 3122  
that has applied for or holds a casino operator, management 3123  
company, or gaming-related vendor license or of a holding company 3124  
that has control of a person that has applied for or holds a 3125  
casino operator, management company, or gaming-related vendor 3126  
license; 3127

(2) A person that holds a direct or indirect ownership 3128  
interest of more than one per cent in a person that has applied 3129  
for or holds a casino operator, management company, or 3130  
gaming-related vendor license or holding company that has control 3131  
of a person that has applied for or holds a casino operator, 3132  
management company, or gaming-related vendor license; 3133

(3) A managerial employee of a person that has applied for or 3134  
holds a casino operator or gaming-related vendor license in Ohio, 3135  
or a managerial employee of a holding company that has control of 3136  
a person that has applied for or holds a casino operator or 3137  
gaming-related vendor license in Ohio, who performs the function 3138  
of principal executive officer, principal operating officer, 3139  
principal accounting officer, or an equivalent officer or other 3140  
person the commission determines to have the power to exercise 3141  
significant influence over decisions concerning any part of the 3142  
operation of such licensee. 3143

The commission shall determine whether an individual whose 3144  
duties or status varies from those described in this division also 3145  
is considered a key employee. 3146

(O) "Licensed casino operator" means a casino operator that 3147

has been issued a license by the commission and that has been 3148  
certified annually by the commission to have paid all applicable 3149  
fees, taxes, and debts to the state. 3150

(P) "Majority ownership interest" in a license or in a casino 3151  
facility, as the case may be, means ownership of more than fifty 3152  
per cent of such license or casino facility, as the case may be. 3153  
For purposes of the foregoing, whether a majority ownership 3154  
interest is held in a license or in a casino facility, as the case 3155  
may be, shall be determined under the rules for constructive 3156  
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 3157  
in effect on January 1, 2009. 3158

(Q) "Management company" means an organization retained by a 3159  
casino operator to manage a casino facility and provide services 3160  
such as accounting, general administration, maintenance, 3161  
recruitment, and other operational services. 3162

(R) "Ohio law enforcement training fund" means the state law 3163  
enforcement training fund described in Section 6(C)(3)(f) of 3164  
Article XV, Ohio Constitution, the money in which shall be used to 3165  
enhance public safety by providing additional training 3166  
opportunities to the law enforcement community. 3167

(S) "Person" includes, but is not limited to, an individual 3168  
or a combination of individuals; a sole proprietorship, a firm, a 3169  
company, a joint venture, a partnership of any type, a joint-stock 3170  
company, a corporation of any type, a corporate subsidiary of any 3171  
type, a limited liability company, a business trust, or any other 3172  
business entity or organization; an assignee; a receiver; a 3173  
trustee in bankruptcy; an unincorporated association, club, 3174  
society, or other unincorporated entity or organization; entities 3175  
that are disregarded for federal income tax purposes; and any 3176  
other nongovernmental, artificial, legal entity that is capable of 3177  
engaging in business. 3178

(T) "Problem casino gambling and addictions fund" means the 3179  
state problem gambling and addictions fund described in Section 3180  
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 3181  
shall be used for treatment of problem gambling and substance 3182  
abuse, and for related research. 3183

(U) "Slot machine" means any mechanical, electrical, or other 3184  
device or machine which, upon insertion of a coin, token, ticket, 3185  
or similar object, or upon payment of any consideration, is 3186  
available to play or operate, the play or operation of which, 3187  
whether by reason of the skill of the operator or application of 3188  
the element of chance, or both, makes individual prize 3189  
determinations for individual participants in cash, premiums, 3190  
merchandise, tokens, or any thing of value, whether the payoff is 3191  
made automatically from the machine or in any other manner. 3192

(V) "Table game" means any game played with cards, dice, or 3193  
any mechanical, electromechanical, or electronic device or machine 3194  
for money, casino credit, or any representative of value. "Table 3195  
game" does not include slot machines. 3196

(W) "Upfront license" means the first plenary license issued 3197  
to a casino operator. 3198

(X) "Voluntary exclusion program" means a program provided by 3199  
the commission that allows persons to voluntarily exclude 3200  
themselves from the gaming areas of facilities under the 3201  
jurisdiction of the commission by placing their name on a 3202  
voluntary exclusion list and following the procedures set forth by 3203  
the commission. 3204

**Sec. 3772.02.** (A) There is hereby created the Ohio casino 3205  
control commission described in Section 6(C)(1) of Article XV, 3206  
Ohio Constitution. 3207

(B) The commission shall consist of seven members appointed 3208

within one month of the effective date of this section by the 3209  
governor with the advice and consent of the senate. The governor 3210  
shall forward all appointments to the senate within twenty-four 3211  
hours. 3212

(1) Each commission member is eligible for reappointment at 3213  
the discretion of the governor. No commission member shall be 3214  
appointed for more than three terms in total. 3215

(2) Each commission member shall be a resident of Ohio. 3216

(3) At least one commission member shall be experienced in 3217  
law enforcement and criminal investigation. 3218

(4) At least one commission member shall be a certified 3219  
public accountant experienced in accounting and auditing. 3220

(5) At least one commission member shall be an attorney 3221  
admitted to the practice of law in Ohio. 3222

(6) At least one commission member shall be a resident of a 3223  
county where one of the casino facilities is located. 3224

(7) Not more than four commission members shall be of the 3225  
same political party. 3226

(8) No commission member shall have any affiliation with an 3227  
Ohio casino operator or facility. 3228

(C) Commission members shall serve four-year terms, except 3229  
that when the governor makes initial appointments to the 3230  
commission under this chapter, the governor shall appoint three 3231  
members to serve four-year terms with not more than two such 3232  
members from the same political party, two members to serve 3233  
three-year terms with such members not being from the same 3234  
political party, and two members to serve two-year terms with such 3235  
members not being from the same political party. 3236

(D) Each commission member shall hold office from the date of 3237  
appointment until the end of the term for which the member was 3238



appointed. Any member appointed to fill a vacancy occurring before 3239  
the expiration of the term for which the member's predecessor was 3240  
appointed shall hold office for the remainder of the unexpired 3241  
term. Any member shall continue in office after the expiration 3242  
date of the member's term until the member's successor takes 3243  
office, or until a period of sixty days has elapsed, whichever 3244  
occurs first. A vacancy in the commission membership shall be 3245  
filled in the same manner as the original appointment. 3246

(E) The governor shall select one member to serve as 3247  
chairperson and the commission members shall select one member 3248  
from a different party than the chairperson to serve as 3249  
vice-chairperson. The governor may remove and replace the 3250  
chairperson at any time. No such member shall serve as chairperson 3251  
for more than six successive years. The vice-chairperson shall 3252  
assume the duties of the chairperson in the absence of the 3253  
chairperson. The chairperson and vice-chairperson shall perform 3254  
but shall not be limited to additional duties as are prescribed by 3255  
commission rule. 3256

(F) A commission member is not required to devote the 3257  
member's full time to membership on the commission. Each member of 3258  
the commission shall receive compensation of sixty thousand 3259  
dollars per year, payable in monthly installments for the first 3260  
four years of the commission's existence. Each member shall 3261  
receive the member's actual and necessary expenses incurred in the 3262  
discharge of the member's official duties. 3263

(G) The governor shall not appoint an individual to the 3264  
commission, and an individual shall not serve on the commission, 3265  
if the individual has been convicted of or pleaded guilty or no 3266  
contest to a disqualifying offense as defined in section 3772.07 3267  
of the Revised Code. Members coming under indictment or bill of 3268  
information of a disqualifying offense shall resign from the 3269  
commission immediately upon indictment. 3270

(H) At least five commission members shall be present for the 3271  
commission to meet. The concurrence of four members is necessary 3272  
for the commission to take any action. All members shall vote on 3273  
the adoption of rules, and the approval of, and the suspension or 3274  
revocation of, the licenses of casino operators or management 3275  
companies, unless a member has a written leave of absence filed 3276  
with and approved by the chairperson. 3277

(I) A commission member may be removed or suspended from 3278  
office in accordance with section 3.04 of the Revised Code. 3279

(J) Each commission member, before entering upon the 3280  
discharge of the member's official duties, shall make an oath to 3281  
uphold the Ohio Constitution and laws of the state of Ohio and 3282  
shall give a bond, payable by the commission, to the treasurer of 3283  
state, in the sum of ten thousand dollars with sufficient sureties 3284  
to be approved by the treasurer of state, which bond shall be 3285  
filed with the secretary of state. 3286

(K) The commission shall hold one regular meeting each month 3287  
and shall convene other meetings at the request of the chairperson 3288  
or a majority of the members. A member who fails to attend at 3289  
least three-fifths of the regular and special meetings of the 3290  
commission during any two-year period forfeits membership on the 3291  
commission. All meetings of the commission shall be open meetings 3292  
under section 121.22 of the Revised Code except as otherwise 3293  
allowed by law. 3294

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 3295  
the commission shall have authority to complete the functions of 3296  
licensing, regulating, investigating, and penalizing casino 3297  
operators, management companies, holding companies, key employees, 3298  
casino gaming employees, and gaming-related vendors. The 3299  
commission also shall have jurisdiction over all persons 3300  
participating in casino gaming authorized by Section 6(C) of 3301

<u>Article XV, Ohio Constitution, and this chapter.</u>	3302
<u>(B) All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code. The commission may contract for the services of experts and consultants to assist the commission in carrying out its duties under this section.</u>	3303 3304 3305 3306 3307
<u>(C) Within six months of the effective date of this section, the commission shall adopt initial rules as are necessary for completing the functions stated in division (A) of this section and for addressing the subjects enumerated in division (D) of this section.</u>	3308 3309 3310 3311 3312
<u>(D) The commission shall adopt, and as advisable and necessary shall amend or repeal, rules that include all of the following:</u>	3313 3314 3315
<u>(1) The prevention of practices detrimental to the public interest;</u>	3316 3317
<u>(2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;</u>	3318 3319 3320
<u>(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;</u>	3321 3322 3323
<u>(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;</u>	3324 3325 3326 3327
<u>(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;</u>	3328 3329 3330
<u>(6) The approval process for a significant change in</u>	3331

ownership or transfer of control of a licensee as provided in 3332  
section 3772.091 of the Revised Code; 3333

(7) The design of gaming supplies, devices, and equipment to 3334  
be distributed by gaming-related vendors; 3335

(8) Identifying the casino gaming that is permitted, 3336  
identifying the gaming supplies, devices, and equipment, that are 3337  
permitted, defining the area in which the permitted casino gaming 3338  
may be conducted, and specifying the method of operation according 3339  
to which the permitted casino gaming is to be conducted as 3340  
provided in section 3772.20 of the Revised Code, and requiring 3341  
gaming devices and equipment to meet the standards of this state; 3342

(9) Tournament play in any casino facility; 3343

(10) Establishing and implementing a voluntary exclusion 3344  
program that provides all of the following: 3345

(a) Except as provided by commission rule, a person who 3346  
participates in the program shall agree to refrain from entering a 3347  
casino facility. 3348

(b) The name of a person participating in the program shall 3349  
be included on a list of persons excluded from all casino 3350  
facilities. 3351

(c) Except as provided by commission rule, no person who 3352  
participates in the program shall petition the commission for 3353  
admittance into a casino facility. 3354

(d) The list of persons participating in the program and the 3355  
personal information of those persons shall be confidential and 3356  
shall only be disseminated by the commission to a casino operator 3357  
and the agents and employees of the casino operator for purposes 3358  
of enforcement and to other entities, upon request of the 3359  
participant and agreement by the commission. 3360

(e) A casino operator shall make all reasonable attempts as 3361

determined by the commission to cease all direct marketing efforts 3362  
to a person participating in the program. 3363

(f) A casino operator shall not cash the check of a person 3364  
participating in the program or extend credit to the person in any 3365  
manner. However, the program shall not exclude a casino operator 3366  
from seeking the payment of a debt accrued by a person before 3367  
participating in the program. 3368

(g) Any and all locations at which a person may register as a 3369  
participant in the program shall be published. 3370

(11) Requiring the commission to adopt standards regarding 3371  
the marketing materials of a licensed casino operator, including 3372  
allowing the commission to prohibit marketing materials that are 3373  
contrary to the adopted standards; 3374

(12) Requiring that the records, including financial 3375  
statements, of any casino operator, management company, holding 3376  
company, and gaming-related vendor be maintained in the manner 3377  
prescribed by the commission and made available for inspection 3378  
upon demand by the commission, but shall be subject to section 3379  
3772.16 of the Revised Code; 3380

(13) Permitting a licensed casino operator, management 3381  
company, key employee, or casino gaming employee to question a 3382  
person suspected of violating this chapter; 3383

(14) The chips, tokens, tickets, electronic cards, or similar 3384  
objects that may be purchased by means of an agreement under which 3385  
credit is extended to a wagerer by a casino operator; 3386

(15) Establishing standards for provisional key employee 3387  
licenses for a person who is required to be licensed as a key 3388  
employee and is in exigent circumstances and standards for 3389  
provisional licenses for casino gaming employees who submit 3390  
complete applications and are compliant under an instant 3391  
background check. A provisional license shall be valid not longer 3392

than three months. A provisional license may be renewed one time, 3393  
at the commission's discretion, for an additional three months. In 3394  
establishing standards with regard to instant background checks 3395  
the commission shall take notice of criminal records checks as 3396  
they are conducted under section 311.41 of the Revised Code using 3397  
electronic fingerprint reading devices. 3398

(16) Establishing approval procedures for third-party 3399  
engineering or accounting firms, as described in section 3772.09 3400  
of the Revised Code; 3401

(17) Prescribing the manner in which winnings, compensation 3402  
from casino gaming, and gross revenue must be computed and 3403  
reported by a licensee as described in Chapter 5753. of the 3404  
Revised Code; 3405

(18) Prescribing conditions under which a licensee's license 3406  
may be suspended or revoked as described in section 3772.04 of the 3407  
Revised Code; 3408

(19) Prescribing the manner and procedure of all hearings to 3409  
be conducted by the commission or by any hearing examiner; 3410

(20) Prescribing technical standards and requirements that 3411  
are to be met by security and surveillance equipment that is used 3412  
at and standards and requirements to be met by personnel who are 3413  
employed at casino facilities, and standards and requirements for 3414  
the provision of security at and surveillance of casino 3415  
facilities; 3416

(21) Prescribing requirements for a casino operator to 3417  
provide unarmed security services at a casino facility by licensed 3418  
casino employees, and the training that shall be completed by 3419  
these employees; 3420

(22) Prescribing standards according to which casino 3421  
operators shall keep accounts and standards according to which 3422  
casino accounts shall be audited, and establish means of assisting 3423

the tax commissioner in levying and collecting the gross casino 3424  
revenue tax levied under section 5753.02 of the Revised Code; 3425

(23) Defining penalties for violation of commission rules and 3426  
a process for imposing such penalties subject to the review of the 3427  
joint committee on gaming and wagering; 3428

(24) Establishing standards for decertifying contractors that 3429  
violate statutes or rules of this state or the federal government; 3430

(25) Establishing standards for the repair of casino gaming 3431  
equipment; 3432

(26) Establishing procedures to ensure that casino operators, 3433  
management companies, and holding companies are compliant with the 3434  
compulsive and problem gambling plan submitted under section 3435  
3772.18 of the Revised Code; 3436

(27) Providing for any other thing necessary and proper for 3437  
successful and efficient regulation of casino gaming under this 3438  
chapter. 3439

(E) The commission shall employ and assign gaming agents as 3440  
necessary to assist the commission in carrying out the duties of 3441  
this chapter. In order to maintain employment as a gaming agent, 3442  
the gaming agent shall successfully complete all continuing 3443  
training programs required by the commission and shall not have 3444  
been convicted of or pleaded guilty or no contest to a 3445  
disqualifying offense as defined in section 3772.07 of the Revised 3446  
Code. 3447

(F) The commission and its gaming agents shall have authority 3448  
with regard to the detection and investigation of, the seizure of 3449  
evidence allegedly relating to, and the apprehension and arrest of 3450  
persons allegedly committing gaming offenses, and shall have 3451  
access to casino facilities to carry out the requirements of this 3452  
chapter. 3453

(G) The commission may eject or exclude or authorize the 3454  
ejection or exclusion of and a gaming agent may eject a person 3455  
from a casino facility for any of the following reasons: 3456

(1) The person's name is on the list of persons voluntarily 3457  
excluding themselves from all casinos in a program established 3458  
according to rules adopted by the commission; 3459

(2) The person violates or conspires to violate this chapter 3460  
or a rule adopted thereunder; or 3461

(3) The commission determines that the person's conduct or 3462  
reputation is such that the person's presence within a casino 3463  
facility may call into question the honesty and integrity of the 3464  
casino gaming operations or interfere with the orderly conduct of 3465  
the casino gaming operations. 3466

(H) A person, other than a person participating in a 3467  
voluntary exclusion program, may petition the commission for a 3468  
public hearing on the person's ejection or exclusion under this 3469  
chapter. 3470

(I) A casino operator or management company shall have the 3471  
same authority to eject or exclude a person from the management 3472  
company's casino facilities as authorized in division (G) of this 3473  
section. The licensee shall immediately notify the commission of 3474  
an ejection or exclusion. 3475

(J) The commission shall submit a written annual report with 3476  
the governor, president and minority leader of the senate, speaker 3477  
and minority leader of the house of representatives, and joint 3478  
committee on gaming and wagering before the first day of September 3479  
each year. The annual report shall include a statement describing 3480  
the receipts and disbursements of the commission, relevant 3481  
financial data regarding casino gaming, including gross revenues 3482  
and disbursements made under this chapter, actions taken by the 3483  
commission, an update on casino operators', management companies', 3484



and holding companies' compulsive and problem gambling plans and 3485  
the voluntary exclusion program and list, and any additional 3486  
information that the commission considers useful or that the 3487  
governor, president or minority leader of the senate, speaker or 3488  
minority leader of the house of representatives, or joint 3489  
committee on gaming and wagering requests. 3490

**Sec. 3772.031.** (A) The general assembly finds that the 3491  
exclusion or ejection of certain persons from casino facilities is 3492  
necessary to effectuate the intents and purposes of this chapter 3493  
and to maintain strict and effective regulation of casino gaming. 3494  
The commission, by rule, shall provide for a list of persons who 3495  
are to be excluded or ejected from a casino facility. Persons 3496  
included on the exclusion list shall be identified by name and 3497  
physical description. The commission shall publish the exclusion 3498  
list on its web site, and shall transmit a copy of the exclusion 3499  
list periodically to casino operators, as it is initially issued 3500  
and thereafter as it is revised from time to time. A casino 3501  
operator shall take steps necessary to ensure that all its key 3502  
employees and casino gaming employees are aware of and understand 3503  
the exclusion list and its function, and that all its key 3504  
employees and casino gaming employees are kept aware of the 3505  
content of the exclusion list as it is issued and thereafter 3506  
revised from time to time. 3507

(B) The exclusion list may include any person whose presence 3508  
in a casino facility is determined by the commission to pose a 3509  
threat to the interests of the state, to achieving the intents and 3510  
purposes of this chapter, or to the strict and effective 3511  
regulation of casino gaming. In determining whether to include a 3512  
person on the exclusion list, the commission may consider: 3513

(1) Any prior conviction of a crime that is a felony under 3514  
the laws of this state, another state, or the United States, a 3515

<u>crime involving moral turpitude, or a violation of the gaming laws</u>	3516
<u>of this state, another state, or the United States; and</u>	3517
<u>(2) A violation, or a conspiracy to violate, any provision of</u>	3518
<u>this chapter that consists of:</u>	3519
<u>(a) A failure to disclose an interest in a gaming facility</u>	3520
<u>for which the person must obtain a license;</u>	3521
<u>(b) Purposeful evasion of taxes or fees;</u>	3522
<u>(c) A notorious or unsavory reputation that would adversely</u>	3523
<u>affect public confidence and trust that casino gaming is free from</u>	3524
<u>criminal or corruptive elements; or</u>	3525
<u>(d) A violation of an order of the commission or of any other</u>	3526
<u>governmental agency that warrants exclusion or ejection of the</u>	3527
<u>person from a casino facility.</u>	3528
<u>(3) If the person has pending charges or indictments for a</u>	3529
<u>gaming or gambling crime or a crime related to the integrity of</u>	3530
<u>gaming operations in any state;</u>	3531
<u>(4) If the person's conduct or reputation is such that the</u>	3532
<u>person's presence within a casino facility may call into question</u>	3533
<u>the honesty and integrity of the casino gaming operations or</u>	3534
<u>interfere with the orderly conduct of the casino gaming</u>	3535
<u>operations;</u>	3536
<u>(5) If the person is a career or professional offender whose</u>	3537
<u>presence in a casino facility would be adverse to the interest of</u>	3538
<u>licensed gaming in this state;</u>	3539
<u>(6) If the person has a known relationship or connection with</u>	3540
<u>a career or professional offender whose presence in a casino</u>	3541
<u>facility would be adverse to the interest of licensed gaming in</u>	3542
<u>this state;</u>	3543
<u>(7) If the commission has suspended the person's gaming</u>	3544
<u>privileges;</u>	3545

<u>(8) If the commission has revoked the person's licenses</u>	3546
<u>related to this chapter;</u>	3547
<u>(9) If the commission determines that the person poses a</u>	3548
<u>threat to the safety of patrons or employees of a casino facility;</u>	3549
<u>(10) If the person has a history of conduct involving the</u>	3550
<u>disruption of gaming operations within a casino facility.</u>	3551
<u>Race, color, creed, national origin or ancestry, or sex are</u>	3552
<u>not grounds for placing a person on the exclusion list.</u>	3553
<u>(C) The commission shall notify a person of the commission's</u>	3554
<u>intent to include such person on the exclusion list. The notice</u>	3555
<u>shall be provided by personal service, by certified mail to the</u>	3556
<u>person's last known address, or, if service cannot be accomplished</u>	3557
<u>by personal service or certified mail, by publication daily for</u>	3558
<u>two weeks in a newspaper of general circulation within the county</u>	3559
<u>in which the person resides and in a newspaper of general</u>	3560
<u>circulation within each county in which a casino facility is</u>	3561
<u>located.</u>	3562
<u>(D) A person who receives notice of intent to include the</u>	3563
<u>person on the exclusion list is entitled to an adjudication</u>	3564
<u>hearing under Chapter 119. of the Revised Code, except as provided</u>	3565
<u>in this section, in which the person may demonstrate why the</u>	3566
<u>person should not be included on the exclusion list. The person</u>	3567
<u>shall request such an adjudication hearing not later than thirty</u>	3568
<u>days after the person receives the notice by personal service or</u>	3569
<u>certified mail, or not later than thirty days after the last</u>	3570
<u>newspaper publication of the notice. If the adjudication hearing</u>	3571
<u>or any appeal under Chapter 119. of the Revised Code results in an</u>	3572
<u>order that the person should not be included on the exclusion</u>	3573
<u>list, the commission shall publish a revised exclusion list that</u>	3574
<u>does not include the person. The commission also shall notify</u>	3575
<u>casino operators that the person has been removed from the</u>	3576

exclusion list. A casino operator shall take all steps necessary 3577  
to ensure its key employees and casino gaming employees are made 3578  
aware that the person has been removed from the exclusion list. 3579

(E) This section does not apply to the voluntary exclusion 3580  
list created as part of the voluntary exclusion program. 3581

**Sec. 3772.032.** (A) The permanent joint committee on gaming 3582  
and wagering is established. The committee consists of six 3583  
members. The speaker of the house of representatives shall appoint 3584  
to the committee three members of the house of representatives and 3585  
the president of the senate shall appoint to the committee three 3586  
members of the senate. Not more than two members appointed from 3587  
each chamber may be members of the same political party. The 3588  
chairperson shall be from the opposite party as the chairperson of 3589  
the joint committee on agency rule review. If the chairperson is 3590  
to be from the house of representatives, the speaker of the house 3591  
of representatives shall designate a member as the chairperson and 3592  
the president of the senate shall designate a member as the 3593  
vice-chairperson. If the chairperson is to be from the senate, the 3594  
president of the senate shall designate a member as the 3595  
chairperson and the speaker of the house of representatives shall 3596  
designate a member as the vice-chairperson. 3597

(B) The committee shall: 3598

(1) Review all constitutional amendments, laws, and rules 3599  
governing the operation and administration of casino gaming and 3600  
all authorized gaming and wagering activities and recommend to the 3601  
general assembly and commission any changes it may find desirable 3602  
with respect to the language, structure, and organization of those 3603  
amendments, laws, or rules; 3604

(2) Make an annual report to the governor and to the general 3605  
assembly with respect of the operation and administration of 3606  
casino gaming; 3607

(3) Approve all changes of fees and penalties as provided in this chapter and rules adopted thereunder; and 3608  
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(4) Study all proposed changes to the constitution and laws of this state and to the rules adopted by the commission governing the operation and administration of casino gaming, and report to the general assembly on their adequacy and desirability as a matter of public policy. 3610  
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(C) Any study, or any expense incurred, in furtherance of the committee's objectives shall be paid for from, or out of, the casino control commission fund or other appropriation provided by law. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. 3615  
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Sec. 3772.033. In carrying out the responsibilities vested in the commission by this chapter, the commission may do all the following and may designate any such responsibilities to the executive director, to the commission's employees, or to the gaming agents: 3621  
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(A) Inspect and examine all premises where casino gaming is conducted or gaming supplies, devices, or equipment are manufactured, sold, or distributed; 3626  
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(B) Inspect all gaming supplies, devices, and equipment in or about a casino facility; 3629  
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(C) Summarily impound and seize and remove from the casino facility premises gaming supplies, devices, and equipment for the purpose of examination and inspection; 3631  
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(D) Determine any facts, or any conditions, practices, or other matters, as the commission considers necessary or proper to aid in the enforcement of this chapter or of a rule adopted thereunder; 3634  
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<u>(E) Audit gaming operations, including those that have ceased</u>	3638
<u>operation;</u>	3639
<u>(F) Investigate, for the purpose of prosecution, any</u>	3640
<u>suspected violation of this chapter or rules adopted thereunder;</u>	3641
<u>(G) Investigate as appropriate to aid the commission and to</u>	3642
<u>seek the executive director's advice in adopting rules;</u>	3643
<u>(H) Secure information as is necessary to provide a basis for</u>	3644
<u>recommending legislation for the improvement of this chapter;</u>	3645
<u>(I) Make, execute, and otherwise effectuate all contracts and</u>	3646
<u>other agreements, including contracts for necessary purchases of</u>	3647
<u>goods and services. Except for any contract entered into with</u>	3648
<u>independent testing laboratories under section 3772.31 of the</u>	3649
<u>Revised Code, the commission shall ensure use of Ohio products or</u>	3650
<u>services in compliance with sections 125.09 and 125.11 of the</u>	3651
<u>Revised Code and all rules adopted thereunder.</u>	3652
<u>(J) Employ the services of persons the commission considers</u>	3653
<u>necessary for the purposes of consultation or investigation, and</u>	3654
<u>fix the salaries of, or contract for the services of, legal,</u>	3655
<u>accounting, technical, operational, and other personnel and</u>	3656
<u>consultants;</u>	3657
<u>(K) Secure, by agreement, information and services as the</u>	3658
<u>commission considers necessary from any state agency or other unit</u>	3659
<u>of state government;</u>	3660
<u>(L) Acquire furnishings, equipment, supplies, stationery,</u>	3661
<u>books, and all other things the commission considers necessary or</u>	3662
<u>desirable to successfully and efficiently carry out the</u>	3663
<u>commission's duties and functions; and</u>	3664
<u>(M) Perform all other things the commission considers</u>	3665
<u>necessary to effectuate the intents and purposes of this chapter.</u>	3666
<u>This section shall not prohibit the commission from imposing</u>	3667

administrative discipline, including fines and suspension or 3668  
revocation of licenses, on licensees under this chapter if the 3669  
licensee is found to be in violation of the commission's rules. 3670

Sec. 3772.034. Absent gross negligence, a casino operator, 3671  
management company, holding company, gaming-related vendor, the 3672  
state, and employees of those entities are entitled to immunity 3673  
from any type of civil liability if a person participating in the 3674  
voluntary exclusion program enters a casino facility. 3675

Sec. 3772.04. (A)(1) If, as the result of an investigation, 3676  
the commission concludes that a license or finding required by 3677  
this chapter should be limited, conditioned, or restricted, or 3678  
suspended or revoked, the commission shall conduct an adjudication 3679  
under Chapter 119. of the Revised Code. 3680

(2) The commission shall appoint a hearing examiner to 3681  
conduct the hearing in the adjudication. A party to the 3682  
adjudication may file written objections to the hearing examiner's 3683  
report and recommendations not later than the thirtieth day after 3684  
they are served upon the party or the party's attorney or other 3685  
representative of record. The commission shall not take up the 3686  
hearing examiner's report and recommendations earlier than the 3687  
thirtieth day after the hearing examiner's report and 3688  
recommendations were submitted to the commission. 3689

(3) If the commission finds that a person has violated this 3690  
chapter or a rule adopted thereunder, the commission may issue an 3691  
order: 3692

(a) Limiting, conditioning, or restricting, or suspending or 3693  
revoking, a license issued under this chapter; 3694

(b) Limiting, conditioning, or restricting, or suspending or 3695  
revoking, a finding made under this chapter; 3696

(c) Requiring a casino facility to exclude a licensee from 3697

the casino facility or requiring a casino facility not to pay to 3698  
the licensee any remuneration for services or any share of 3699  
profits, income, or accruals on the licensee's investment in the 3700  
casino facility; or 3701

(d) Fining a licensee or other person according to the 3702  
penalties adopted by the commission. 3703

(4) An order may be judicially reviewed under section 119.12 3704  
of the Revised Code. 3705

(B) For the purpose of conducting any study or investigation, 3706  
the commission may direct that public hearings be held at a time 3707  
and place, prescribed by the commission, in accordance with 3708  
section 121.22 of the Revised Code. The commission shall give 3709  
notice of all public hearings in such manner as will give actual 3710  
notice to all interested parties. 3711

(C) In the discharge of any duties imposed by this chapter, 3712  
the commission may require that testimony be given under oath and 3713  
administer such oath, issue subpoenas compelling the attendance of 3714  
witnesses and the production of any papers, books, and accounts, 3715  
and cause the deposition of any witness. In the event of the 3716  
refusal of any person without good cause to comply with the terms 3717  
of a subpoena issued by the commission or refusal to testify on 3718  
matters about which the person may lawfully be questioned, the 3719  
prosecuting attorney of the county in which such person resides, 3720  
upon the petition of the commission, may bring a proceeding for 3721  
contempt against such person in the court of common pleas of that 3722  
county. 3723

(D) When conducting a public hearing, the commission shall 3724  
not limit the number of speakers who may testify. However, the 3725  
commission may set reasonable time limits on the length of an 3726  
individual's testimony or the total amount of time allotted to 3727  
proponents and opponents of an issue before the commission. 3728



(E) An administrative law judge appointed by the commission 3729  
may conduct a hearing under this chapter and recommend findings of 3730  
fact and decisions to the commission. 3731

(F) The commission may rely, in whole or in part, upon 3732  
investigations, conclusions, or findings of other casino gaming 3733  
commissions or other government regulatory bodies in connection 3734  
with licensing, investigations, or other matters relating to an 3735  
applicant or licensee under this chapter. 3736

**Sec. 3772.05.** To carry out the provisions of this chapter and 3737  
other enforcement provisions provided for under the laws of this 3738  
state, the tax commissioner, the Ohio ethics commission, the 3739  
inspector general, and the commission, and their respective 3740  
employees, may demand access to and inspect, examine, photocopy, 3741  
and audit all books, accounts, records, and memoranda of any 3742  
person that is not protected by privilege and that is subject to 3743  
the provisions of this chapter, and may examine under oath any 3744  
officer, agent, or employee of that person. 3745

**Sec. 3772.051.** Upon cessation of gaming operations, a former 3746  
licensee shall furnish, upon the demand of the commission, books, 3747  
papers, and other records as necessary for the commission to audit 3748  
the ceased gaming operation. A former licensee shall maintain all 3749  
books, papers, and other records for a period of three years after 3750  
the cessation of gaming operations. However, if a civil action or 3751  
criminal proceeding relating to the former licensee is pending, or 3752  
if an administrative adjudication or judicial review of an 3753  
administrative adjudication relating to the former licensee is 3754  
pending, the former licensee shall maintain all books, papers, and 3755  
other records until the matter has been finally determined. 3756

If a person disobeys a subpoena or subpoena duces tecum, or 3757  
refuses to testify as directed by a subpoena, the commission shall 3758

request the prosecutor of the county in which the person resides 3759  
to apply to the court of common pleas for an order compelling the 3760  
person to attend or to produce tangible evidence, or to testify, 3761  
as directed by the subpoena or subpoena duces tecum. The court 3762  
shall treat the application as if it were disobedience to comply 3763  
with a subpoena or subpoena duces tecum issued by the court or a 3764  
refusal to testify in the court. 3765

**Sec. 3772.06.** (A)(1) The commission shall appoint an 3766  
executive director who shall serve at the pleasure of the 3767  
commission. The executive director is in the unclassified service, 3768  
shall devote full time to the duties of the office, and shall hold 3769  
no other office or employment. The executive director shall, by 3770  
experience and training, possess management skills that equip the 3771  
executive director to administer an enterprise of the nature of 3772  
the commission. The executive director shall not have a pecuniary 3773  
interest in any business organization that holds a license under 3774  
this chapter, or that does business with any person licensed under 3775  
this chapter. A member of the general assembly, a person who holds 3776  
an elective office, or an office holder of a political party is 3777  
ineligible to be appointed executive director at the same time as 3778  
being such a member or holding such an office. The executive 3779  
director shall receive an annual salary in accordance with pay 3780  
range 48 of section 124.152 of the Revised Code. 3781

(2) The executive director, before entering upon the 3782  
discharge of the executive director's official duties, shall give, 3783  
and thereafter shall maintain, bond in the amount of twenty-five 3784  
thousand dollars, payable to the state, conditioned upon the 3785  
executive director's faithful and proper performance of the 3786  
executive director's official duties. The bond shall be issued by 3787  
a surety authorized to do business in this state and shall be 3788  
filed with the secretary of state. The bond may be an individual 3789  
bond or a schedule or blanket bond. 3790

(B)(1) The executive director or a deputy designated in writing by the executive director shall attend all meetings of the commission and shall act as its secretary. The executive director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office. 3791  
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(2) The executive director shall be the chief executive officer and shall be responsible for keeping all commission records and supervising and administering casino gaming in accordance with this chapter, and enforcing all commission rules adopted under this chapter. 3797  
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(3) The executive director shall hire staff, including an assistant director or deputy directors, as necessary to assist the executive director in the executive director's duties under this chapter. In appointing employees, the executive director is subject to section 3772.061 of the Revised Code. The executive director may employ employees as necessary, unless the commission determines otherwise. Except as otherwise provided in this chapter, all costs of administration incurred by the executive director and the executive director's employees shall be paid out of the casino control commission fund. 3802  
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(C) A state agency or other unit of state government shall cooperate with the commission, and shall provide the commission with information and services the commission considers necessary to carry out the commission's duties and functions under this chapter. 3812  
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(D) The executive director shall confer at least once each month with the commission, at which time the executive director shall advise it regarding the operation and administration of the commission and casino gaming. The executive director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration 3817  
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of the commission and casino gaming. The executive director shall 3823  
prepare and make available to the commission each month a complete 3824  
and accurate accounting of gross casino gaming revenues, and all 3825  
other relevant financial information, including an accounting of 3826  
all transfers made from the casino control commission fund. 3827

**Sec. 3772.061.** The executive director of the commission shall 3828  
appoint the number of professional, technical, and clerical 3829  
employees that is necessary, in the executive director's 3830  
reasonable opinion, for conducting internal audits, as an internal 3831  
auditing department, of the commission. The professional and 3832  
technical employees so appointed shall be qualified by education, 3833  
licensing (if relevant), and experience to perform the internal 3834  
audit function successfully and efficiently. These employees, 3835  
together with clerical employees necessary for their support, 3836  
shall be assigned only to the internal audit function and not to 3837  
any other function of the commission. 3838

The internal auditing department, at reasonable intervals and 3839  
as necessary, shall conduct internal audits of the commission. The 3840  
internal audits shall audit the accounts and transactions of the 3841  
commission, ascertain the condition of funds used by the 3842  
commission, and make an inventory of the funds and of the assets 3843  
under the control of the commission. The report of an internal 3844  
audit shall be signed by the employee who was principally 3845  
responsible for conducting the internal audit. A copy of the 3846  
signed report shall be forwarded to the commission and to the 3847  
auditor of state. The report is not a public record that is open 3848  
to public inspection and copying until it has been forwarded as 3849  
required by the preceding sentence. 3850

**Sec. 3772.062.** The executive director of the commission shall 3851  
enter into an agreement with the department of alcohol and drug 3852  
addiction services under which the department provides a program 3853

of gambling and addiction services on behalf of the commission. 3854

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Sec. 3772.07. The following appointing or licensing 3856  
authorities shall obtain a criminal records check of the person 3857  
who is to be appointed or licensed: 3858

(A) The governor, before appointing an individual as a member 3859  
of the commission; 3860

(B) The commission, before appointing an individual as 3861  
executive director or a gaming agent; 3862

(C) The commission, before issuing a license for a key 3863  
employee or casino gaming employee, and before issuing a license 3864  
for each investor, except an institutional investor, for a casino 3865  
operator, management company, holding company, or gaming-related 3866  
vendor; 3867

(D) The executive director, before appointing an individual 3868  
as a professional, technical, or clerical employee of the 3869  
commission. 3870

Thereafter, such an appointing or licensing authority shall 3871  
obtain a criminal records check of the same individual at 3872  
three-year intervals. 3873

The appointing or licensing authority shall provide to each 3874  
person of whom a criminal records check is required a copy of the 3875  
form and the standard fingerprint impression sheet prescribed 3876  
under divisions (C)(1) and (2) of section 109.572 of the Revised 3877  
Code. The person shall complete the form and impression sheet and 3878  
return them to the appointing or licensing authority. If a person 3879  
fails to complete and return the form and impression sheet within 3880  
a reasonable time, the person is ineligible to be appointed or 3881  
licensed or to continue in the appointment or licensure. 3882

The appointing or licensing authority shall forward the 3883  
completed form and impression sheet to the superintendent of the 3884  
bureau of criminal identification and investigation. The 3885  
appointing or licensing authority shall request the superintendent 3886  
also to obtain information from the federal bureau of 3887  
investigation, including fingerprint-based checks of the national 3888  
crime information databases, and from other states and the federal 3889  
government under the national crime prevention and privacy compact 3890  
as part of the criminal records check. 3891

The commission shall pay the fee the bureau of criminal 3892  
identification and investigation charges for all criminal records 3893  
checks conducted under this section. An applicant for a casino 3894  
operator, management company, holding company, or gaming-related 3895  
vendor license shall reimburse the commission for the amount of 3896  
the fee paid on the applicant's behalf. An applicant for a key 3897  
employee or casino gaming employee license shall reimburse the 3898  
commission for the amount of the fee paid on the applicant's 3899  
behalf, unless the applicant is applying at the request of a 3900  
casino operator or management company, in which case the casino 3901  
operator or management company shall reimburse the commission. 3902

The appointing or licensing authority shall review the 3903  
results of a criminal records check. An appointee for a commission 3904  
member shall forward the results of the criminal records check to 3905  
the president of the senate before the senate advises and consents 3906  
to the appointment of the commission member. The appointing or 3907  
licensing authority shall not appoint or license or retain the 3908  
appointment or licensure of a person a criminal records check 3909  
discloses has been convicted of or has pleaded guilty or no 3910  
contest to a disqualifying offense. A "disqualifying offense" 3911  
means any gambling offense, any theft offense, any offense having 3912  
an element of fraud or misrepresentation, any offense having an 3913  
element of moral turpitude, and any felony not otherwise included 3914

in the foregoing list, except as otherwise provided in section 3915  
3772.10 of the Revised Code. 3916

The report of a criminal records check is not a public record 3917  
that is open to public inspection and copying. The commission 3918  
shall not make the report available to any person other than the 3919  
person who was the subject of the criminal records check; an 3920  
appointing or licensing authority; a member, the executive 3921  
director, or an employee of the commission; or any court or 3922  
agency, including a hearing examiner, in a judicial or 3923  
administrative proceeding relating to the person's employment with 3924  
the entity requesting the criminal records check in which the 3925  
criminal records check is relevant. 3926

**Sec. 3772.08.** (A) Casino gaming shall be conducted only by 3927  
licensed casino operators of the four casino facilities or by a 3928  
licensed management company retained by a licensed casino 3929  
operator. 3930

(B) A licensed casino operator, licensed management company, 3931  
or another person may provide nongaming amenities within the 3932  
casino facility. 3933

**Sec. 3772.09.** (A) No casino operator, management company, 3934  
holding company, gaming-related vendor, key employee, or casino 3935  
gaming employee shall conduct or participate in conducting casino 3936  
gaming without first obtaining a license from the commission. 3937

(B) Before a licensed casino operator may conduct casino 3938  
gaming at a casino facility, a licensed casino operator shall 3939  
engage a third-party engineering or accounting firm to certify 3940  
expenses of its initial investment, as required by section 3772.27 3941  
of the Revised Code, and provide documentation to the commission. 3942  
The third-party engineering or accounting firm shall be approved 3943  
by the commission and shall certify expenses in accordance with 3944

rules adopted by the commission under section 3772.03 of the 3945  
Revised Code. The commission may request the department of 3946  
administrative services to assist the commission in carrying out 3947  
its duties under this section. 3948

**Sec. 3772.091.** (A) No license issued under this chapter is 3949  
transferable. New majority ownership interest or control shall 3950  
require a new license. The commission may reopen a licensing 3951  
investigation at any time. A significant change in or transfer of 3952  
control, as determined by the commission, shall require the filing 3953  
of an application for a new license and submission of a license 3954  
fee with the commission before any such change or transfer of 3955  
control is approved. A change in or transfer of control to an 3956  
immediate family member is not considered a significant change 3957  
under this section. 3958

(B) As used in this section, "control" means either of the 3959  
following: 3960

(1) Either: 3961

(a) Holding fifty per cent or more of the outstanding voting 3962  
securities of a licensee; or 3963

(b) For an unincorporated licensee, having the right to fifty 3964  
per cent or more of the profits of the licensee, or having the 3965  
right in the event of dissolution to fifty per cent or more of the 3966  
assets of the licensee. 3967

(2) Having the contractual power presently to designate fifty 3968  
per cent or more of the directors of a for-profit or 3969  
not-for-profit corporation, or in the case of trusts described in 3970  
paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such 3971  
a trust. 3972

**Sec. 3772.10.** (A) In determining whether to grant or maintain 3973  
the privilege of a casino operator, management company, holding 3974



company, key employee, casino gaming employee, or gaming-related 3975  
vendor license, the Ohio casino control commission shall consider 3976  
all of the following, as applicable: 3977

(1) The reputation, experience, and financial integrity of 3978  
the applicant, its holding company, if applicable, and any other 3979  
person that directly or indirectly controls the applicant; 3980

(2) The financial ability of the applicant to purchase and 3981  
maintain adequate liability and casualty insurance and to provide 3982  
an adequate surety bond; 3983

(3) The past and present compliance of the applicant and its 3984  
affiliates or affiliated companies with casino-related licensing 3985  
requirements in this state or any other jurisdiction, including 3986  
whether the applicant has a history of noncompliance with the 3987  
casino licensing requirements of any jurisdiction; 3988

(4) If the applicant has been indicted, convicted, pleaded 3989  
guilty or no contest, or forfeited bail concerning any criminal 3990  
offense under the laws of any jurisdiction, either felony or 3991  
misdemeanor, not including traffic violations; 3992

(5) If the applicant has filed, or had filed against it a 3993  
proceeding for bankruptcy or has ever been involved in any formal 3994  
process to adjust, defer, suspend, or otherwise work out the 3995  
payment of any debt; 3996

(6) If the applicant has been served with a complaint or 3997  
other notice filed with any public body regarding a payment of any 3998  
tax required under federal, state, or local law that has been 3999  
delinquent for one or more years; 4000

(7) If the applicant is or has been a defendant in litigation 4001  
involving its business practices; 4002

(8) If awarding a license would undermine the public's 4003  
confidence in the casino gaming industry in this state; 4004

(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. 4005  
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(B) All applicants for a license under this chapter shall establish their suitability for a license by clear and convincing evidence. If the commission determines that a person is eligible under this chapter to be issued a license as a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor, the commission shall issue such license for not more than three years, as determined by commission rule, if all other requirements of this chapter have been satisfied. 4009  
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(C) The commission shall not issue a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor license under this chapter to an applicant if: 4018  
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(1) The applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code. 4022  
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(2) The applicant has submitted an application for license under this chapter that contains false information. 4024  
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(3) The applicant is a commission member. 4026

(4) The applicant owns an ownership interest that is unlawful under this chapter, unless waived by the commission. 4027  
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(5) The applicant violates specific rules adopted by the commission related to denial of licensure. 4029  
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(6) The applicant is a member of or employed by a gaming regulatory body of a governmental unit in this state, another state, or the federal government, or is employed by a governmental unit of this state. This division does not prohibit a casino 4031  
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operator from hiring special duty law enforcement officers if the 4035  
officers are not specifically involved in gaming-related 4036  
regulatory functions. 4037

(7) The commission otherwise determines the applicant is 4038  
ineligible for the license. 4039

(D)(1) The commission shall investigate the qualifications of 4040  
each applicant under this chapter before any license is issued and 4041  
before any finding with regard to acts or transactions for which 4042  
commission approval is required is made. The commission shall 4043  
continue to observe the conduct of all licensees and all other 4044  
persons having a material involvement directly or indirectly with 4045  
a casino operator, management company, or holding company to 4046  
ensure that licenses are not issued to or held by, or that there 4047  
is not any material involvement with a casino operator, management 4048  
company, or holding company by, an unqualified, disqualified, or 4049  
unsuitable person or a person whose operations are conducted in an 4050  
unsuitable manner or in unsuitable or prohibited places or 4051  
locations. 4052

(2) The executive director may recommend to the commission 4053  
that it deny any application, or limit, condition, or restrict, or 4054  
suspend or revoke, any license or finding, or impose any fine upon 4055  
any licensee or other person according to this chapter and the 4056  
rules adopted thereunder. 4057

(3) A license issued under this chapter is a revocable 4058  
privilege. No licensee has a vested right in or under any license 4059  
issued under this chapter. The initial determination of the 4060  
commission to deny, or to limit, condition, or restrict, a license 4061  
may be appealed under section 2505.03 of the Revised Code. 4062

(E)(1) An institutional investor otherwise required to be 4063  
found suitable or qualified under this chapter and the rules 4064  
adopted under this chapter shall be presumed suitable or qualified 4065

upon submitting documentation sufficient to establish 4066  
qualifications as an institutional investor and upon certifying 4067  
all of the following: 4068

(a) The institutional investor owns, holds, or controls 4069  
publicly traded securities issued by a licensee or holding, 4070  
intermediate, or parent company of a licensee or in the ordinary 4071  
course of business for investment purposes only. 4072

(b) The institutional investor does not exercise influence 4073  
over the affairs of the issuer of such securities nor over any 4074  
licensed subsidiary of the issuer of such securities. 4075

(c) The institutional investor does not intend to exercise 4076  
influence over the affairs of the issuer of such securities, nor 4077  
over any licensed subsidiary of the issuer of such securities, in 4078  
the future, and that it agrees to notify the commission in writing 4079  
within thirty days if such intent changes. 4080

(2) The exercise of voting privileges with regard to publicly 4081  
traded securities shall not be deemed to constitute the exercise 4082  
of influence over the affairs of a licensee. 4083

(3) The commission shall rescind the presumption of 4084  
suitability for an institutional investor at any time if the 4085  
institutional investor exercises or intends to exercise influence 4086  
or control over the affairs of the licensee. 4087

(4) This division shall not be construed to preclude the 4088  
commission from investigating the suitability or qualifications of 4089  
an institutional investor if the commission becomes aware of facts 4090  
or information that may result in the institutional investor being 4091  
found unsuitable or disqualified. 4092

(F) Information provided on the application shall be used as 4093  
a basis for a thorough background investigation of each applicant. 4094  
A false or incomplete application is cause for denial of a license 4095  
by the commission. All applicants and licensees shall consent to 4096

inspections, searches, and seizures and to the disclosure to the 4097  
commission and its agents of confidential records, including tax 4098  
records, held by any federal, state, or local agency, credit 4099  
bureau, or financial institution and to provide handwriting 4100  
exemplars, photographs, fingerprints, and information as 4101  
authorized in this chapter and in rules adopted by the commission. 4102

Sec. 3772.11. (A) A person may apply to the commission for a 4103  
casino operator, management company, or holding company license to 4104  
conduct casino gaming at a casino facility as provided in this 4105  
chapter. The application shall be made under oath on forms 4106  
provided by the commission and shall contain information as 4107  
prescribed by rule, including, but not limited to, all of the 4108  
following: 4109

(1) The name, business address, business telephone number, 4110  
social security number, and, where applicable, the federal tax 4111  
identification number of any applicant; 4112

(2) The identity of every person having a greater than one 4113  
per cent direct or indirect interest in the applicant casino 4114  
facility for which the license is sought for publicly traded 4115  
companies or greater than one per cent for privately held 4116  
companies; 4117

(3) An identification of any business, including the state of 4118  
incorporation or registration if applicable, in which an 4119  
applicant, or the spouse or children of an applicant, has an 4120  
equity interest of more than five per cent; 4121

(4) The name of any casino operator, management company, 4122  
holding company, and gaming-related vendor in which the applicant 4123  
has an equity interest of at least five per cent; 4124

(5) If an applicant has ever applied for or has been granted 4125  
any gaming license or certificate issued by a licensing authority 4126

in Ohio or any other jurisdiction that has been denied, 4127  
restricted, suspended, revoked, or not renewed and a statement 4128  
describing the facts and circumstances concerning the application, 4129  
denial, restriction, suspension, revocation, or nonrenewal, 4130  
including the licensing authority, the date each action was taken, 4131  
and the reason for each action; 4132

(6) If an applicant has ever filed or had filed against it a 4133  
civil or administrative action or proceeding in bankruptcy, 4134  
including the date of filing, the name and location of the court, 4135  
the case caption, the docket number, and the disposition; 4136

(7) The name and business telephone number of any attorney 4137  
representing an applicant in matters before the commission; 4138

(8) Information concerning the amount, type of tax, the 4139  
taxing agency, and times involved, if the applicant has filed or 4140  
been served with a complaint or notice filed with a public body 4141  
concerning a delinquency in the payment of or a dispute over a 4142  
filing concerning the payment of a tax required under federal, 4143  
state, or local law; 4144

(9) A description of any proposed casino gaming operation and 4145  
related casino enterprises, including the type of casino facility, 4146  
location, expected economic benefit to the community, anticipated 4147  
or actual number of employees, any statement from an applicant 4148  
regarding compliance with federal and state affirmative action 4149  
guidelines, projected or actual admissions, projected or actual 4150  
gross receipts, and scientific market research; 4151

(10) Financial information in the manner and form prescribed 4152  
by the commission; 4153

(11) If an applicant has directly made a political 4154  
contribution, loan, donation, or other payment of one hundred 4155  
dollars or more to a statewide office holder, a member of the 4156  
general assembly, a local government official elected in a 4157

jurisdiction where a casino facility is located, or a ballot issue 4158  
not more than one year before the date the applicant filed the 4159  
application and all information relating to the contribution, 4160  
loan, donation, or other payment; 4161

(12) Any criminal conviction; and 4162

(13) Other information required by the commission under rules 4163  
adopted by the commission. 4164

(B) Any holding company or management company, its directors, 4165  
executive officers, members, managers, and any shareholder who 4166  
holds more than five per cent ownership interest of a holding 4167  
company or management company shall be required to submit the same 4168  
information as required by an applicant under this section. 4169

**Sec. 3772.111.** In determining whether to grant a casino 4170  
operator license, the commission shall also consider: 4171

(A) The facilities or proposed facilities for the conduct of 4172  
casino gaming; 4173

(B) The prospective total revenue to be collected by the 4174  
state from the conduct of casino gaming; 4175

(C) The extent to which the applicant exceeds or meets other 4176  
standards adopted by the commission. 4177

**Sec. 3772.112.** Before a license is issued to a casino 4178  
operator, the casino operator shall post, and thereafter shall 4179  
maintain, a surety bond in the amount of one million dollars 4180  
payable to the state, conditioned on the casino operator complying 4181  
with Section 6(C) of Article XV, Ohio Constitution, this chapter, 4182  
and the rules adopted under this chapter. The bond shall be issued 4183  
by a surety that is licensed to do business in this state, and 4184  
shall be approved by the commission. The total aggregate liability 4185  
of the surety on the bond is limited to the amount specified in 4186

the bond. The surety shall not cancel the bond unless the surety 4187  
has given the commission, in the event of nonpayment of premium, 4188  
ten days' notice of the intention to cancel, and in the event of 4189  
any other cause, thirty days' notice of the intention to cancel. 4190  
If the bond is to be canceled, and if the casino operator fails to 4191  
post and maintain a new surety bond in the specified amount on or 4192  
before the day of cancellation, the casino operator's license is 4193  
void. 4194

**Sec. 3772.12.** (A) A person may apply for a gaming-related 4195  
vendor license. All applications shall be made under oath. 4196

(B) A person who holds a gaming-related vendor's license is 4197  
authorized to sell or lease, and to contract to sell or lease, 4198  
equipment and supplies to any licensee involved in the ownership 4199  
or management of a casino facility. 4200

(C) Gambling supplies and equipment shall not be distributed 4201  
unless supplies and equipment conform to standards adopted in 4202  
rules adopted by the commission. 4203

**Sec. 3772.121.** (A) The commission may issue a gaming-related 4204  
vendor's license under this chapter to an applicant who has: 4205

(1) Applied for the gaming-related vendor's license; 4206

(2) Paid a nonrefundable license fee as described in section 4207  
3772.17 of the Revised Code, which shall cover all actual costs 4208  
generated by each licensee and all background checks; 4209

(3) Submitted two sets of the applicant's fingerprints; and 4210

(4) Been determined by the commission as eligible for a 4211  
gaming-related vendor's license. 4212

(B) A gaming-related vendor shall furnish to the commission a 4213  
list of all equipment, devices, and supplies offered for sale or 4214  
lease in connection with casino games authorized under this 4215



chapter. 4216

(C) A gaming-related vendor's equipment, devices, or supplies 4217  
that are used by a person in an unauthorized casino gaming 4218  
operation shall be forfeited to the state. 4219

**Sec. 3772.13.** (A) No person may be employed as a key employee 4220  
unless the person is the holder of a valid key employee license 4221  
issued by the commission. 4222

(B) Each applicant shall, before the issuance of any key 4223  
employee license, produce information, documentation, and 4224  
assurances as are required by this chapter and rules adopted 4225  
thereunder. In addition, each applicant shall, in writing, 4226  
authorize the examination of all bank accounts and records as may 4227  
be deemed necessary by the commission. 4228

(C) To be eligible for a key employee license, the applicant 4229  
shall be at least twenty-one years of age and shall meet the 4230  
criteria set forth by rule by the commission. 4231

(D) Each application for a key employee license shall be on a 4232  
form prescribed by the commission and shall contain all 4233  
information required by the commission. The applicant shall set 4234  
forth in the application if the applicant has been issued prior 4235  
gambling-related licenses; if the applicant has been licensed in 4236  
any other state under any other name, and, if so, the name under 4237  
which the license was issued and the applicant's age at the time 4238  
the license was issued; any criminal conviction the applicant has 4239  
had; and if a permit or license issued to the applicant in any 4240  
other state has been suspended, restricted, or revoked, and, if 4241  
so, the cause and the duration of each action. 4242

(E) Each applicant shall submit with each application, on a 4243  
form provided by the commission, two sets of fingerprints and a 4244  
photograph. The commission shall charge each applicant an 4245

application fee set by the commission to cover all actual costs 4246  
generated by each licensee and all background checks under this 4247  
section and section 3772.07 of the Revised Code. 4248

(F)(1) The casino operator, management company, or holding 4249  
company by whom a person is employed as a key employee shall 4250  
terminate the person's employment in any capacity requiring a 4251  
license under this chapter and shall not in any manner permit the 4252  
person to exercise a significant influence over the operation of a 4253  
casino facility if: 4254

(a) The person does not apply for and receive a key employee 4255  
license within three months of being issued a provisional license, 4256  
as established under commission rule. 4257

(b) The person's application for a key employee license is 4258  
denied by the commission. 4259

(c) The person's key employee license is revoked by the 4260  
commission. 4261

The commission shall notify the casino operator, management 4262  
company, or holding company who employs such a person by certified 4263  
mail of any such finding, denial, or revocation. 4264

(2) A casino operator, management company, or holding company 4265  
shall not pay to a person whose employment is terminated under 4266  
division (F)(1) of this section, any remuneration for any services 4267  
performed in any capacity in which the person is required to be 4268  
licensed, except for amounts due for services rendered before 4269  
notice was received under that division. A contract or other 4270  
agreement for personal services or for the conduct of any casino 4271  
gaming at a casino facility between a casino operator, management 4272  
company, or holding company and a person whose employment is 4273  
terminated under division (F)(1) of this section may be terminated 4274  
by the casino operator, management company, or holding company 4275  
without further liability on the part of the casino operator, 4276

management company, or holding company. Any such contract or other 4277  
agreement is deemed to include a term authorizing its termination 4278  
without further liability on the part of the casino operator, 4279  
management company, or holding company upon receiving notice under 4280  
division (F)(1) of this section. That a contract or other 4281  
agreement does not expressly include such a term is not a defense 4282  
in any action brought to terminate the contract or other 4283  
agreement, and is not grounds for relief in any action brought 4284  
questioning termination of the contract or other agreement. 4285

(3) A casino operator, management company, or holding 4286  
company, without having obtained the prior approval of the 4287  
commission, shall not enter into any contract or other agreement 4288  
with a person who has been found unsuitable, who has been denied a 4289  
license, or whose license has been revoked under division (F)(1) 4290  
of this section, or with any business enterprise under the control 4291  
of such a person, after the date on which the casino operator, 4292  
management company, or holding company receives notice under that 4293  
division. 4294

**Sec. 3772.131.** (A) All casino gaming employees are required 4295  
to have a casino gaming employee license. "Casino gaming employee" 4296  
means the following and their supervisors: 4297

(1) Individuals involved in operating a casino gaming pit, 4298  
including dealers, shills, clerks, hosts, and junket 4299  
representatives; 4300

(2) Individuals involved in handling money, including 4301  
cashiers, change persons, count teams, and coin wrappers; 4302

(3) Individuals involved in operating casino games; 4303

(4) Individuals involved in operating and maintaining slot 4304  
machines, including mechanics, floor persons, and change and 4305  
payoff persons; 4306

(5) Individuals involved in security, including guards and game observers; 4307  
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(6) Individuals with duties similar to those described in divisions (A)(1) to (5) of this section or other persons as the commission determines. "Casino gaming employee" does not include an individual whose duties are related solely to nongaming activities such as entertainment, hotel operation, maintenance, or preparing or serving food and beverages. 4309  
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(B) The commission may issue a casino gaming employee license to an applicant after it has determined that the applicant is eligible for a license under rules adopted by the commission and paid any applicable fee. All applications shall be made under oath. 4315  
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(C) To be eligible for a casino gaming employee license, an applicant shall be at least twenty-one years of age. 4320  
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(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. 4322  
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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. 4333  
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Sec. 3772.14. (A) After notice and opportunity for an 4338  
adjudication conducted under Chapter 119. of the Revised Code, the 4339  
commission may suspend, revoke, or refuse to issue or renew a 4340  
license in accordance with rules adopted by the commission and the 4341  
commission may reopen a licensing hearing at any time. 4342

(B) Without in any manner limiting the authority of the 4343  
commission to impose the level and type of discipline it may 4344  
consider appropriate, the commission may take into consideration: 4345

(1) If the licensee knew or reasonably should have known that 4346  
the action complained of was a violation of any law, regulation, 4347  
or condition on the licensee's license; 4348

(2) If the licensee has previously been disciplined by the 4349  
commission; 4350

(3) If the licensee has previously been subject to discipline 4351  
by the commission concerning the violation of any law, regulation, 4352  
or condition of the licensee's license; 4353

(4) If the licensee reasonably relied upon professional 4354  
advice from a lawyer, doctor, accountant, or other recognized 4355  
professional that was relevant to the action resulting in the 4356  
violation; 4357

(5) If the licensee or licensee's employer had a reasonably 4358  
constituted and functioning compliance program; 4359

(6) If the imposition of a condition requiring the licensee 4360  
to establish and implement a written self-enforcement and 4361  
compliance program would assist in ensuring the licensee's future 4362  
compliance with all statutes, regulations, and conditions of the 4363  
license; 4364

(7) If the licensee realized a pecuniary gain from the 4365  
violation; 4366

(8) If the amount of any fine or other penalty imposed would 4367

result in disgorgement of any gains unlawfully realized by the 4368  
licensee; 4369

(9) If the violation was caused by an officer or employee of 4370  
the licensee, the level of authority of the individual who caused 4371  
the violation; 4372

(10) If the individual who caused the violation acted within 4373  
the scope of the individual's authority as granted by the 4374  
licensee; 4375

(11) The adequacy of any training programs offered by the 4376  
licensee or licensee's employer that were relevant to the activity 4377  
which resulted in the violation; 4378

(12) If the licensee's action substantially deviated from 4379  
industry standards and customs; 4380

(13) The extent to which the licensee cooperated with the 4381  
commission during the investigation of the violation; 4382

(14) If the licensee has initiated remedial measures to 4383  
prevent similar violations; 4384

(15) The magnitude of penalties imposed on other licensees 4385  
for similar violations; 4386

(16) The proportionality of the penalty in relation to the 4387  
misconduct; 4388

(17) The extent to which the amount of any fine imposed would 4389  
punish the licensee for the conduct and deter future violations; 4390

(18) Any mitigating factors offered by the licensee; and 4391

(19) Any other factors the commission in its sole and 4392  
absolute discretion may consider relevant. 4393

**Sec. 3772.15. (A) Unless a license issued under this chapter** 4394  
**is suspended, expires, or is revoked, the license shall be renewed** 4395  
**for not more than three years, as determined by commission rule,** 4396

after a determination by the commission that the licensee is in 4397  
compliance with this chapter and rules authorized by this chapter 4398  
and after the licensee pays a fee. 4399

(B) A licensee shall undergo a complete investigation at 4400  
least every three years, as determined by commission rule, to 4401  
determine that the licensee remains in compliance with this 4402  
chapter. 4403

(C) Notwithstanding division (B) of this section, the 4404  
commission may investigate a licensee at any time the commission 4405  
determines it is necessary to ensure that the licensee remains in 4406  
compliance with this section. 4407

(D) The holder of a license shall bear the cost of an 4408  
investigation, except key employees and casino gaming employees 4409  
who are employed by a casino operator, in which case the casino 4410  
operator shall pay the investigation cost. 4411

**Sec. 3772.16.** (A) Any information concerning the following 4412  
submitted, collected, or gathered as part of an application to the 4413  
commission for a license under this chapter is confidential and 4414  
not subject to disclosure as a record under section 149.43 of the 4415  
Revised Code: 4416

(1) A minor child of an applicant; 4417

(2) The social security number of an applicant or the spouse 4418  
of an applicant; 4419

(3) The home telephone number of an applicant or the spouse 4420  
or children of an applicant; 4421

(4) An applicant's birth certificate; 4422

(5) The driver's license number of an applicant or the 4423  
applicant's spouse; 4424

(6) The name or address of a previous spouse of the 4425

<u>applicant;</u>	4426
<u>(7) The date of birth of the spouse of an applicant;</u>	4427
<u>(8) The place of birth of the spouse of an applicant;</u>	4428
<u>(9) The personal financial information and records of an</u>	4429
<u>applicant or the spouse or minor child of an applicant, including</u>	4430
<u>tax returns and information, and records of criminal proceedings;</u>	4431
<u>(10) Any information concerning a victim of domestic</u>	4432
<u>violence, sexual assault, or stalking;</u>	4433
<u>(11) The electronic mail address of the spouse or family</u>	4434
<u>member of the applicant;</u>	4435
<u>(12) An applicant's home addresses; and</u>	4436
<u>(13) Any trade secret.</u>	4437
<u>(B) Notwithstanding any other law, upon written request from</u>	4438
<u>a person, the commission shall provide the following information</u>	4439
<u>to the person except as provided in this chapter:</u>	4440
<u>(1) The information provided under this chapter concerning a</u>	4441
<u>licensee or an applicant;</u>	4442
<u>(2) The amount of the wagering tax and admission tax paid</u>	4443
<u>daily to the state by a licensed applicant or an operating agent;</u>	4444
<u>and</u>	4445
<u>(3) A copy of a letter providing the reasons for the denial</u>	4446
<u>of an applicant's license or an operating agent's contract and a</u>	4447
<u>copy of a letter providing the reasons for the commission's</u>	4448
<u>refusal to allow an applicant to withdraw the applicant's</u>	4449
<u>application, but with confidential information redacted if that</u>	4450
<u>information is the reason for the denial or refusal to withdraw.</u>	4451
<u>(C) In addition to information that is confidential under</u>	4452
<u>division (A) of this section, medical records, trade secrets,</u>	4453
<u>patents or exclusive licenses, and marketing materials maintained</u>	4454



by the commission concerning a person who holds, held, or has 4455  
applied for a license under this chapter is confidential and not 4456  
subject to section 149.43 of the Revised Code. 4457

(D) The individual's name, the individual's place of 4458  
employment, the individual's job title, and the individual's 4459  
gaming experience that is provided for an individual who holds, 4460  
held, or has applied for a license under this chapter is not 4461  
confidential. The reason for denial or revocation of a license or 4462  
for disciplinary action against the individual and information 4463  
submitted by the individual for a felony waiver request is not 4464  
confidential. 4465

(E) An individual who holds, held, or has applied for a 4466  
license under this chapter may waive the confidentiality 4467  
requirements of division (A) of this section. 4468

**Sec. 3772.17.** (A) The upfront license fee to obtain a license 4469  
as a casino operator shall be fifty million dollars per casino 4470  
facility, which shall be deposited into the economic development 4471  
programs fund, which is created in the state treasury. New casino 4472  
operator, management company, and holding company license and 4473  
renewal license fees shall be set by rule, subject to the review 4474  
of the joint committee on gaming and wagering. 4475

(B) The fee to obtain an application for a casino operator, 4476  
management company, or holding company license shall be one 4477  
million five hundred thousand dollars per application. The 4478  
application fee shall be deposited into the casino control 4479  
commission fund. The application fee is nonrefundable. 4480

(C) The license fees for a gaming-related vendor shall be set 4481  
by rule, subject to the review of the joint committee on gaming 4482  
and wagering. Additionally, the commission may assess an applicant 4483  
a reasonable fee in the amount necessary to process a 4484  
gaming-related vendor license application. 4485

(D) The license fees for a key employee shall be set by rule, subject to the review of the joint committee on gaming and wagering. Additionally, the commission may assess an applicant a reasonable fee in the amount necessary to process a key employee license application. If the license is being sought at the request of a casino operator, such fees shall be paid by the casino operator. 4486  
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(E) The license fees for a casino gaming employee shall be set by rule, subject to the review of the joint committee on gaming and wagering. If the license is being sought at the request of a casino operator, the fee shall be paid by the casino operator. 4493  
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**Sec. 3772.18.** (A) Each casino operator, management company, and holding company involved in the application and ownership or management of a casino facility shall provide to the commission as applicable: 4498  
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(1) An annual balance sheet; 4502

(2) An annual income statement; 4503

(3) An annual audited financial statement; 4504

(4) A list of the stockholders or other persons having at least a five per cent ownership interest in the casino operator, management company, or holding company and any other information the commission considers necessary for the effective administration of this chapter; 4505  
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(5) Notification of any material changes to the applicant's or licensee's stockholders must be provided to the commission within sixty days of the change. Notification of any refinancing and debt issuance shall be in accordance with rules adopted by the commission under Chapter 119. of the Revised Code; and 4510  
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(6) An applicant's compulsive and problem gambling plan. A 4515

casino operator shall submit an annual summary of its compulsive 4516  
and problem gambling plan to the commission. The plan at a minimum 4517  
shall contain the following elements: 4518

(a) The goals of the plan and procedures and timetables to 4519  
implement the plan; 4520

(b) The identification of the individual who will be 4521  
responsible for the implementation and maintenance of the plan; 4522

(c) Policies and procedures including the following: 4523

(i) The commitment of the casino operator to train 4524  
appropriate employees; 4525

(ii) The duties and responsibilities of the employees 4526  
designated to implement or participate in the plan; 4527

(iii) The responsibility of patrons with respect to 4528  
responsible gambling; 4529

(iv) Procedures for providing information to individuals 4530  
regarding community, public and private treatment services, 4531  
gamblers anonymous programs, and similar treatment or addiction 4532  
therapy programs designed to prevent, treat, or monitor compulsive 4533  
and problem gamblers and to counsel family members; 4534

(v) The provision of printed material to educate patrons 4535  
about compulsive and problem gambling and to inform them about 4536  
treatment services available to compulsive and problem gamblers 4537  
and their families; 4538

(vi) The employee training program; 4539

(vii) Procedures to prevent underage gambling; 4540

(viii) Procedures to prevent intoxicated patrons from 4541  
gambling; 4542

(ix) The plan for posting signs within the casino facility 4543  
containing gambling treatment information. 4544

(B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under division (A) of this section. 4545  
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(C) Preference shall be given to each of the following to train employees for casino-related employment opportunities: 4548  
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(1) State institutions of higher education as defined in section 3345.011 of the Revised Code; 4550  
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(2) Private career schools holding program authorizations issued by the state board of career colleges and schools under division (C) of section 3332.05 of the Revised Code; 4552  
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(3) Private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 4555  
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**Sec. 3772.19.** A person shall not hold a majority ownership interest in, or be a management company for, more than two casino facilities at any one time. A person shall not hold a majority ownership interest in, or be a management company, for more than two tracks at which horse racing where the pari-mutuel system of wagering is conducted at any one time, of which not more than one shall be a track for thoroughbred horses. 4558  
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**Sec. 3772.20.** (A) A maximum of five thousand slot machines may be operated at a casino facility. Each casino operator for each casino facility shall determine the total number of slot machines in their facility, up to a maximum of five thousand slot machines that may be operated at such casino facility. There shall be no limit on the number of table games allowed at each casino facility. 4565  
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(B) Any slot machine game or table game currently authorized in, and any future slot machine or table game authorized in, the states of Indiana, Michigan, Pennsylvania, and West Virginia may 4572  
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be conducted at casino facilities in this state at the discretion 4575  
of a licensed casino operator but only after being approved, upon 4576  
application by a licensed casino operator, by the commission. 4577

(C) Minimum and maximum wagers on casino gaming shall be 4578  
determined by casino operators, subject to the commission's 4579  
approval. 4580

(D) No slot machine shall be set to pay out less than the 4581  
theoretical payout percentage, which shall be not less than 4582  
eighty-five per cent, as specifically approved by the commission. 4583  
The commission shall adopt rules that define the theoretical 4584  
payout percentage of a slot machine based on the total value of 4585  
the jackpots expected to be paid by a slot machine divided by the 4586  
total value of slot machine wagers expected to be made on that 4587  
slot machine during the same portion of the game cycle. In 4588  
determining the theoretical payout percentage, the commission may 4589  
consider market conditions, the payout percentage in other states, 4590  
the impact on gaming within the market, or any other factor the 4591  
commission deems relevant. The commission may adjust the payout 4592  
percentage at any time. 4593

**Sec. 3772.21.** (A) Casino gaming equipment and supplies 4594  
customarily used in conducting casino gaming shall be purchased or 4595  
leased only from gaming-related vendors licensed under this 4596  
chapter. A management company owning casino gaming devices, 4597  
supplies, and equipment shall be licensed as a gaming-related 4598  
vendor under this chapter. 4599

(B) Annually, a gaming-related vendor shall furnish to the 4600  
commission a list of all equipment, devices, and supplies offered 4601  
for sale or lease in connection with casino gaming authorized 4602  
under this chapter. 4603

(C) A gaming-related vendor shall keep books and records for 4604  
the furnishing of equipment, devices, and supplies to gaming 4605

operations separate from books and records of any other business 4606  
operated by the gaming-related vendor. A gaming-related vendor 4607  
shall file a quarterly return with the commission listing all 4608  
sales and leases. A gaming-related vendor shall permanently affix 4609  
the gaming-related vendor's name to all of the gaming-related 4610  
vendor's equipment, devices, and supplies for casino gaming 4611  
operations. 4612

(D) A gaming-related vendor's equipment, devices, or supplies 4613  
that are used by a person in an unauthorized casino gaming 4614  
operation shall be forfeited to the commission. 4615

**Sec. 3772.22.** (A) All casino facility operations shall use a 4616  
cashless wagering system whereby all wagerers' money is converted 4617  
to chips, tokens, tickets, electronic cards, or other instruments 4618  
of value at the request of the wagerer that may only be used for 4619  
wagering at a casino facility. Wagering shall not be conducted 4620  
with money or other negotiable currency. 4621

(B) Wagers may be received only from a person present at a 4622  
casino facility. A wagerer present at a casino facility shall not 4623  
place or attempt to place a wager on behalf of an individual who 4624  
is not present at the casino facility. 4625

**Sec. 3772.23.** (A) All tokens, chips, or electronic cards that 4626  
are used to make wagers shall be purchased from the casino 4627  
operator or management company while at a casino facility that has 4628  
been approved by the commission. Chips, tokens, tickets, 4629  
electronic cards, or similar objects may be used while at the 4630  
casino facility only for the purpose of making wagers on casino 4631  
games. 4632

(B) Casino operators and management companies shall not do 4633  
any of the following: 4634

(1) Obtain a license to operate a check-cashing business 4635

under sections 1315.01 to 1315.30 of the Revised Code; 4636

(2) Obtain a license to provide loans under sections 1321.01 to 1321.19 of the Revised Code; 4637  
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(3) Obtain a license to provide loans under sections 1321.35 to 1321.48 of the Revised Code. 4639  
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**Sec. 3772.24.** (A) An employee of a casino facility who is between eighteen and twenty-one years of age may be present in the area of a casino facility where casino gaming is being conducted, as long as the employee's duties are related solely to nongaming activities. An individual who is less than twenty-one years of age may enter a designated area of a casino facility where casino gaming is being conducted, as established by the commission, to pass to another area where casino gaming is not being conducted. An individual who is less than twenty-one years of age shall not make a wager under this chapter. 4641  
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(B) Casino operators shall notify the commission of the days and hours during which casino gaming will be conducted. 4651  
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**Sec. 3772.25.** The following are not subject to, or limited by, the requirements of this chapter or Section 6(C) of Article XV, Ohio Constitution: 4653  
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(A) Charitable gaming authorized by Chapter 2915. of the Revised Code; 4656  
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(B) Charitable bingo authorized by Section 6 of Article XV, Ohio Constitution, and as authorized by Chapter 2915. of the Revised Code; 4658  
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(C) Lottery games as authorized by Section 6 of Article XV, Ohio Constitution; and 4661  
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(D) Pari-mutuel wagering authorized by Chapter 3769. of the Revised Code. 4663  
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Sec. 3772.26. (A) Each of the four casino facilities shall be 4665  
subject to all applicable state laws and local ordinances related 4666  
to health and building codes, or any related requirements and 4667  
provisions. Notwithstanding the foregoing, no local zoning, land 4668  
use laws, subdivision regulations or similar provisions shall 4669  
prohibit the development or operation of the four casino 4670  
facilities, or casino gaming set forth herein, provided that no 4671  
casino facility shall be located in a district zoned exclusively 4672  
residential as of January 1, 2009. 4673

(B) No municipal corporation or other political subdivision 4674  
in which a casino facility is located shall be required to provide 4675  
or improve infrastructure, appropriate property, or otherwise take 4676  
any affirmative legislative or administrative action to assist 4677  
development or operation of a casino facility, regardless of the 4678  
source of funding but if such action is essential to the 4679  
development or operation of a casino facility, the municipal 4680  
corporation or other political subdivision may charge the casino 4681  
operator for any costs incurred for such action. 4682

Sec. 3772.27. Each initial licensed casino operator of each 4683  
of the four casino facilities shall make an initial investment of 4684  
at least two hundred fifty million dollars for the development of 4685  
each casino facility. 4686

Sec. 3772.28. (A) A casino operator shall not enter into a 4687  
debt transaction without the approval of the commission. The 4688  
casino operator shall submit, in writing, a request for approval 4689  
of a debt transaction that contains at least the following 4690  
information: 4691

(1) The names and addresses of all parties to the debt 4692  
transaction; 4693

(2) The amount of the funds involved; 4694



<u>(3) The type of debt transaction;</u>	4695
<u>(4) The source of the funds to be obtained;</u>	4696
<u>(5) All sources of collateral;</u>	4697
<u>(6) The purpose of the debt transaction;</u>	4698
<u>(7) The terms of the debt transaction;</u>	4699
<u>(8) Any other information deemed necessary by the commission.</u>	4700
<u>(B) As used in this section, "debt transaction" means a</u>	4701
<u>transaction by a casino operator concerning a casino facility</u>	4702
<u>totaling five hundred thousand dollars or more in which a casino</u>	4703
<u>operator acquires debt, including bank financing, private debt</u>	4704
<u>offerings, and any other transaction that results in the</u>	4705
<u>encumbrance of assets.</u>	4706
<u>Sec. 3772.29. All shipments of gaming supplies, devices, and</u>	4707
<u>equipment, including slot machines, into this state are exempt</u>	4708
<u>from section (2) of "An Act to Prohibit Transportation of Gambling</u>	4709
<u>Devices in Interstate and Foreign Commerce," 64 Stat. 1134, 15</u>	4710
<u>U.S.C. 1171-1177.</u>	4711
<u>Sec. 3772.30. (A) If any person violates this chapter or a</u>	4712
<u>rule adopted thereunder, the attorney general has a cause of</u>	4713
<u>action to restrain the violation. Such an action is a civil</u>	4714
<u>action, governed by the Rules of Civil Procedure. Upon receiving a</u>	4715
<u>request from the commission or the executive director, the</u>	4716
<u>attorney general shall commence and prosecute such an action to</u>	4717
<u>completion. The court shall give priority to such an action over</u>	4718
<u>all other civil actions. Such an action does not preclude an</u>	4719
<u>administrative or criminal proceeding on the same facts.</u>	4720
<u>(B) The attorney general may enter into agreements with any</u>	4721
<u>state or local law enforcement agency to carry out its duties.</u>	4722
<u>(C) A sheriff, chief of police, and prosecuting attorney</u>	4723

shall furnish to the commission, on prescribed forms, all 4724  
information obtained during the course of any substantial 4725  
investigation or prosecution if it appears a violation of this 4726  
chapter has occurred. Any such information is not a public record, 4727  
as defined in section 149.43 of the Revised Code, until such 4728  
information would otherwise become a public record. 4729

**Sec. 3772.31.** (A) The commission, by and through the 4730  
executive director of the commission and as required under section 4731  
125.05 of the Revised Code, may enter into contracts necessary to 4732  
ensure the proper operation and reporting of all casino gaming 4733  
authorized under this chapter. The commission may determine it to 4734  
be necessary and adopt rules to authorize a central system. The 4735  
system shall be operated by or under the commission's control. If 4736  
the commission determines that a central system is necessary and 4737  
adopts rules authorizing a central system, casino operators shall 4738  
be responsible for the costs of the central system as it relates 4739  
to casino facilities. 4740

(B) The commission shall certify independent testing 4741  
laboratories to scientifically test and technically evaluate all 4742  
slot machines, mechanical, electromechanical, or electronic table 4743  
games, slot accounting systems, and other electronic gaming 4744  
equipment for compliance with this chapter. The certified 4745  
independent testing laboratories shall be accredited by a national 4746  
accreditation body. The commission shall certify an independent 4747  
testing laboratory if it is competent and qualified to 4748  
scientifically test and evaluate electronic gaming equipment for 4749  
compliance with this chapter and to otherwise perform the 4750  
functions assigned to an independent testing laboratory under this 4751  
chapter. An independent testing laboratory shall not be owned or 4752  
controlled by, or have any interest in, a gaming-related vendor of 4753  
electronic gaming equipment. The commission shall prepare a list 4754  
of certified independent testing laboratories from which 4755

independent testing laboratories shall be chosen for all purposes 4756  
under this chapter. 4757

Sec. 3772.32. (A) As used in this section, "conservator" 4758  
means a person appointed by a court of common pleas as a fiduciary 4759  
to temporarily manage and control a casino facility. 4760

(B) The commission shall adopt rules under Chapter 119. of 4761  
the Revised Code relating to the administration of a casino 4762  
facility by a conservator. 4763

(C) The commission may petition the court of common pleas of 4764  
the county in which the casino facility is located for appointment 4765  
by the court of a conservator to manage and control the casino 4766  
facility if any of the following occurs: 4767

(1) The commission revokes the casino operator's license. 4768

(2) The commission declines to renew the casino operator's 4769  
license. 4770

(3) The commission suspends a casino operator's license for 4771  
more than one hundred twenty days. 4772

(4) A proposed buyer is denied a casino operator's license, 4773  
and the licensed casino operator is unable or unwilling to retain 4774  
ownership or control of the casino facility. 4775

(5) A licensed casino operator agrees in writing to 4776  
relinquish control of a casino facility to a conservator. 4777

(6) A natural disaster or bankruptcy halts operations at a 4778  
casino facility. 4779

This division does not apply if the casino facility for which 4780  
a casino license has been issued has not been in operation and 4781  
open to the public. 4782

(D)(1) The petition shall contain the names of two or more 4783  
persons who the commission believes are suitable and qualified to 4784

manage and control the casino facility and are available for 4785  
appointment as a conservator. 4786

(2) Upon receipt of the petition, the court shall appoint as 4787  
conservator of the casino facility a person who is named in the 4788  
petition. The court shall immediately notify the commission of the 4789  
appointment. Upon receipt of notice from the court, the commission 4790  
shall immediately notify the casino operator and the conservator. 4791

(3) The court that appoints the conservator shall set 4792  
reasonable compensation, out of the revenue of the casino 4793  
facility, for the services, costs, and expenses of the conservator 4794  
and for any other persons whom the conservator may engage to aid 4795  
the conservator in performing the conservator's duties. 4796

(E) A conservator is subject to Chapter 3772. of the Revised 4797  
Code and any rules adopted under that chapter as if the 4798  
conservator were a licensed casino operator. 4799

(F) A conservator shall be deemed to be a licensed casino 4800  
operator and may perform all acts that the conservator is required 4801  
or permitted to perform without approval or other action. 4802

(G) The conservator shall take immediately into possession 4803  
all property of the casino facility, including its money, 4804  
accounts, books, records, and evidences of debts owed to the 4805  
casino operator, and shall continue the business of the casino 4806  
facility. 4807

(H) A conservator shall file with the commission reports on 4808  
the administration of the casino facility in such form and at such 4809  
intervals as the commission may prescribe. 4810

(I)(1) If at any time the court finds that a conservator is 4811  
not qualified or available to serve as conservator, the court 4812  
shall request from the commission the names of two or more persons 4813  
who the commission believes are suitable and qualified to manage 4814  
and control a casino facility and are available to serve as a 4815

conservator. 4816

(2) The commission may, at any time after the appointment of 4817  
a conservator, petition the court for the removal of the 4818  
conservator and the appointment of a new conservator or for the 4819  
termination of the conservator. 4820

(J) A conservator shall, before assuming the conservator's 4821  
duties, execute and file a bond for the faithful performance of 4822  
the conservator's duties payable to the commission with such 4823  
surety or sureties and in such form as the commission approves and 4824  
in such amount as the commission prescribes. 4825

(K) The commission shall require that the former casino 4826  
operator purchase liability insurance, in an amount determined by 4827  
the commission, to protect a conservator from liability for any 4828  
acts or omissions of the conservator occurring during the duration 4829  
of the conservatorship that are reasonably related to, and within 4830  
the scope of, the conservator's duties. 4831

(L)(1) The former licensed casino operator has one hundred 4832  
eighty days after the date on which the conservator is appointed 4833  
to sell the casino facility to another person who satisfies the 4834  
requirements of this chapter for obtaining a casino operator's 4835  
license and is approved by the commission. 4836

(2) If the person is unable to sell the casino facility in 4837  
the time required by division (L)(1) of this section, the 4838  
conservator may take any action necessary to sell the casino 4839  
facility to another person who satisfies the requirements of this 4840  
chapter for obtaining a casino operator's license and is approved 4841  
by the commission. 4842

(M) The commission shall direct the court of common pleas to 4843  
discontinue a conservatorship when any of the following occurs: 4844

(1) The commission determines that the cause for which the 4845  
conservatorship was instituted no longer exists. 4846

(2) The former casino operator or the conservator has with the approval of the commission, consummated the sale, assignment, conveyance, or other disposition of the casino facility. 4847  
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(N) Upon the discontinuation of the conservatorship and with the approval of the commission, the conservator shall take steps as may be necessary to affect an orderly transfer of the property of the former casino operator. 4850  
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Sec. 3772.33. The provisions of law contained in this chapter, and their applications, constitute a unity. If any provision of law contained in this chapter, or if any application of any provision of law contained in this chapter, is held invalid by a final nonappealable order or judgment, then all other provisions of law contained in this chapter and their applications also are invalid. 4854  
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Sec. 3772.99. (A) The commission shall levy and collect penalties for noncriminal violations of this chapter. Moneys collected from such penalty levies shall be credited to the general revenue fund. 4861  
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(B) If a licensed casino operator, management company, holding company, gaming-related vendor, or key employee violates this chapter or engages in a fraudulent act, the commission may suspend or revoke the license and may do either or both of the following: 4865  
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(1) Suspend, revoke, or restrict the casino gaming operations of a casino operator; 4870  
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(2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor. 4872  
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(C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by 4875  
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commission rule and approved by the joint committee on gaming and 4877  
wagering. 4878

(D) A person who knowingly or intentionally does any of the 4879  
following commits a misdemeanor of the first degree on the first 4880  
offense and a felony of the fifth degree for a subsequent offense: 4881

(1) Makes a false statement on an application submitted under 4882  
this chapter; 4883

(2) Permits a person less than twenty-one years of age to 4884  
make a wager; 4885

(3) Aids, induces, or causes a person less than twenty-one 4886  
years of age who is not an employee of the casino gaming operation 4887  
to enter or attempt to enter a casino facility; 4888

(4) Enters or attempts to enter a casino facility while under 4889  
twenty-one years of age, unless the person enters a designated 4890  
area as described in section 3772.24 of the Revised Code; 4891

(5) Wagers or accepts a wager at a location other than a 4892  
casino facility; 4893

(6) Is a casino operator or employee and participates in 4894  
casino gaming other than as part of operation or employment. 4895

(E) A person who knowingly or intentionally does any of the 4896  
following commits a felony of the fifth degree on a first offense 4897  
and a felony of the fourth degree for a subsequent offense. If the 4898  
person is a licensee under this chapter, the commission shall 4899  
revoke the person's license after the first offense. 4900

(1) Offers, promises, or gives anything of value or benefit 4901  
to a person who is connected with the casino operator, management 4902  
company, holding company, or gaming-related vendor, including 4903  
their officers and employees, under an agreement to influence or 4904  
with the intent to influence the actions of the person to whom the 4905  
offer, promise, or gift was made in order to affect or attempt to 4906

affect the outcome of a casino game or an official action of a 4907  
commission member; 4908

(2) Solicits, accepts, or receives a promise of anything of 4909  
value or benefit while the person is connected with a casino, 4910  
including an officer or employee of a casino operator, management 4911  
company, or gaming-related vendor, under an agreement to influence 4912  
or with the intent to influence the actions of the person to 4913  
affect or attempt to affect the outcome of a casino game or an 4914  
official action of a commission member; 4915

(3) Uses or possesses with the intent to use a device to 4916  
assist in projecting the outcome of the game, keeping track of the 4917  
cards played, analyzing the probability of the occurrence of an 4918  
event relating to the casino game, or analyzing the strategy for 4919  
playing or betting to be used in the game, except as permitted by 4920  
the commission; 4921

(4) Cheats at a casino game; 4922

(5) Manufactures, sells, or distributes any cards, chips, 4923  
dice, game, or device that is intended to be used to violate this 4924  
chapter; 4925

(6) Alters or misrepresents the outcome of a casino game on 4926  
which wagers have been made after the outcome is made sure but 4927  
before the outcome is revealed to the players; 4928

(7) Places a wager on the outcome of a casino game after 4929  
acquiring knowledge that is not available to all players and 4930  
concerns the outcome of the casino game that is the subject of the 4931  
wager; 4932

(8) Aids a person in acquiring the knowledge described in 4933  
division (E)(7) of this section for the purpose of placing a wager 4934  
contingent on the outcome of a casino game; 4935

(9) Claims, collects, takes, or attempts to claim, collect, 4936



or take money or anything of value in or from a casino game with 4937  
the intent to defraud or without having made a wager contingent on 4938  
winning a casino game; 4939

(10) Claims, collects, or takes an amount of money or thing 4940  
of value of greater value than the amount won in a casino game; 4941

(11) Uses or possesses counterfeit chips or tokens in or for 4942  
use in a casino game; 4943

(12) Possesses a key or device designed for opening, 4944  
entering, or affecting the operation of a casino game, drop box, 4945  
or an electronic or a mechanical device connected with the casino 4946  
game or removing coins, tokens, chips, or other contents of a 4947  
casino game. This division does not apply to a casino operator, 4948  
management company, or gaming-related vendor or their agents and 4949  
employees in the course of agency or employment. 4950

(13) Possesses materials used to manufacture a slug or device 4951  
intended to be used in a manner that violates this chapter; 4952

(14) Operates a casino gaming operation in which wagering is 4953  
conducted or is to be conducted in a manner other than the manner 4954  
required under this chapter. 4955

(F) The possession of more than one of the devices described 4956  
in division (E)(11), (12), or (13) of this section creates a 4957  
rebuttable presumption that the possessor intended to use the 4958  
devices for cheating. 4959

(G) A person who is convicted of a felony described in this 4960  
chapter may be barred for life from entering a casino facility by 4961  
the commission. 4962

**Sec. 3793.02.** (A) The department of alcohol and drug 4963  
addiction services shall promote, assist in developing, and 4964  
coordinate or conduct programs of education and research for the 4965  
prevention of alcohol and drug addiction, the prevention of 4966

gambling addiction, the treatment, including intervention, of 4967  
alcoholics and persons who abuse drugs of abuse, including 4968  
anabolic steroids, and the treatment, including intervention, of 4969  
persons with gambling addictions. Programs established by the 4970  
department shall include abstinence-based prevention and treatment 4971  
programs. 4972

(B) In addition to the other duties prescribed by this 4973  
chapter, the department shall do all of the following: 4974

(1) Promote and coordinate efforts in the provision of 4975  
alcohol and drug addiction services and of gambling addiction 4976  
services by other state agencies, as defined in section 1.60 of 4977  
the Revised Code; courts; hospitals; clinics; physicians in 4978  
private practice; public health authorities; boards of alcohol, 4979  
drug addiction, and mental health services; alcohol and drug 4980  
addiction programs; law enforcement agencies; gambling addiction 4981  
programs; and related groups; 4982

(2) Provide for education and training in prevention, 4983  
diagnosis, treatment, and control of alcohol and drug addiction 4984  
and of gambling addiction for medical students, physicians, 4985  
nurses, social workers, professional counselors, psychologists, 4986  
and other persons who provide alcohol and drug addiction services 4987  
or gambling addiction services; 4988

(3) Provide training and consultation for persons who 4989  
supervise alcohol and drug addiction programs and facilities or 4990  
gambling addiction programs and facilities; 4991

(4) Develop measures for evaluating the effectiveness of 4992  
alcohol and drug addiction services, including services that use 4993  
methadone treatment, and of gambling addiction services, and for 4994  
increasing the accountability of alcohol and drug addiction 4995  
programs and of gambling addiction programs; 4996

(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 local alcohol, drug addiction, and mental health service districts that are authorized and operating in this state, 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 or private nonprofit institutions that possess a certificate of authorization issued under Chapter 1713. of the Revised Code 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. 5029

Sec. 3793.032. The director of alcohol and drug addiction 5030  
services shall administer the problem casino gambling and 5031  
addictions fund. The director shall use the money in the fund to 5032  
support programs that provide gambling addiction services, alcohol 5033  
and drug addiction programs that provide alcohol and drug 5034  
addiction services, other programs that relate to gambling 5035  
addiction and substance abuse, and research that relates to 5036  
gambling addiction and substance abuse. Treatment services 5037  
provided under programs supported by money in the fund under this 5038  
section shall be services that are provided by alcohol and drug 5039  
addiction treatment programs certified by the department of 5040  
alcohol and drug addiction services or provided by counselors who 5041  
are certified by the department. Prevention services provided 5042  
under programs supported by money in the fund under this section 5043  
shall be services that are provided by alcohol and drug addiction 5044  
prevention programs certified by the department of alcohol and 5045  
drug addiction services. 5046

The director shall prepare an annual report describing the 5047  
use of the fund for these purposes. The director shall submit the 5048  
report to the Ohio casino control commission, the speaker and 5049  
minority leader of the house of representatives, the president and 5050  
minority leader of the senate, the governor, and the joint 5051  
committee on gaming and wagering. 5052

**Sec. 4301.355.** (A) If a petition is filed under section 5053  
4301.333 of the Revised Code for the submission of the question or 5054  
questions set forth in this section, it shall be held in the 5055  
precinct as ordered by the board of elections under that section. 5056  
The expense of holding the election shall be charged to the 5057  
municipal corporation or township of which the precinct is a part. 5058

(B) At the election, one or more of the following questions, 5059  
as designated in a valid petition, shall be submitted to the 5060  
electors of the precinct: 5061

(1) "Shall the sale of ..... (insert beer, wine and 5062  
mixed beverages, or spirituous liquor) be permitted by ..... 5063  
(insert name of applicant, liquor permit holder, or liquor agency 5064  
store, including trade or fictitious name under which applicant 5065  
for, or holder of, liquor permit or liquor agency store either 5066  
intends to do, or does, business at the particular location), an 5067  
..... (insert "applicant for" or "holder of" or "operator 5068  
of") a ..... (insert class name of liquor permit or permits 5069  
followed by the words "liquor permit(s)" or, if appropriate, the 5070  
words "liquor agency store for the State of Ohio"), who is engaged 5071  
in the business of ..... (insert general nature of the 5072  
business in which applicant or liquor permit holder is engaged or 5073  
will be engaged in at the particular location, as described in the 5074  
petition) at ..... (insert address of the particular location 5075  
within the precinct as set forth in the petition) in this 5076  
precinct?" 5077

(2) "Shall the sale of ..... (insert beer, wine and 5078  
mixed beverages, or spirituous liquor) be permitted for sale on 5079  
Sunday between the hours of ..... (insert "ten a.m. and 5080  
midnight" or " eleven a.m. and midnight") by ..... (insert 5081  
name of applicant, liquor permit holder, or liquor agency store, 5082  
including trade or fictitious name under which applicant for, or 5083  
holder of, liquor permit or liquor agency store either intends to 5084  
do, or does, business at the particular location), an ..... 5085  
(insert "applicant for a D-6 liquor permit," "holder of a D-6 5086  
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 5087  
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 5088  
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 5089  
liquor permit," if only the approval of beer sales is sought, or 5090

"liquor agency store") who is engaged in the business of 5091  
..... (insert general nature of the business in which 5092  
applicant or liquor permit holder is engaged or will be engaged in 5093  
at the particular location, as described in the petition) at 5094  
..... (insert address of the particular location within the 5095  
precinct) in this precinct?" 5096

(C) The board of elections shall furnish printed ballots at 5097  
the election as provided under section 3505.06 of the Revised 5098  
Code, except that a separate ballot shall be used for the election 5099  
under this section. The question set forth in this section shall 5100  
be printed on each ballot, and the board shall insert in the 5101  
question appropriate words to complete it. Votes shall be cast as 5102  
provided under section 3505.06 of the Revised Code. 5103

**Sec. 4301.62.** (A) As used in this section: 5104

(1) "Chauffeured limousine" means a vehicle registered under 5105  
section 4503.24 of the Revised Code. 5106

(2) "Street," "highway," and "motor vehicle" have the same 5107  
meanings as in section 4511.01 of the Revised Code. 5108

(B) No person shall have in the person's possession an opened 5109  
container of beer or intoxicating liquor in any of the following 5110  
circumstances: 5111

(1) In a state liquor store; 5112

(2) Except as provided in division (C) of this section, on 5113  
the premises of the holder of any permit issued by the division of 5114  
liquor control; 5115

(3) In any other public place; 5116

(4) Except as provided in division (D) or (E) of this 5117  
section, while operating or being a passenger in or on a motor 5118  
vehicle on any street, highway, or other public or private 5119  
property open to the public for purposes of vehicular travel or 5120

parking; 5121

(5) Except as provided in division (D) or (E) of this 5122  
section, while being in or on a stationary motor vehicle on any 5123  
street, highway, or other public or private property open to the 5124  
public for purposes of vehicular travel or parking. 5125

(C)(1) A person may have in the person's possession an opened 5126  
container of any of the following: 5127

(a) Beer or intoxicating liquor that has been lawfully 5128  
purchased for consumption on the premises where bought from the 5129  
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 5130  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 5131  
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 5132  
F-8 permit; 5133

(b) Beer, wine, or mixed beverages served for consumption on 5134  
the premises by the holder of an F-3 permit or wine served for 5135  
consumption on the premises by the holder of an F-4 or F-6 permit; 5136

(c) Beer or intoxicating liquor consumed on the premises of a 5137  
convention facility as provided in section 4303.201 of the Revised 5138  
Code; 5139

(d) Beer or intoxicating liquor to be consumed during 5140  
tastings and samplings approved by rule of the liquor control 5141  
commission. 5142

(2) A person may have in the person's possession on an F 5143  
liquor permit premises an opened container of beer or intoxicating 5144  
liquor that was not purchased from the holder of the F permit if 5145  
the premises for which the F permit is issued is a music festival 5146  
and the holder of the F permit grants permission for that 5147  
possession on the premises during the period for which the F 5148  
permit is issued. As used in this division, "music festival" means 5149  
a series of outdoor live musical performances, extending for a 5150  
period of at least three consecutive days and located on an area 5151

of land of at least forty acres. 5152

(3)(a) A person may have in the person's possession on a D-2 5153  
liquor permit premises an opened or unopened container of wine 5154  
that was not purchased from the holder of the D-2 permit if the 5155  
premises for which the D-2 permit is issued is an outdoor 5156  
performing arts center, the person is attending an orchestral 5157  
performance, and the holder of the D-2 permit grants permission 5158  
for the possession and consumption of wine in certain 5159  
predesignated areas of the premises during the period for which 5160  
the D-2 permit is issued. 5161

(b) As used in division (C)(3)(a) of this section: 5162

(i) "Orchestral performance" means a concert comprised of a 5163  
group of not fewer than forty musicians playing various musical 5164  
instruments. 5165

(ii) "Outdoor performing arts center" means an outdoor 5166  
performing arts center that is located on not less than eight 5167  
hundred acres of land and that is open for performances from the 5168  
first day of April to the last day of October of each year. 5169

(4) A person may have in the person's possession an opened or 5170  
unopened container of beer or intoxicating liquor at an outdoor 5171  
location at which the person is attending an orchestral 5172  
performance as defined in division (C)(3)(b)(i) of this section if 5173  
the person with supervision and control over the performance 5174  
grants permission for the possession and consumption of beer or 5175  
intoxicating liquor in certain predesignated areas of that outdoor 5176  
location. 5177

(D) This section does not apply to a person who pays all or a 5178  
portion of the fee imposed for the use of a chauffeured limousine 5179  
pursuant to a prearranged contract, or the guest of the person, 5180  
when all of the following apply: 5181

(1) The person or guest is a passenger in the limousine. 5182



(2) The person or guest is located in the limousine, but is 5183  
not occupying a seat in the front compartment of the limousine 5184  
where the operator of the limousine is located. 5185

(3) The limousine is located on any street, highway, or other 5186  
public or private property open to the public for purposes of 5187  
vehicular travel or parking. 5188

(E) An opened bottle of wine that was purchased from the 5189  
holder of a permit that authorizes the sale of wine for 5190  
consumption on the premises where sold is not an opened container 5191  
for the purposes of this section if both of the following apply: 5192

(1) The opened bottle of wine is securely resealed by the 5193  
permit holder or an employee of the permit holder before the 5194  
bottle is removed from the premises. The bottle shall be secured 5195  
in such a manner that it is visibly apparent if the bottle has 5196  
been subsequently opened or tampered with. 5197

(2) The opened bottle of wine that is resealed in accordance 5198  
with division (E)(1) of this section is stored in the trunk of a 5199  
motor vehicle or, if the motor vehicle does not have a trunk, 5200  
behind the last upright seat or in an area not normally occupied 5201  
by the driver or passengers and not easily accessible by the 5202  
driver. 5203

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 5204  
owner or operator of a hotel or motel that is required to be 5205  
licensed under section 3731.03 of the Revised Code, that contains 5206  
at least fifty rooms for registered transient guests or is owned 5207  
by a state institution of higher education as defined in section 5208  
3345.011 of the Revised Code or a private college or university, 5209  
and that qualifies under the other requirements of this section, 5210  
or to the owner or operator of a restaurant specified under this 5211  
section, to sell beer and any intoxicating liquor at retail, only 5212  
by the individual drink in glass and from the container, for 5213

consumption on the premises where sold, and to registered guests 5214  
in their rooms, which may be sold by means of a controlled access 5215  
alcohol and beverage cabinet in accordance with division (B) of 5216  
section 4301.21 of the Revised Code; and to sell the same products 5217  
in the same manner and amounts not for consumption on the premises 5218  
as may be sold by holders of D-1 and D-2 permits. The premises of 5219  
the hotel or motel shall include a retail food establishment or a 5220  
food service operation licensed pursuant to Chapter 3717. of the 5221  
Revised Code that operates as a restaurant for purposes of this 5222  
chapter and that is affiliated with the hotel or motel and within 5223  
or contiguous to the hotel or motel, and that serves food within 5224  
the hotel or motel, but the principal business of the owner or 5225  
operator of the hotel or motel shall be the accommodation of 5226  
transient guests. In addition to the privileges authorized in this 5227  
division, the holder of a D-5a permit may exercise the same 5228  
privileges as the holder of a D-5 permit. 5229

The owner or operator of a hotel, motel, or restaurant who 5230  
qualified for and held a D-5a permit on August 4, 1976, may, if 5231  
the owner or operator held another permit before holding a D-5a 5232  
permit, either retain a D-5a permit or apply for the permit 5233  
formerly held, and the division of liquor control shall issue the 5234  
permit for which the owner or operator applies and formerly held, 5235  
notwithstanding any quota. 5236

A D-5a permit shall not be transferred to another location. 5237  
No quota restriction shall be placed on the number of D-5a permits 5238  
that may be issued. 5239

The fee for this permit is two thousand three hundred 5240  
forty-four dollars. 5241

(B) Permit D-5b may be issued to the owner, operator, tenant, 5242  
lessee, or occupant of an enclosed shopping center to sell beer 5243  
and intoxicating liquor at retail, only by the individual drink in 5244  
glass and from the container, for consumption on the premises 5245

where sold; and to sell the same products in the same manner and amount not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5b permit may exercise the same privileges as a holder of a D-5 permit.

A D-5b permit shall not be transferred to another location.

One D-5b permit may be issued at an enclosed shopping center containing at least two hundred twenty-five thousand, but less than four hundred thousand, square feet of floor area.

Two D-5b permits may be issued at an enclosed shopping center containing at least four hundred thousand square feet of floor area. No more than one D-5b permit may be issued at an enclosed shopping center for each additional two hundred thousand square feet of floor area or fraction of that floor area, up to a maximum of five D-5b permits for each enclosed shopping center. The number of D-5b permits that may be issued at an enclosed shopping center shall be determined by subtracting the number of D-3 and D-5 permits issued in the enclosed shopping center from the number of D-5b permits that otherwise may be issued at the enclosed shopping center under the formulas provided in this division. Except as provided in this section, no quota shall be placed on the number of D-5b permits that may be issued. Notwithstanding any quota provided in this section, the holder of any D-5b permit first issued in accordance with this section is entitled to its renewal in accordance with section 4303.271 of the Revised Code.

The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts owing or accrued upon the date of cancellation to this state and

its political subdivisions and a filing with the division of a 5278  
certification of that payment, the division shall issue to that 5279  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 5280  
that person requests. The division shall issue the D-5 permit, or 5281  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 5282  
D-3, or D-5 permits currently issued in the municipal corporation 5283  
or in the unincorporated area of the township where that person's 5284  
proposed premises is located equals or exceeds the maximum number 5285  
of such permits that can be issued in that municipal corporation 5286  
or in the unincorporated area of that township under the 5287  
population quota restrictions contained in section 4303.29 of the 5288  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 5289  
be transferred to another location. If a D-5b permit is canceled 5290  
under the provisions of this paragraph, the number of D-5b permits 5291  
that may be issued at the enclosed shopping center for which the 5292  
D-5b permit was issued, under the formula provided in this 5293  
division, shall be reduced by one if the enclosed shopping center 5294  
was entitled to more than one D-5b permit under the formula. 5295

The fee for this permit is two thousand three hundred 5296  
forty-four dollars. 5297

(C) Permit D-5c may be issued to the owner or operator of a 5298  
retail food establishment or a food service operation licensed 5299  
pursuant to Chapter 3717. of the Revised Code that operates as a 5300  
restaurant for purposes of this chapter and that qualifies under 5301  
the other requirements of this section to sell beer and any 5302  
intoxicating liquor at retail, only by the individual drink in 5303  
glass and from the container, for consumption on the premises 5304  
where sold, and to sell the same products in the same manner and 5305  
amounts not for consumption on the premises as may be sold by 5306  
holders of D-1 and D-2 permits. In addition to the privileges 5307  
authorized in this division, the holder of a D-5c permit may 5308  
exercise the same privileges as the holder of a D-5 permit. 5309

To qualify for a D-5c permit, the owner or operator of a 5310  
retail food establishment or a food service operation licensed 5311  
pursuant to Chapter 3717. of the Revised Code that operates as a 5312  
restaurant for purposes of this chapter, shall have operated the 5313  
restaurant at the proposed premises for not less than twenty-four 5314  
consecutive months immediately preceding the filing of the 5315  
application for the permit, have applied for a D-5 permit no later 5316  
than December 31, 1988, and appear on the division's quota waiting 5317  
list for not less than six months immediately preceding the filing 5318  
of the application for the permit. In addition to these 5319  
requirements, the proposed D-5c permit premises shall be located 5320  
within a municipal corporation and further within an election 5321  
precinct that, at the time of the application, has no more than 5322  
twenty-five per cent of its total land area zoned for residential 5323  
use. 5324

A D-5c permit shall not be transferred to another location. 5325  
No quota restriction shall be placed on the number of such permits 5326  
that may be issued. 5327

Any person who has held a D-5c permit for at least two years 5328  
may apply for a D-5 permit, and the division of liquor control 5329  
shall issue the D-5 permit notwithstanding the quota restrictions 5330  
contained in section 4303.29 of the Revised Code or in any rule of 5331  
the liquor control commission. 5332

The fee for this permit is one thousand five hundred 5333  
sixty-three dollars. 5334

(D) Permit D-5d may be issued to the owner or operator of a 5335  
retail food establishment or a food service operation licensed 5336  
pursuant to Chapter 3717. of the Revised Code that operates as a 5337  
restaurant for purposes of this chapter and that is located at an 5338  
airport operated by a board of county commissioners pursuant to 5339  
section 307.20 of the Revised Code, at an airport operated by a 5340  
port authority pursuant to Chapter 4582. of the Revised Code, or 5341

at an airport operated by a regional airport authority pursuant to 5342  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 5343  
sell beer and any intoxicating liquor at retail, only by the 5344  
individual drink in glass and from the container, for consumption 5345  
on the premises where sold, and may sell the same products in the 5346  
same manner and amounts not for consumption on the premises where 5347  
sold as may be sold by the holders of D-1 and D-2 permits. In 5348  
addition to the privileges authorized in this division, the holder 5349  
of a D-5d permit may exercise the same privileges as the holder of 5350  
a D-5 permit. 5351

A D-5d permit shall not be transferred to another location. 5352  
No quota restrictions shall be placed on the number of such 5353  
permits that may be issued. 5354

The fee for this permit is two thousand three hundred 5355  
forty-four dollars. 5356

(E) Permit D-5e may be issued to any nonprofit organization 5357  
that is exempt from federal income taxation under the "Internal 5358  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 5359  
amended, or that is a charitable organization under any chapter of 5360  
the Revised Code, and that owns or operates a riverboat that meets 5361  
all of the following: 5362

(1) Is permanently docked at one location; 5363

(2) Is designated as an historical riverboat by the Ohio 5364  
historical society; 5365

(3) Contains not less than fifteen hundred square feet of 5366  
floor area; 5367

(4) Has a seating capacity of fifty or more persons. 5368

The holder of a D-5e permit may sell beer and intoxicating 5369  
liquor at retail, only by the individual drink in glass and from 5370  
the container, for consumption on the premises where sold. 5371

A D-5e permit shall not be transferred to another location. 5372  
No quota restriction shall be placed on the number of such permits 5373  
that may be issued. The population quota restrictions contained in 5374  
section 4303.29 of the Revised Code or in any rule of the liquor 5375  
control commission shall not apply to this division, and the 5376  
division shall issue a D-5e permit to any applicant who meets the 5377  
requirements of this division. However, the division shall not 5378  
issue a D-5e permit if the permit premises or proposed permit 5379  
premises are located within an area in which the sale of 5380  
spirituous liquor by the glass is prohibited. 5381

The fee for this permit is one thousand two hundred nineteen 5382  
dollars. 5383

(F) Permit D-5f may be issued to the owner or operator of a 5384  
retail food establishment or a food service operation licensed 5385  
under Chapter 3717. of the Revised Code that operates as a 5386  
restaurant for purposes of this chapter and that meets all of the 5387  
following: 5388

(1) It contains not less than twenty-five hundred square feet 5389  
of floor area. 5390

(2) It is located on or in, or immediately adjacent to, the 5391  
shoreline of, a navigable river. 5392

(3) It provides docking space for twenty-five boats. 5393

(4) It provides entertainment and recreation, provided that 5394  
not less than fifty per cent of the business on the permit 5395  
premises shall be preparing and serving meals for a consideration. 5396

In addition, each application for a D-5f permit shall be 5397  
accompanied by a certification from the local legislative 5398  
authority that the issuance of the D-5f permit is not inconsistent 5399  
with that political subdivision's comprehensive development plan 5400  
or other economic development goal as officially established by 5401  
the local legislative authority. 5402

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5f permit shall not be transferred to another location.

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

A fee for this permit is two thousand three hundred forty-four dollars.

As used in this division, "navigable river" means a river that is also a "navigable water" as defined in the "Federal Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796.

(G) Permit D-5g may be issued to a nonprofit corporation that is either the owner or the operator of a national professional sports museum. The holder of a D-5g 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-5g permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5g permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5g permits that may be issued. The fee for this permit is one thousand eight hundred seventy-five dollars.

(H)(1) Permit D-5h may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that owns or operates any of the following:

(a) A fine arts museum, provided that the nonprofit organization has no less than one thousand five hundred bona fide members possessing full membership privileges;



(b) A community arts center. As used in division (H)(1)(b) of 5434  
this section, "community arts center" means a facility that 5435  
provides arts programming to the community in more than one arts 5436  
discipline, including, but not limited to, exhibits of works of 5437  
art and performances by both professional and amateur artists. 5438

(c) A community theater, provided that the nonprofit 5439  
organization is a member of the Ohio arts council and the American 5440  
community theatre association and has been in existence for not 5441  
less than ten years. As used in division (H)(1)(c) of this 5442  
section, "community theater" means a facility that contains at 5443  
least one hundred fifty seats and has a primary function of 5444  
presenting live theatrical performances and providing recreational 5445  
opportunities to the community. 5446

(2) The holder of a D-5h permit may sell beer and any 5447  
intoxicating liquor at retail, only by the individual drink in 5448  
glass and from the container, for consumption on the premises 5449  
where sold. The holder of a D-5h permit shall sell no beer or 5450  
intoxicating liquor for consumption on the premises where sold 5451  
after one a.m. A D-5h permit shall not be transferred to another 5452  
location. No quota restrictions shall be placed on the number of 5453  
D-5h permits that may be issued. 5454

(3) The fee for a D-5h permit is one thousand eight hundred 5455  
seventy-five dollars. 5456

(I) Permit D-5i may be issued to the owner or operator of a 5457  
retail food establishment or a food service operation licensed 5458  
under Chapter 3717. of the Revised Code that operates as a 5459  
restaurant for purposes of this chapter and that meets all of the 5460  
following requirements: 5461

(1) It is located in a municipal corporation or a township 5462  
with a population of one hundred thousand or less. 5463

(2) It has inside seating capacity for at least one hundred 5464

forty persons. 5465

(3) It has at least four thousand square feet of floor area. 5466

(4) It offers full-course meals, appetizers, and sandwiches. 5467

(5) Its receipts from beer and liquor sales, excluding wine 5468  
sales, do not exceed twenty-five per cent of its total gross 5469  
receipts. 5470

(6) It has at least one of the following characteristics: 5471

(a) The value of its real and personal property exceeds seven 5472  
hundred twenty-five thousand dollars. 5473

(b) It is located on property that is owned or leased by the 5474  
state or a state agency, and its owner or operator has 5475  
authorization from the state or the state agency that owns or 5476  
leases the property to obtain a D-5i permit. 5477

The holder of a D-5i permit may sell beer and any 5478  
intoxicating liquor at retail, only by the individual drink in 5479  
glass and from the container, for consumption on the premises 5480  
where sold, and may sell the same products in the same manner and 5481  
amounts not for consumption on the premises where sold as may be 5482  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 5483  
permit shall sell no beer or intoxicating liquor for consumption 5484  
on the premises where sold after two-thirty a.m. In addition to 5485  
the privileges authorized in this division, the holder of a D-5i 5486  
permit may exercise the same privileges as the holder of a D-5 5487  
permit. 5488

A D-5i permit shall not be transferred to another location. 5489  
The division of liquor control shall not renew a D-5i permit 5490  
unless the retail food establishment or food service operation for 5491  
which it is issued continues to meet the requirements described in 5492  
divisions (I)(1) to (6) of this section. No quota restrictions 5493  
shall be placed on the number of D-5i permits that may be issued. 5494

The fee for the D-5i permit is two thousand three hundred 5495  
forty-four dollars. 5496

(J)(1) Permit D-5j may be issued to the owner or the operator 5497  
of a retail food establishment or a food service operation 5498  
licensed under Chapter 3717. of the Revised Code to sell beer and 5499  
intoxicating liquor at retail, only by the individual drink in 5500  
glass and from the container, for consumption on the premises 5501  
where sold and to sell beer and intoxicating liquor in the same 5502  
manner and amounts not for consumption on the premises where sold 5503  
as may be sold by the holders of D-1 and D-2 permits. The holder 5504  
of a D-5j permit may exercise the same privileges, and shall 5505  
observe the same hours of operation, as the holder of a D-5 5506  
permit. 5507

(2) The D-5j permit shall be issued only within a community 5508  
entertainment district that is designated under section 4301.80 of 5509  
the Revised Code and that meets one of the following 5510  
qualifications: 5511

(a) It is located in a municipal corporation with a 5512  
population of at least one hundred thousand. 5513

(b) It is located in a municipal corporation with a 5514  
population of at least twenty thousand, and either of the 5515  
following applies: 5516

(i) It contains an amusement park the rides of which have 5517  
been issued a permit by the department of agriculture under 5518  
Chapter 1711. of the Revised Code. 5519

(ii) Not less than fifty million dollars will be invested in 5520  
development and construction in the community entertainment 5521  
district's area located in the municipal corporation. 5522

(c) It is located in a township with a population of at least 5523  
forty thousand. 5524

(d) It is located in a municipal corporation with a 5525  
population of at least ten thousand, and not less than seventy 5526  
million dollars will be invested in development and construction 5527  
in the community entertainment district's area located in the 5528  
municipal corporation. 5529

(e) It is located in a municipal corporation with a 5530  
population of at least five thousand, and not less than one 5531  
hundred million dollars will be invested in development and 5532  
construction in the community entertainment district's area 5533  
located in the municipal corporation. 5534

(3) The location of a D-5j permit may be transferred only 5535  
within the geographic boundaries of the community entertainment 5536  
district in which it was issued and shall not be transferred 5537  
outside the geographic boundaries of that district. 5538

(4) Not more than one D-5j permit shall be issued within each 5539  
community entertainment district for each five acres of land 5540  
located within the district. Not more than fifteen D-5j permits 5541  
may be issued within a single community entertainment district. 5542  
Except as otherwise provided in division (J)(4) of this section, 5543  
no quota restrictions shall be placed upon the number of D-5j 5544  
permits that may be issued. 5545

(5) The fee for a D-5j permit is two thousand three hundred 5546  
forty-four dollars. 5547

(K)(1) Permit D-5k may be issued to any nonprofit 5548  
organization that is exempt from federal income taxation under the 5549  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 5550  
501(c)(3), as amended, that is the owner or operator of a 5551  
botanical garden recognized by the American association of 5552  
botanical gardens and arboreta, and that has not less than 5553  
twenty-five hundred bona fide members. 5554

(2) The holder of a D-5k permit may sell beer and any 5555

intoxicating liquor at retail, only by the individual drink in 5556  
glass and from the container, on the premises where sold. 5557

(3) The holder of a D-5k permit shall sell no beer or 5558  
intoxicating liquor for consumption on the premises where sold 5559  
after one a.m. 5560

(4) A D-5k permit shall not be transferred to another 5561  
location. 5562

(5) No quota restrictions shall be placed on the number of 5563  
D-5k permits that may be issued. 5564

(6) The fee for the D-5k permit is one thousand eight hundred 5565  
seventy-five dollars. 5566

(L)(1) Permit D-5l may be issued to the owner or the operator 5567  
of a retail food establishment or a food service operation 5568  
licensed under Chapter 3717. of the Revised Code to sell beer and 5569  
intoxicating liquor at retail, only by the individual drink in 5570  
glass and from the container, for consumption on the premises 5571  
where sold and to sell beer and intoxicating liquor in the same 5572  
manner and amounts not for consumption on the premises where sold 5573  
as may be sold by the holders of D-1 and D-2 permits. The holder 5574  
of a D-5l permit may exercise the same privileges, and shall 5575  
observe the same hours of operation, as the holder of a D-5 5576  
permit. 5577

(2) The D-5l permit shall be issued only to a premises that 5578  
has gross annual receipts from the sale of food and meals that 5579  
constitute not less than seventy-five per cent of its total gross 5580  
annual receipts, that is located within a revitalization district 5581  
that is designated under section 4301.81 of the Revised Code, that 5582  
is located in a municipal corporation or township in which the 5583  
number of D-5 permits issued equals or exceeds the number of those 5584  
permits that may be issued in that municipal corporation or 5585  
township under section 4303.29 of the Revised Code, and that is 5586

located in a county with a population of one hundred twenty-five 5587  
thousand or less according to the population estimates certified 5588  
by the department of development for calendar year 2006. 5589

(3) The location of a D-5l permit may be transferred only 5590  
within the geographic boundaries of the revitalization district in 5591  
which it was issued and shall not be transferred outside the 5592  
geographic boundaries of that district. 5593

(4) Not more than one D-5l permit shall be issued within each 5594  
revitalization district for each five acres of land located within 5595  
the district. Not more than five D-5l permits may be issued within 5596  
a single revitalization district. Except as otherwise provided in 5597  
division (L)(4) of this section, no quota restrictions shall be 5598  
placed upon the number of D-5l permits that may be issued. 5599

(5) The fee for a D-5l permit is two thousand three hundred 5600  
forty-four dollars. 5601

(M) Permit D-5m may be issued to either the owner or the 5602  
operator of a retail food establishment or food service operation 5603  
licensed under Chapter 3717. of the Revised Code that operates as 5604  
a restaurant for purposes of this chapter and that is located in, 5605  
or affiliated with, a center for the preservation of wild animals 5606  
as defined in section 4301.404 of the Revised Code, to sell beer 5607  
and any intoxicating liquor at retail, only by the glass and from 5608  
the container, for consumption on the premises where sold, and to 5609  
sell the same products in the same manner and amounts not for 5610  
consumption on the premises as may be sold by the holders of D-1 5611  
and D-2 permits. In addition to the privileges authorized by this 5612  
division, the holder of a D-5m permit may exercise the same 5613  
privileges as the holder of a D-5 permit. 5614

A D-5m permit shall not be transferred to another location. 5615  
No quota restrictions shall be placed on the number of D-5m 5616  
permits that may be issued. The fee for a permit D-5m is two 5617

thousand three hundred forty-four dollars. 5618

(N) Permit D-5n shall be issued to either a casino operator 5619  
or a casino management company licensed under Chapter 3772. of the 5620  
Revised Code that operates a casino facility under that chapter, 5621  
to sell beer and any intoxicating liquor at retail, only by the 5622  
individual drink in glass and from the container, for consumption 5623  
on the premises where sold, and to sell the same products in the 5624  
same manner and amounts not for consumption on the premises as may 5625  
be sold by the holders of D-1 and D-2 permits. In addition to the 5626  
privileges authorized by this division, the holder of a D-5n 5627  
permit may exercise the same privileges as the holder of a D-5 5628  
permit. A D-5n permit shall not be transferred to another 5629  
location. Only one D-5n permit may be issued per casino facility 5630  
and not more than four D-5n permits shall be issued in this state. 5631  
The fee for a permit D-5n shall be twenty thousand dollars. The 5632  
holder of a D-5n permit may conduct casino gaming on the permit 5633  
premises notwithstanding any provision of the Revised Code or 5634  
Administrative Code. 5635

(O) Permit D-5o may be issued to the owner or operator of a 5636  
retail food establishment or a food service operation licensed 5637  
under Chapter 3717. of the Revised Code that operates as a 5638  
restaurant for purposes of this chapter and that is located within 5639  
a casino facility for which a D-5n permit has been issued. The 5640  
holder of a D-5o permit may sell beer and any intoxicating liquor 5641  
at retail, only by the individual drink in glass and from the 5642  
container, for consumption on the premises where sold, and may 5643  
sell the same products in the same manner and amounts not for 5644  
consumption on the premises where sold as may be sold by the 5645  
holders of D-1 and D-2 permits. In addition to the privileges 5646  
authorized by this division, the holder of a D-5o permit may 5647  
exercise the same privileges as the holder of a D-5 permit. A D-5o 5648  
permit shall not be transferred to another location. No quota 5649

restrictions shall be placed on the number of such permits that 5650  
may be issued. The fee for this permit is two thousand three 5651  
hundred forty-four dollars. 5652

**Sec. 4303.182.** (A) Except as otherwise provided in divisions 5653  
(B) to (J) of this section, permit D-6 shall be issued to the 5654  
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 5655  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 5656  
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 5657  
that permit as follows: 5658

(1) Between the hours of ten a.m. and midnight on Sunday if 5659  
sale during those hours has been approved under question (C)(1), 5660  
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 5661  
under question (B)(2) of section 4301.355 of the Revised Code, or 5662  
under section 4301.356 of the Revised Code and has been authorized 5663  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 5664  
Revised Code, under the restrictions of that authorization; 5665

(2) Between the hours of eleven a.m. and midnight on Sunday, 5666  
if sale during those hours has been approved on or after the 5667  
effective date of this amendment under question (B)(1), (2), or 5668  
(3) of section 4301.351 or 4301.354 of the Revised Code, under 5669  
question (B)(2) of section 4301.355 of the Revised Code, or under 5670  
section 4301.356 of the Revised Code and has been authorized under 5671  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 5672  
Code, under the restrictions of that authorization; 5673

(3) Between the hours of eleven a.m. and midnight on Sunday 5674  
if sale between the hours of one p.m. and midnight was approved 5675  
before the effective date of this amendment under question (B)(1), 5676  
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 5677  
under question (B)(2) of section 4301.355 of the Revised Code, or 5678  
under section 4301.356 of the Revised Code and has been authorized 5679  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 5680



Revised Code, under the other restrictions of that authorization. 5681

(B) Permit D-6 shall be issued to the holder of any permit, 5682  
including a D-4a and D-5d permit, authorizing the sale of 5683  
intoxicating liquor issued for a premises located at any publicly 5684  
owned airport, as defined in section 4563.01 of the Revised Code, 5685  
at which commercial airline companies operate regularly scheduled 5686  
flights on which space is available to the public, to allow sale 5687  
under such permit between the hours of ten a.m. and midnight on 5688  
Sunday, whether or not that sale has been authorized under section 5689  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5690

(C) Permit D-6 shall be issued to the holder of a D-5a 5691  
permit, and to the holder of a D-3 or D-3a permit who is the owner 5692  
or operator of a hotel or motel that is required to be licensed 5693  
under section 3731.03 of the Revised Code, that contains at least 5694  
fifty rooms for registered transient guests, and that has on its 5695  
premises a retail food establishment or a food service operation 5696  
licensed pursuant to Chapter 3717. of the Revised Code that 5697  
operates as a restaurant for purposes of this chapter and is 5698  
affiliated with the hotel or motel and within or contiguous to the 5699  
hotel or motel and serving food within the hotel or motel, to 5700  
allow sale under such permit between the hours of ten a.m. and 5701  
midnight on Sunday, whether or not that sale has been authorized 5702  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 5703  
Revised Code. 5704

(D) The holder of a D-6 permit that is issued to a sports 5705  
facility may make sales under the permit between the hours of 5706  
eleven a.m. and midnight on any Sunday on which a professional 5707  
baseball, basketball, football, hockey, or soccer game is being 5708  
played at the sports facility. As used in this division, "sports 5709  
facility" means a stadium or arena that has a seating capacity of 5710  
at least four thousand and that is owned or leased by a 5711  
professional baseball, basketball, football, hockey, or soccer 5712

franchise or any combination of those franchises. 5713

(E) Permit D-6 shall be issued to the holder of any permit 5714  
that authorizes the sale of beer or intoxicating liquor and that 5715  
is issued to a premises located in or at the Ohio historical 5716  
society area or the state fairgrounds, as defined in division (B) 5717  
of section 4301.40 of the Revised Code, to allow sale under that 5718  
permit between the hours of ten a.m. and midnight on Sunday, 5719  
whether or not that sale has been authorized under section 5720  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5721

(F) Permit D-6 shall be issued to the holder of any permit 5722  
that authorizes the sale of intoxicating liquor and that is issued 5723  
to an outdoor performing arts center to allow sale under that 5724  
permit between the hours of one p.m. and midnight on Sunday, 5725  
whether or not that sale has been authorized under section 5726  
4301.361 of the Revised Code. A D-6 permit issued under this 5727  
division is subject to the results of an election, held after the 5728  
D-6 permit is issued, on question (B)(4) as set forth in section 5729  
4301.351 of the Revised Code. Following the end of the period 5730  
during which an election may be held on question (B)(4) as set 5731  
forth in that section, sales of intoxicating liquor may continue 5732  
at an outdoor performing arts center under a D-6 permit issued 5733  
under this division, unless an election on that question is held 5734  
during the permitted period and a majority of the voters voting in 5735  
the precinct on that question vote "no." 5736

As used in this division, "outdoor performing arts center" 5737  
means an outdoor performing arts center that is located on not 5738  
less than eight hundred acres of land and that is open for 5739  
performances from the first day of April to the last day of 5740  
October of each year. 5741

(G) Permit D-6 shall be issued to the holder of any permit 5742  
that authorizes the sale of beer or intoxicating liquor and that 5743  
is issued to a golf course owned by the state, a conservancy 5744

district, a park district created under Chapter 1545. of the 5745  
Revised Code, or another political subdivision to allow sale under 5746  
that permit between the hours of ten a.m. and midnight on Sunday, 5747  
whether or not that sale has been authorized under section 5748  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5749

(H) Permit D-6 shall be issued to the holder of a D-5g permit 5750  
to allow sale under that permit between the hours of ten a.m. and 5751  
midnight on Sunday, whether or not that sale has been authorized 5752  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 5753  
Revised Code. 5754

(I) Permit D-6 shall be issued to the holder of any D permit 5755  
for a premises that is licensed under Chapter 3717. of the Revised 5756  
Code and that is located at a ski area to allow sale under the D-6 5757  
permit between the hours of ten a.m. and midnight on Sunday, 5758  
whether or not that sale has been authorized under section 5759  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5760

As used in this division, "ski area" means a ski area as 5761  
defined in section 4169.01 of the Revised Code, provided that the 5762  
passenger tramway operator at that area is registered under 5763  
section 4169.03 of the Revised Code. 5764

(J) Permit D-6 shall be issued to the holder of any permit 5765  
that is described in division (A) of this section for a permit 5766  
premises that is located in a community entertainment district, as 5767  
defined in section 4301.80 of the Revised Code, that was approved 5768  
by the legislative authority of a municipal corporation under that 5769  
section between October 1 and October 15, 2005, to allow sale 5770  
under the permit between the hours of ten a.m. and midnight on 5771  
Sunday, whether or not that sale has been authorized under section 5772  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5773

(K) If the restriction to licensed premises where the sale of 5774  
food and other goods and services exceeds fifty per cent of the 5775

total gross receipts of the permit holder at the premises is 5776  
applicable, the division of liquor control may accept an affidavit 5777  
from the permit holder to show the proportion of the permit 5778  
holder's gross receipts derived from the sale of food and other 5779  
goods and services. If the liquor control commission determines 5780  
that affidavit to have been false, it shall revoke the permits of 5781  
the permit holder at the premises concerned. 5782

(L) The fee for the D-6 permit is five hundred dollars when 5783  
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 5784  
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 5785  
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee 5786  
for the D-6 permit is four hundred dollars when it is issued to 5787  
the holder of a C-2 permit. 5788

**Sec. 4303.30.** The rights granted by any D-2, D-3, D-3a, D-4, 5789  
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 5790  
D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be exercised at not 5791  
more than two fixed counters, commonly known as bars, in rooms or 5792  
places on the permit premises, where beer, mixed beverages, wine, 5793  
or spirituous liquor is sold to the public for consumption on the 5794  
premises. For each additional fixed counter on the permit premises 5795  
where those beverages are sold for consumption on the premises, 5796  
the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, 5797  
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 5798  
D-5l, D-5m, D-5n, D-5o, or D-6 permit. 5799

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 5800  
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 5801  
or D-6 permit shall be granted, upon application to the division 5802  
of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 5803  
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 5804  
D-5n, D-5o, or D-6 permit for each additional fixed counter on the 5805  
permit premises at which beer, mixed beverages, wine, or 5806

spirituous liquor is sold for consumption on the premises, 5807  
provided the application is made in the same manner as an 5808  
application for an original permit. The application shall be 5809  
identified with DUPLICATE printed on the permit application form 5810  
furnished by the department, in boldface type. The application 5811  
shall identify by name, or otherwise amply describe, the room or 5812  
place on the premises where the duplicate permit is to be 5813  
operative. Each duplicate permit shall be issued only to the same 5814  
individual, firm, or corporation as that of the original permit 5815  
and shall be an exact duplicate in size and word content as the 5816  
original permit, except that it shall show on it the name or other 5817  
ample identification of the room, or place, for which it is issued 5818  
and shall have DUPLICATE printed on it in boldface type. A 5819  
duplicate permit shall bear the same number as the original 5820  
permit. The fee for a duplicate permit is: D-1, one hundred 5821  
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 5822  
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 5823  
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 5824  
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 5825  
dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; 5826  
D-6, one hundred dollars when issued to the holder of a D-4a 5827  
permit; and in all other cases one hundred dollars or an amount 5828  
which is twenty per cent of the fees payable for the A-1-A, D-2, 5829  
D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, 5830  
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, and D-6 permits issued to the 5831  
same premises, whichever is higher. Application for a duplicate 5832  
permit may be filed any time during the life of an original 5833  
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 5834  
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 5835  
D-5n, D-5o, or D-6 permit shall be paid in accordance with section 5836  
4303.24 of the Revised Code. 5837

**Sec. 5502.03.** (A) There is hereby created in the department 5838

of public safety a division of homeland security. 5839

(B) The division shall do all of the following: 5840

(1) Coordinate all homeland security activities of all state 5841  
agencies and be the liaison between state agencies and local 5842  
entities for the purposes of communicating homeland security 5843  
funding and policy initiatives; 5844

(2) Collect, analyze, maintain, and disseminate information 5845  
to support local, state, and federal law enforcement agencies, 5846  
other government agencies, and private organizations in detecting, 5847  
deterring, preventing, preparing for, responding to, and 5848  
recovering from threatened or actual terrorist events. This 5849  
information is not a public record pursuant to section 149.43 of 5850  
the Revised Code. 5851

(3) Coordinate efforts of state and local governments and 5852  
private organizations to enhance the security and protection of 5853  
critical infrastructure, including casino facilities, and key 5854  
assets in this state; 5855

(4) Develop and coordinate policies, protocols, and 5856  
strategies that may be used to prevent, detect, prepare for, 5857  
respond to, and recover from terrorist acts or threats; 5858

(5) Develop, update, and coordinate the implementation of an 5859  
Ohio homeland security strategic plan that will guide state and 5860  
local governments in the achievement of homeland security in this 5861  
state. 5862

(C) The director of public safety shall appoint an executive 5863  
director, who shall be head of the division of homeland security 5864  
and who regularly shall advise the governor and the director on 5865  
matters pertaining to homeland security. The executive director 5866  
shall serve at the pleasure of the director of public safety. To 5867  
carry out the duties assigned under this section, the executive 5868  
director, subject to the direction and control of the director of 5869

public safety, may appoint and maintain necessary staff and may 5870  
enter into any necessary agreements. 5871

(D) Except as otherwise provided by law, nothing in this 5872  
section shall be construed to give the director of public safety 5873  
or the executive director of the division of homeland security 5874  
authority over the incident management structure or 5875  
responsibilities of local emergency response personnel. 5876

(E) There is hereby created in the state treasury the 5877  
homeland security fund. The fund shall consist of sixty cents of 5878  
each fee collected under sections 4501.34, 4503.26, 4506.08, and 5879  
4509.05 of the Revised Code as specified in those sections, plus 5880  
on and after October 1, 2009, sixty cents of each fee collected 5881  
under sections 4505.14 and 4519.63 of the Revised Code as 5882  
specified in those sections. The fund shall be used to pay the 5883  
expenses of administering the law relative to the powers and 5884  
duties of the executive director of the division of homeland 5885  
security, except that the director of budget and management may 5886  
transfer excess money from the homeland security fund to the state 5887  
highway safety fund if the director of public safety determines 5888  
that the amount of money in the homeland security fund exceeds the 5889  
amount required to cover such costs incurred by the division of 5890  
homeland security and requests the director of budget and 5891  
management to make the transfer. 5892

**Sec. 5703.052.** (A) There is hereby created in the state 5893  
treasury the tax refund fund, from which refunds shall be paid for 5894  
taxes illegally or erroneously assessed or collected, or for any 5895  
other reason overpaid, that are levied by Chapter 4301., 4305., 5896  
5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 5897  
5749., ~~or~~ 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 5898  
4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 5899  
of the Revised Code. Refunds for fees illegally or erroneously 5900

assessed or collected, or for any other reason overpaid, that are 5901  
levied by sections 3734.90 to 3734.9014 of the Revised Code also 5902  
shall be paid from the fund. Refunds for amounts illegally or 5903  
erroneously assessed or collected by the tax commissioner, or for 5904  
any other reason overpaid, that are due under section 1509.50 of 5905  
the Revised Code shall be paid from the fund. However, refunds for 5906  
taxes levied under section 5739.101 of the Revised Code shall not 5907  
be paid from the tax refund fund, but shall be paid as provided in 5908  
section 5739.104 of the Revised Code. 5909

(B)(1) Upon certification by the tax commissioner to the 5910  
treasurer of state of a tax refund, a fee refund, or an other 5911  
amount refunded, or by the superintendent of insurance of a 5912  
domestic or foreign insurance tax refund, the treasurer of state 5913  
shall place the amount certified to the credit of the fund. The 5914  
certified amount transferred shall be derived from current 5915  
receipts of the same tax, fee, or other amount from which the 5916  
refund arose. If current receipts from the tax, fee, or other 5917  
amount from which the refund arose are inadequate to make the 5918  
transfer of the amount so certified, the treasurer of state shall 5919  
transfer such certified amount from current receipts of the sales 5920  
tax levied by section 5739.02 of the Revised Code. 5921

(2) When the treasurer of state provides for the payment of a 5922  
refund of a tax, fee, or other amount from the current receipts of 5923  
the sales tax, and the refund is for a tax, fee, or other amount 5924  
that is not levied by the state, the tax commissioner shall 5925  
recover the amount of that refund from the next distribution of 5926  
that tax, fee, or other amount that otherwise would be made to the 5927  
taxing jurisdiction. If the amount to be recovered would exceed 5928  
twenty-five per cent of the next distribution of that tax, fee, or 5929  
other amount, the commissioner may spread the recovery over more 5930  
than one future distribution, taking into account the amount to be 5931  
recovered and the amount of the anticipated future distributions. 5932



In no event may the commissioner spread the recovery over a period 5933  
to exceed twenty-four months. 5934

**Sec. 5703.19.** (A) To carry out the purposes of the laws that 5935  
the tax commissioner is required to administer, the commissioner 5936  
or any person employed by the commissioner for that purpose, upon 5937  
demand, may inspect books, accounts, records, and memoranda of any 5938  
person or public utility subject to those laws, and may examine 5939  
under oath any officer, agent, or employee of that person or 5940  
public utility. Any person other than the commissioner who makes a 5941  
demand pursuant to this section shall produce the person's 5942  
authority to make the inspection. 5943

(B) If a person or public utility receives at least ten days' 5944  
written notice of a demand made under division (A) of this section 5945  
and refuses to comply with that demand, a penalty of five hundred 5946  
dollars shall be imposed upon the person or public utility for 5947  
each day the person or public utility refuses to comply with the 5948  
demand. Penalties imposed under this division may be assessed and 5949  
collected in the same manner as assessments made under Chapter 5950  
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 5951  
5747., 5749., ~~or 5751.~~ or 5753., or sections 3734.90 to 5952  
3734.9014, of the Revised Code. 5953

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 5954  
of this section, no agent of the department of taxation, except in 5955  
the agent's report to the department or when called on to testify 5956  
in any court or proceeding, shall divulge any information acquired 5957  
by the agent as to the transactions, property, or business of any 5958  
person while acting or claiming to act under orders of the 5959  
department. Whoever violates this provision shall thereafter be 5960  
disqualified from acting as an officer or employee or in any other 5961  
capacity under appointment or employment of the department. 5962

5963

(B)(1) For purposes of an audit pursuant to section 117.15 of 5964  
the Revised Code, or an audit of the department pursuant to 5965  
Chapter 117. of the Revised Code, or an audit, pursuant to that 5966  
chapter, the objective of which is to express an opinion on a 5967  
financial report or statement prepared or issued pursuant to 5968  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 5969  
officers and employees of the auditor of state charged with 5970  
conducting the audit shall have access to and the right to examine 5971  
any state tax returns and state tax return information in the 5972  
possession of the department to the extent that the access and 5973  
examination are necessary for purposes of the audit. Any 5974  
information acquired as the result of that access and examination 5975  
shall not be divulged for any purpose other than as required for 5976  
the audit or unless the officers and employees are required to 5977  
testify in a court or proceeding under compulsion of legal 5978  
process. Whoever violates this provision shall thereafter be 5979  
disqualified from acting as an officer or employee or in any other 5980  
capacity under appointment or employment of the auditor of state. 5981

(2) For purposes of an internal audit pursuant to section 5982  
126.45 of the Revised Code, the officers and employees of the 5983  
office of internal auditing in the office of budget and management 5984  
charged with conducting the internal audit shall have access to 5985  
and the right to examine any state tax returns and state tax 5986  
return information in the possession of the department to the 5987  
extent that the access and examination are necessary for purposes 5988  
of the internal audit. Any information acquired as the result of 5989  
that access and examination shall not be divulged for any purpose 5990  
other than as required for the internal audit or unless the 5991  
officers and employees are required to testify in a court or 5992  
proceeding under compulsion of legal process. Whoever violates 5993  
this provision shall thereafter be disqualified from acting as an 5994  
officer or employee or in any other capacity under appointment or 5995  
employment of the office of internal auditing. 5996

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal auditing solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the board of motor vehicle collision repair registration any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources information in the possession of the department that is necessary to verify the taxpayer's compliance with division (A)(1), (8), or (9) of section 5749.02 of the Revised Code and information received pursuant to section 1509.50 of the Revised Code

concerning the amount due under that section; 6058

(13) Disclosing to the department of job and family services, 6059  
industrial commission, and bureau of workers' compensation 6060  
information in the possession of the department of taxation solely 6061  
for the purpose of identifying employers that misclassify 6062  
employees as independent contractors or that fail to properly 6063  
report and pay employer tax liabilities. The department of 6064  
taxation shall disclose only such information that is necessary to 6065  
verify employer compliance with law administered by those 6066  
agencies. 6067

(14) Disclosing to the Ohio casino control commission 6068  
information in the possession of the department of taxation that 6069  
is necessary to verify a taxpayer's compliance with section 6070  
5753.02 of the Revised Code and sections related thereto. 6071

**Sec. 5703.70.** (A) On the filing of an application for refund 6072  
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 6073  
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 6074  
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 6075  
5749.08, ~~or~~ 5751.08, or 5753.06 of the Revised Code, or an 6076  
application for compensation under section 5739.061 of the Revised 6077  
Code, if the tax commissioner determines that the amount of the 6078  
refund or compensation to which the applicant is entitled is less 6079  
than the amount claimed in the application, the commissioner shall 6080  
give the applicant written notice by ordinary mail of the amount. 6081  
The notice shall be sent to the address shown on the application 6082  
unless the applicant notifies the commissioner of a different 6083  
address. The applicant shall have sixty days from the date the 6084  
commissioner mails the notice to provide additional information to 6085  
the commissioner or request a hearing, or both. 6086

(B) If the applicant neither requests a hearing nor provides 6087  
additional information to the tax commissioner within the time 6088

prescribed by division (A) of this section, the commissioner shall 6089  
take no further action, and the refund or compensation amount 6090  
denied becomes final. 6091

(C)(1) If the applicant requests a hearing within the time 6092  
prescribed by division (A) of this section, the tax commissioner 6093  
shall assign a time and place for the hearing and notify the 6094  
applicant of such time and place, but the commissioner may 6095  
continue the hearing from time to time as necessary. After the 6096  
hearing, the commissioner may make such adjustments to the refund 6097  
or compensation as the commissioner finds proper, and shall issue 6098  
a final determination thereon. 6099

(2) If the applicant does not request a hearing, but provides 6100  
additional information, within the time prescribed by division (A) 6101  
of this section, the commissioner shall review the information, 6102  
make such adjustments to the refund or compensation as the 6103  
commissioner finds proper, and issue a final determination 6104  
thereon. 6105

(3) The commissioner shall serve a copy of the final 6106  
determination made under division (C)(1) or (2) of this section on 6107  
the applicant in the manner provided in section 5703.37 of the 6108  
Revised Code, and the decision is final, subject to appeal under 6109  
section 5717.02 of the Revised Code. 6110

(D) The tax commissioner shall certify to the director of 6111  
budget and management and treasurer of state for payment from the 6112  
tax refund fund created by section 5703.052 of the Revised Code, 6113  
the amount of the refund to be refunded under division (B) or (C) 6114  
of this section. The commissioner also shall certify to the 6115  
director and treasurer of state for payment from the general 6116  
revenue fund the amount of compensation to be paid under division 6117  
(B) or (C) of this section. 6118

**Sec. 5747.01.** Except as otherwise expressly provided or 6119

clearly appearing from the context, any term used in this chapter 6120  
that is not otherwise defined in this section has the same meaning 6121  
as when used in a comparable context in the laws of the United 6122  
States relating to federal income taxes or if not used in a 6123  
comparable context in those laws, has the same meaning as in 6124  
section 5733.40 of the Revised Code. Any reference in this chapter 6125  
to the Internal Revenue Code includes other laws of the United 6126  
States relating to federal income taxes. 6127

As used in this chapter: 6128

(A) "Adjusted gross income" or "Ohio adjusted gross income" 6129  
means federal adjusted gross income, as defined and used in the 6130  
Internal Revenue Code, adjusted as provided in this section: 6131

(1) Add interest or dividends on obligations or securities of 6132  
any state or of any political subdivision or authority of any 6133  
state, other than this state and its subdivisions and authorities. 6134

(2) Add interest or dividends on obligations of any 6135  
authority, commission, instrumentality, territory, or possession 6136  
of the United States to the extent that the interest or dividends 6137  
are exempt from federal income taxes but not from state income 6138  
taxes. 6139

(3) Deduct interest or dividends on obligations of the United 6140  
States and its territories and possessions or of any authority, 6141  
commission, or instrumentality of the United States to the extent 6142  
that the interest or dividends are included in federal adjusted 6143  
gross income but exempt from state income taxes under the laws of 6144  
the United States. 6145

(4) Deduct disability and survivor's benefits to the extent 6146  
included in federal adjusted gross income. 6147

(5) Deduct benefits under Title II of the Social Security Act 6148  
and tier 1 railroad retirement benefits to the extent included in 6149  
federal adjusted gross income under section 86 of the Internal 6150

Revenue Code. 6151

(6) In the case of a taxpayer who is a beneficiary of a trust 6152  
that makes an accumulation distribution as defined in section 665 6153  
of the Internal Revenue Code, add, for the beneficiary's taxable 6154  
years beginning before 2002, the portion, if any, of such 6155  
distribution that does not exceed the undistributed net income of 6156  
the trust for the three taxable years preceding the taxable year 6157  
in which the distribution is made to the extent that the portion 6158  
was not included in the trust's taxable income for any of the 6159  
trust's taxable years beginning in 2002 or thereafter. 6160

"Undistributed net income of a trust" means the taxable income of 6161  
the trust increased by (a)(i) the additions to adjusted gross 6162  
income required under division (A) of this section and (ii) the 6163  
personal exemptions allowed to the trust pursuant to section 6164  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 6165  
deductions to adjusted gross income required under division (A) of 6166  
this section, (ii) the amount of federal income taxes attributable 6167  
to such income, and (iii) the amount of taxable income that has 6168  
been included in the adjusted gross income of a beneficiary by 6169  
reason of a prior accumulation distribution. Any undistributed net 6170  
income included in the adjusted gross income of a beneficiary 6171  
shall reduce the undistributed net income of the trust commencing 6172  
with the earliest years of the accumulation period. 6173

(7) Deduct the amount of wages and salaries, if any, not 6174  
otherwise allowable as a deduction but that would have been 6175  
allowable as a deduction in computing federal adjusted gross 6176  
income for the taxable year, had the targeted jobs credit allowed 6177  
and determined under sections 38, 51, and 52 of the Internal 6178  
Revenue Code not been in effect. 6179

(8) Deduct any interest or interest equivalent on public 6180  
obligations and purchase obligations to the extent that the 6181  
interest or interest equivalent is included in federal adjusted 6182



gross income. 6183

(9) Add any loss or deduct any gain resulting from the sale, 6184  
exchange, or other disposition of public obligations to the extent 6185  
that the loss has been deducted or the gain has been included in 6186  
computing federal adjusted gross income. 6187

(10) Deduct or add amounts, as provided under section 5747.70 6188  
of the Revised Code, related to contributions to variable college 6189  
savings program accounts made or tuition units purchased pursuant 6190  
to Chapter 3334. of the Revised Code. 6191

(11)(a) Deduct, to the extent not otherwise allowable as a 6192  
deduction or exclusion in computing federal or Ohio adjusted gross 6193  
income for the taxable year, the amount the taxpayer paid during 6194  
the taxable year for medical care insurance and qualified 6195  
long-term care insurance for the taxpayer, the taxpayer's spouse, 6196  
and dependents. No deduction for medical care insurance under 6197  
division (A)(11) of this section shall be allowed either to any 6198  
taxpayer who is eligible to participate in any subsidized health 6199  
plan maintained by any employer of the taxpayer or of the 6200  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 6201  
application would be entitled to, benefits under part A of Title 6202  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 6203  
301, as amended. For the purposes of division (A)(11)(a) of this 6204  
section, "subsidized health plan" means a health plan for which 6205  
the employer pays any portion of the plan's cost. The deduction 6206  
allowed under division (A)(11)(a) of this section shall be the net 6207  
of any related premium refunds, related premium reimbursements, or 6208  
related insurance premium dividends received during the taxable 6209  
year. 6210

(b) Deduct, to the extent not otherwise deducted or excluded 6211  
in computing federal or Ohio adjusted gross income during the 6212  
taxable year, the amount the taxpayer paid during the taxable 6213  
year, not compensated for by any insurance or otherwise, for 6214

medical care of the taxpayer, the taxpayer's spouse, and 6215  
dependents, to the extent the expenses exceed seven and one-half 6216  
per cent of the taxpayer's federal adjusted gross income. 6217

(c) Deduct, to the extent not otherwise deducted or excluded 6218  
in computing federal or Ohio adjusted gross income, any amount 6219  
included in federal adjusted gross income under section 105 or not 6220  
excluded under section 106 of the Internal Revenue Code solely 6221  
because it relates to an accident and health plan for a person who 6222  
otherwise would be a "qualifying relative" and thus a "dependent" 6223  
under section 152 of the Internal Revenue Code but for the fact 6224  
that the person fails to meet the income and support limitations 6225  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 6226

(d) For purposes of division (A)(11) of this section, 6227  
"medical care" has the meaning given in section 213 of the 6228  
Internal Revenue Code, subject to the special rules, limitations, 6229  
and exclusions set forth therein, and "qualified long-term care" 6230  
has the same meaning given in section 7702B(c) of the Internal 6231  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 6232  
of this section, "dependent" includes a person who otherwise would 6233  
be a "qualifying relative" and thus a "dependent" under section 6234  
152 of the Internal Revenue Code but for the fact that the person 6235  
fails to meet the income and support limitations under section 6236  
152(d)(1)(B) and (C) of the Internal Revenue Code. 6237

(12)(a) Deduct any amount included in federal adjusted gross 6238  
income solely because the amount represents a reimbursement or 6239  
refund of expenses that in any year the taxpayer had deducted as 6240  
an itemized deduction pursuant to section 63 of the Internal 6241  
Revenue Code and applicable United States department of the 6242  
treasury regulations. The deduction otherwise allowed under 6243  
division (A)(12)(a) of this section shall be reduced to the extent 6244  
the reimbursement is attributable to an amount the taxpayer 6245  
deducted under this section in any taxable year. 6246

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable

year from federal or Ohio adjusted gross income. The deduction may 6310  
not be claimed for educational expenses for which the taxpayer 6311  
claims a credit under section 5747.27 of the Revised Code. 6312

(19) Add any reimbursement received during the taxable year 6313  
of any amount the taxpayer deducted under division (A)(18) of this 6314  
section in any previous taxable year to the extent the amount is 6315  
not otherwise included in Ohio adjusted gross income. 6316

(20)(a)(i) Add five-sixths of the amount of depreciation 6317  
expense allowed by subsection (k) of section 168 of the Internal 6318  
Revenue Code, including the taxpayer's proportionate or 6319  
distributive share of the amount of depreciation expense allowed 6320  
by that subsection to a pass-through entity in which the taxpayer 6321  
has a direct or indirect ownership interest. 6322

(ii) Add five-sixths of the amount of qualifying section 179 6323  
depreciation expense, including a person's proportionate or 6324  
distributive share of the amount of qualifying section 179 6325  
depreciation expense allowed to any pass-through entity in which 6326  
the person has a direct or indirect ownership. For the purposes of 6327  
this division, "qualifying section 179 depreciation expense" means 6328  
the difference between (I) the amount of depreciation expense 6329  
directly or indirectly allowed to the taxpayer under section 179 6330  
of the Internal Revenue Code, and (II) the amount of depreciation 6331  
expense directly or indirectly allowed to the taxpayer under 6332  
section 179 of the Internal Revenue Code as that section existed 6333  
on December 31, 2002. 6334

The tax commissioner, under procedures established by the 6335  
commissioner, may waive the add-backs related to a pass-through 6336  
entity if the taxpayer owns, directly or indirectly, less than 6337  
five per cent of the pass-through entity. 6338

(b) Nothing in division (A)(20) of this section shall be 6339  
construed to adjust or modify the adjusted basis of any asset. 6340

(c) To the extent the add-back required under division 6341  
(A)(20)(a) of this section is attributable to property generating 6342  
nonbusiness income or loss allocated under section 5747.20 of the 6343  
Revised Code, the add-back shall be situated to the same location 6344  
as the nonbusiness income or loss generated by the property for 6345  
the purpose of determining the credit under division (A) of 6346  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 6347  
be apportioned, subject to one or more of the four alternative 6348  
methods of apportionment enumerated in section 5747.21 of the 6349  
Revised Code. 6350

(d) For the purposes of division (A) of this section, net 6351  
operating loss carryback and carryforward shall not include 6352  
five-sixths of the allowance of any net operating loss deduction 6353  
carryback or carryforward to the taxable year to the extent such 6354  
loss resulted from depreciation allowed by section 168(k) of the 6355  
Internal Revenue Code and by the qualifying section 179 6356  
depreciation expense amount. 6357

(21)(a) If the taxpayer was required to add an amount under 6358  
division (A)(20)(a) of this section for a taxable year, deduct 6359  
one-fifth of the amount so added for each of the five succeeding 6360  
taxable years. 6361

(b) If the amount deducted under division (A)(21)(a) of this 6362  
section is attributable to an add-back allocated under division 6363  
(A)(20)(c) of this section, the amount deducted shall be situated 6364  
to the same location. Otherwise, the add-back shall be apportioned 6365  
using the apportionment factors for the taxable year in which the 6366  
deduction is taken, subject to one or more of the four alternative 6367  
methods of apportionment enumerated in section 5747.21 of the 6368  
Revised Code. 6369

(c) No deduction is available under division (A)(21)(a) of 6370  
this section with regard to any depreciation allowed by section 6371  
168(k) of the Internal Revenue Code and by the qualifying section 6372

179 depreciation expense amount to the extent that such 6373  
depreciation resulted in or increased a federal net operating loss 6374  
carryback or carryforward to a taxable year to which division 6375  
(A)(20)(d) of this section does not apply. 6376

(22) Deduct, to the extent not otherwise deducted or excluded 6377  
in computing federal or Ohio adjusted gross income for the taxable 6378  
year, the amount the taxpayer received during the taxable year as 6379  
reimbursement for life insurance premiums under section 5919.31 of 6380  
the Revised Code. 6381

(23) Deduct, to the extent not otherwise deducted or excluded 6382  
in computing federal or Ohio adjusted gross income for the taxable 6383  
year, the amount the taxpayer received during the taxable year as 6384  
a death benefit paid by the adjutant general under section 5919.33 6385  
of the Revised Code. 6386

(24) Deduct, to the extent included in federal adjusted gross 6387  
income and not otherwise allowable as a deduction or exclusion in 6388  
computing federal or Ohio adjusted gross income for the taxable 6389  
year, military pay and allowances received by the taxpayer during 6390  
the taxable year for active duty service in the United States 6391  
army, air force, navy, marine corps, or coast guard or reserve 6392  
components thereof or the national guard. The deduction may not be 6393  
claimed for military pay and allowances received by the taxpayer 6394  
while the taxpayer is stationed in this state. 6395

(25) Deduct, to the extent not otherwise allowable as a 6396  
deduction or exclusion in computing federal or Ohio adjusted gross 6397  
income for the taxable year and not otherwise compensated for by 6398  
any other source, the amount of qualified organ donation expenses 6399  
incurred by the taxpayer during the taxable year, not to exceed 6400  
ten thousand dollars. A taxpayer may deduct qualified organ 6401  
donation expenses only once for all taxable years beginning with 6402  
taxable years beginning in 2007. 6403

For the purposes of division (A)(25) of this section: 6404

(a) "Human organ" means all or any portion of a human liver, 6405  
pancreas, kidney, intestine, or lung, and any portion of human 6406  
bone marrow. 6407

(b) "Qualified organ donation expenses" means travel 6408  
expenses, lodging expenses, and wages and salary forgone by a 6409  
taxpayer in connection with the taxpayer's donation, while living, 6410  
of one or more of the taxpayer's human organs to another human 6411  
being. 6412

(26) Deduct, to the extent not otherwise deducted or excluded 6413  
in computing federal or Ohio adjusted gross income for the taxable 6414  
year, amounts received by the taxpayer as retired military 6415  
personnel pay for service in the United States army, navy, air 6416  
force, coast guard, or marine corps or reserve components thereof, 6417  
or the national guard, or received by the surviving spouse or 6418  
former spouse of such a taxpayer under the survivor benefit plan 6419  
on account of such a taxpayer's death. If the taxpayer receives 6420  
income on account of retirement paid under the federal civil 6421  
service retirement system or federal employees retirement system, 6422  
or under any successor retirement program enacted by the congress 6423  
of the United States that is established and maintained for 6424  
retired employees of the United States government, and such 6425  
retirement income is based, in whole or in part, on credit for the 6426  
taxpayer's military service, the deduction allowed under this 6427  
division shall include only that portion of such retirement income 6428  
that is attributable to the taxpayer's military service, to the 6429  
extent that portion of such retirement income is otherwise 6430  
included in federal adjusted gross income and is not otherwise 6431  
deducted under this section. Any amount deducted under division 6432  
(A)(26) of this section is not included in a taxpayer's adjusted 6433  
gross income for the purposes of section 5747.055 of the Revised 6434  
Code. No amount may be deducted under division (A)(26) of this 6435



section on the basis of which a credit was claimed under section 6436  
5747.055 of the Revised Code. 6437

(27) Deduct, to the extent not otherwise deducted or excluded 6438  
in computing federal or Ohio adjusted gross income for the taxable 6439  
year, the amount the taxpayer received during the taxable year 6440  
from the military injury relief fund created in section 5101.98 of 6441  
the Revised Code. 6442

(28) Deduct, to the extent not otherwise deducted or excluded 6443  
in computing federal or Ohio adjusted gross income for the taxable 6444  
year, the amount the taxpayer received as a veterans bonus during 6445  
the taxable year from the Ohio department of veterans services as 6446  
authorized by Section 2r of Article VIII, Ohio Constitution. 6447

(29) Deduct, to the extent not otherwise deducted or excluded 6448  
in computing federal or Ohio adjusted gross income for the taxable 6449  
year, any loss from wagering transactions that is allowed as an 6450  
itemized deduction under section 165 of the Internal Revenue Code 6451  
and that the taxpayer deducted in computing federal taxable 6452  
income. 6453

(B) "Business income" means income, including gain or loss, 6454  
arising from transactions, activities, and sources in the regular 6455  
course of a trade or business and includes income, gain, or loss 6456  
from real property, tangible property, and intangible property if 6457  
the acquisition, rental, management, and disposition of the 6458  
property constitute integral parts of the regular course of a 6459  
trade or business operation. "Business income" includes income, 6460  
including gain or loss, from a partial or complete liquidation of 6461  
a business, including, but not limited to, gain or loss from the 6462  
sale or other disposition of goodwill. 6463

(C) "Nonbusiness income" means all income other than business 6464  
income and may include, but is not limited to, compensation, rents 6465  
and royalties from real or tangible personal property, capital 6466

gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards. 6467  
6468

(D) "Compensation" means any form of remuneration paid to an employee for personal services. 6469  
6470

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate. 6471  
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(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December. 6474  
6475

(G) "Individual" means any natural person. 6476

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 6477  
6478

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter: 6479  
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(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 6482  
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(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 6484  
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 6488  
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For the purposes of division (I)(3) of this section: 6491

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or 6492  
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indirectly, to the trust by any of the following: 6497

(i) A person, a court, or a governmental entity or 6498  
instrumentality on account of the death of a decedent, but only if 6499  
the trust is described in division (I)(3)(e)(i) or (ii) of this 6500  
section; 6501

(ii) A person who was domiciled in this state for the 6502  
purposes of this chapter when the person directly or indirectly 6503  
transferred assets to an irrevocable trust, but only if at least 6504  
one of the trust's qualifying beneficiaries is domiciled in this 6505  
state for the purposes of this chapter during all or some portion 6506  
of the trust's current taxable year; 6507

(iii) A person who was domiciled in this state for the 6508  
purposes of this chapter when the trust document or instrument or 6509  
part of the trust document or instrument became irrevocable, but 6510  
only if at least one of the trust's qualifying beneficiaries is a 6511  
resident domiciled in this state for the purposes of this chapter 6512  
during all or some portion of the trust's current taxable year. If 6513  
a trust document or instrument became irrevocable upon the death 6514  
of a person who at the time of death was domiciled in this state 6515  
for purposes of this chapter, that person is a person described in 6516  
division (I)(3)(a)(iii) of this section. 6517

(b) A trust is irrevocable to the extent that the transferor 6518  
is not considered to be the owner of the net assets of the trust 6519  
under sections 671 to 678 of the Internal Revenue Code. 6520

(c) With respect to a trust other than a charitable lead 6521  
trust, "qualifying beneficiary" has the same meaning as "potential 6522  
current beneficiary" as defined in section 1361(e)(2) of the 6523  
Internal Revenue Code, and with respect to a charitable lead trust 6524  
"qualifying beneficiary" is any current, future, or contingent 6525  
beneficiary, but with respect to any trust "qualifying 6526  
beneficiary" excludes a person or a governmental entity or 6527

instrumentality to any of which a contribution would qualify for 6528  
the charitable deduction under section 170 of the Internal Revenue 6529  
Code. 6530

(d) For the purposes of division (I)(3)(a) of this section, 6531  
the extent to which a trust consists directly or indirectly, in 6532  
whole or in part, of assets, net of any related liabilities, that 6533  
were transferred directly or indirectly, in whole or part, to the 6534  
trust by any of the sources enumerated in that division shall be 6535  
ascertained by multiplying the fair market value of the trust's 6536  
assets, net of related liabilities, by the qualifying ratio, which 6537  
shall be computed as follows: 6538

(i) The first time the trust receives assets, the numerator 6539  
of the qualifying ratio is the fair market value of those assets 6540  
at that time, net of any related liabilities, from sources 6541  
enumerated in division (I)(3)(a) of this section. The denominator 6542  
of the qualifying ratio is the fair market value of all the 6543  
trust's assets at that time, net of any related liabilities. 6544

(ii) Each subsequent time the trust receives assets, a 6545  
revised qualifying ratio shall be computed. The numerator of the 6546  
revised qualifying ratio is the sum of (1) the fair market value 6547  
of the trust's assets immediately prior to the subsequent 6548  
transfer, net of any related liabilities, multiplied by the 6549  
qualifying ratio last computed without regard to the subsequent 6550  
transfer, and (2) the fair market value of the subsequently 6551  
transferred assets at the time transferred, net of any related 6552  
liabilities, from sources enumerated in division (I)(3)(a) of this 6553  
section. The denominator of the revised qualifying ratio is the 6554  
fair market value of all the trust's assets immediately after the 6555  
subsequent transfer, net of any related liabilities. 6556

(iii) Whether a transfer to the trust is by or from any of 6557  
the sources enumerated in division (I)(3)(a) of this section shall 6558  
be ascertained without regard to the domicile of the trust's 6559

beneficiaries. 6560

(e) For the purposes of division (I)(3)(a)(i) of this 6561  
section: 6562

(i) A trust is described in division (I)(3)(e)(i) of this 6563  
section if the trust is a testamentary trust and the testator of 6564  
that testamentary trust was domiciled in this state at the time of 6565  
the testator's death for purposes of the taxes levied under 6566  
Chapter 5731. of the Revised Code. 6567

(ii) A trust is described in division (I)(3)(e)(ii) of this 6568  
section if the transfer is a qualifying transfer described in any 6569  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 6570  
irrevocable inter vivos trust, and at least one of the trust's 6571  
qualifying beneficiaries is domiciled in this state for purposes 6572  
of this chapter during all or some portion of the trust's current 6573  
taxable year. 6574

(f) For the purposes of division (I)(3)(e)(ii) of this 6575  
section, a "qualifying transfer" is a transfer of assets, net of 6576  
any related liabilities, directly or indirectly to a trust, if the 6577  
transfer is described in any of the following: 6578

(i) The transfer is made to a trust, created by the decedent 6579  
before the decedent's death and while the decedent was domiciled 6580  
in this state for the purposes of this chapter, and, prior to the 6581  
death of the decedent, the trust became irrevocable while the 6582  
decedent was domiciled in this state for the purposes of this 6583  
chapter. 6584

(ii) The transfer is made to a trust to which the decedent, 6585  
prior to the decedent's death, had directly or indirectly 6586  
transferred assets, net of any related liabilities, while the 6587  
decedent was domiciled in this state for the purposes of this 6588  
chapter, and prior to the death of the decedent the trust became 6589  
irrevocable while the decedent was domiciled in this state for the 6590

purposes of this chapter. 6591

(iii) The transfer is made on account of a contractual 6592  
relationship existing directly or indirectly between the 6593  
transferor and either the decedent or the estate of the decedent 6594  
at any time prior to the date of the decedent's death, and the 6595  
decedent was domiciled in this state at the time of death for 6596  
purposes of the taxes levied under Chapter 5731. of the Revised 6597  
Code. 6598

(iv) The transfer is made to a trust on account of a 6599  
contractual relationship existing directly or indirectly between 6600  
the transferor and another person who at the time of the 6601  
decedent's death was domiciled in this state for purposes of this 6602  
chapter. 6603

(v) The transfer is made to a trust on account of the will of 6604  
a testator who was domiciled in this state at the time of the 6605  
testator's death for purposes of the taxes levied under Chapter 6606  
5731. of the Revised Code. 6607

(vi) The transfer is made to a trust created by or caused to 6608  
be created by a court, and the trust was directly or indirectly 6609  
created in connection with or as a result of the death of an 6610  
individual who, for purposes of the taxes levied under Chapter 6611  
5731. of the Revised Code, was domiciled in this state at the time 6612  
of the individual's death. 6613

(g) The tax commissioner may adopt rules to ascertain the 6614  
part of a trust residing in this state. 6615

(J) "Nonresident" means an individual or estate that is not a 6616  
resident. An individual who is a resident for only part of a 6617  
taxable year is a nonresident for the remainder of that taxable 6618  
year. 6619

(K) "Pass-through entity" has the same meaning as in section 6620  
5733.04 of the Revised Code. 6621

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds 6652  
the figure determined to be the correct amount of the tax. 6653

(S) "Taxable income" or "Ohio taxable income" applies only to 6654  
estates and trusts, and means federal taxable income, as defined 6655  
and used in the Internal Revenue Code, adjusted as follows: 6656

(1) Add interest or dividends, net of ordinary, necessary, 6657  
and reasonable expenses not deducted in computing federal taxable 6658  
income, on obligations or securities of any state or of any 6659  
political subdivision or authority of any state, other than this 6660  
state and its subdivisions and authorities, but only to the extent 6661  
that such net amount is not otherwise includible in Ohio taxable 6662  
income and is described in either division (S)(1)(a) or (b) of 6663  
this section: 6664

(a) The net amount is not attributable to the S portion of an 6665  
electing small business trust and has not been distributed to 6666  
beneficiaries for the taxable year; 6667

(b) The net amount is attributable to the S portion of an 6668  
electing small business trust for the taxable year. 6669

(2) Add interest or dividends, net of ordinary, necessary, 6670  
and reasonable expenses not deducted in computing federal taxable 6671  
income, on obligations of any authority, commission, 6672  
instrumentality, territory, or possession of the United States to 6673  
the extent that the interest or dividends are exempt from federal 6674  
income taxes but not from state income taxes, but only to the 6675  
extent that such net amount is not otherwise includible in Ohio 6676  
taxable income and is described in either division (S)(1)(a) or 6677  
(b) of this section; 6678

(3) Add the amount of personal exemption allowed to the 6679  
estate pursuant to section 642(b) of the Internal Revenue Code; 6680

(4) Deduct interest or dividends, net of related expenses 6681  
deducted in computing federal taxable income, on obligations of 6682



the United States and its territories and possessions or of any 6683  
authority, commission, or instrumentality of the United States to 6684  
the extent that the interest or dividends are exempt from state 6685  
taxes under the laws of the United States, but only to the extent 6686  
that such amount is included in federal taxable income and is 6687  
described in either division (S)(1)(a) or (b) of this section; 6688

(5) Deduct the amount of wages and salaries, if any, not 6689  
otherwise allowable as a deduction but that would have been 6690  
allowable as a deduction in computing federal taxable income for 6691  
the taxable year, had the targeted jobs credit allowed under 6692  
sections 38, 51, and 52 of the Internal Revenue Code not been in 6693  
effect, but only to the extent such amount relates either to 6694  
income included in federal taxable income for the taxable year or 6695  
to income of the S portion of an electing small business trust for 6696  
the taxable year; 6697

(6) Deduct any interest or interest equivalent, net of 6698  
related expenses deducted in computing federal taxable income, on 6699  
public obligations and purchase obligations, but only to the 6700  
extent that such net amount relates either to income included in 6701  
federal taxable income for the taxable year or to income of the S 6702  
portion of an electing small business trust for the taxable year; 6703

(7) Add any loss or deduct any gain resulting from sale, 6704  
exchange, or other disposition of public obligations to the extent 6705  
that such loss has been deducted or such gain has been included in 6706  
computing either federal taxable income or income of the S portion 6707  
of an electing small business trust for the taxable year; 6708

(8) Except in the case of the final return of an estate, add 6709  
any amount deducted by the taxpayer on both its Ohio estate tax 6710  
return pursuant to section 5731.14 of the Revised Code, and on its 6711  
federal income tax return in determining federal taxable income; 6712

(9)(a) Deduct any amount included in federal taxable income 6713

solely because the amount represents a reimbursement or refund of 6714  
expenses that in a previous year the decedent had deducted as an 6715  
itemized deduction pursuant to section 63 of the Internal Revenue 6716  
Code and applicable treasury regulations. The deduction otherwise 6717  
allowed under division (S)(9)(a) of this section shall be reduced 6718  
to the extent the reimbursement is attributable to an amount the 6719  
taxpayer or decedent deducted under this section in any taxable 6720  
year. 6721

(b) Add any amount not otherwise included in Ohio taxable 6722  
income for any taxable year to the extent that the amount is 6723  
attributable to the recovery during the taxable year of any amount 6724  
deducted or excluded in computing federal or Ohio taxable income 6725  
in any taxable year, but only to the extent such amount has not 6726  
been distributed to beneficiaries for the taxable year. 6727

(10) Deduct any portion of the deduction described in section 6728  
1341(a)(2) of the Internal Revenue Code, for repaying previously 6729  
reported income received under a claim of right, that meets both 6730  
of the following requirements: 6731

(a) It is allowable for repayment of an item that was 6732  
included in the taxpayer's taxable income or the decedent's 6733  
adjusted gross income for a prior taxable year and did not qualify 6734  
for a credit under division (A) or (B) of section 5747.05 of the 6735  
Revised Code for that year. 6736

(b) It does not otherwise reduce the taxpayer's taxable 6737  
income or the decedent's adjusted gross income for the current or 6738  
any other taxable year. 6739

(11) Add any amount claimed as a credit under section 6740  
5747.059 of the Revised Code to the extent that the amount 6741  
satisfies either of the following: 6742

(a) The amount was deducted or excluded from the computation 6743  
of the taxpayer's federal taxable income as required to be 6744

reported for the taxpayer's taxable year under the Internal Revenue Code; 6745  
6746

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 6747  
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(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income. 6750  
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Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter. 6762  
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(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income. 6768  
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(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of 6771  
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this section applies only to any of the trust's taxable years 6776  
beginning in 2002 or thereafter. 6777

(T) "School district income" and "school district income tax" 6778  
have the same meanings as in section 5748.01 of the Revised Code. 6779

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 6780  
of this section, "public obligations," "purchase obligations," and 6781  
"interest or interest equivalent" have the same meanings as in 6782  
section 5709.76 of the Revised Code. 6783

(V) "Limited liability company" means any limited liability 6784  
company formed under Chapter 1705. of the Revised Code or under 6785  
the laws of any other state. 6786

(W) "Pass-through entity investor" means any person who, 6787  
during any portion of a taxable year of a pass-through entity, is 6788  
a partner, member, shareholder, or equity investor in that 6789  
pass-through entity. 6790

(X) "Banking day" has the same meaning as in section 1304.01 6791  
of the Revised Code. 6792

(Y) "Month" means a calendar month. 6793

(Z) "Quarter" means the first three months, the second three 6794  
months, the third three months, or the last three months of the 6795  
taxpayer's taxable year. 6796

(AA)(1) "Eligible institution" means a state university or 6797  
state institution of higher education as defined in section 6798  
3345.011 of the Revised Code, or a private, nonprofit college, 6799  
university, or other post-secondary institution located in this 6800  
state that possesses a certificate of authorization issued by the 6801  
Ohio board of regents pursuant to Chapter 1713. of the Revised 6802  
Code or a certificate of registration issued by the state board of 6803  
career colleges and schools under Chapter 3332. of the Revised 6804  
Code. 6805

(2) "Qualified tuition and fees" means tuition and fees 6806  
imposed by an eligible institution as a condition of enrollment or 6807  
attendance, not exceeding two thousand five hundred dollars in 6808  
each of the individual's first two years of post-secondary 6809  
education. If the individual is a part-time student, "qualified 6810  
tuition and fees" includes tuition and fees paid for the academic 6811  
equivalent of the first two years of post-secondary education 6812  
during a maximum of five taxable years, not exceeding a total of 6813  
five thousand dollars. "Qualified tuition and fees" does not 6814  
include: 6815

(a) Expenses for any course or activity involving sports, 6816  
games, or hobbies unless the course or activity is part of the 6817  
individual's degree or diploma program; 6818

(b) The cost of books, room and board, student activity fees, 6819  
athletic fees, insurance expenses, or other expenses unrelated to 6820  
the individual's academic course of instruction; 6821

(c) Tuition, fees, or other expenses paid or reimbursed 6822  
through an employer, scholarship, grant in aid, or other 6823  
educational benefit program. 6824

(BB)(1) "Modified business income" means the business income 6825  
included in a trust's Ohio taxable income after such taxable 6826  
income is first reduced by the qualifying trust amount, if any. 6827

(2) "Qualifying trust amount" of a trust means capital gains 6828  
and losses from the sale, exchange, or other disposition of equity 6829  
or ownership interests in, or debt obligations of, a qualifying 6830  
investee to the extent included in the trust's Ohio taxable 6831  
income, but only if the following requirements are satisfied: 6832

(a) The book value of the qualifying investee's physical 6833  
assets in this state and everywhere, as of the last day of the 6834  
qualifying investee's fiscal or calendar year ending immediately 6835  
prior to the date on which the trust recognizes the gain or loss, 6836

is available to the trust. 6837

(b) The requirements of section 5747.011 of the Revised Code 6838  
are satisfied for the trust's taxable year in which the trust 6839  
recognizes the gain or loss. 6840

Any gain or loss that is not a qualifying trust amount is 6841  
modified business income, qualifying investment income, or 6842  
modified nonbusiness income, as the case may be. 6843

(3) "Modified nonbusiness income" means a trust's Ohio 6844  
taxable income other than modified business income, other than the 6845  
qualifying trust amount, and other than qualifying investment 6846  
income, as defined in section 5747.012 of the Revised Code, to the 6847  
extent such qualifying investment income is not otherwise part of 6848  
modified business income. 6849

(4) "Modified Ohio taxable income" applies only to trusts, 6850  
and means the sum of the amounts described in divisions (BB)(4)(a) 6851  
to (c) of this section: 6852

(a) The fraction, calculated under section 5747.013, and 6853  
applying section 5747.231 of the Revised Code, multiplied by the 6854  
sum of the following amounts: 6855

(i) The trust's modified business income; 6856

(ii) The trust's qualifying investment income, as defined in 6857  
section 5747.012 of the Revised Code, but only to the extent the 6858  
qualifying investment income does not otherwise constitute 6859  
modified business income and does not otherwise constitute a 6860  
qualifying trust amount. 6861

(b) The qualifying trust amount multiplied by a fraction, the 6862  
numerator of which is the sum of the book value of the qualifying 6863  
investee's physical assets in this state on the last day of the 6864  
qualifying investee's fiscal or calendar year ending immediately 6865  
prior to the day on which the trust recognizes the qualifying 6866

trust amount, and the denominator of which is the sum of the book 6867  
value of the qualifying investee's total physical assets 6868  
everywhere on the last day of the qualifying investee's fiscal or 6869  
calendar year ending immediately prior to the day on which the 6870  
trust recognizes the qualifying trust amount. If, for a taxable 6871  
year, the trust recognizes a qualifying trust amount with respect 6872  
to more than one qualifying investee, the amount described in 6873  
division (BB)(4)(b) of this section shall equal the sum of the 6874  
products so computed for each such qualifying investee. 6875

(c)(i) With respect to a trust or portion of a trust that is 6876  
a resident as ascertained in accordance with division (I)(3)(d) of 6877  
this section, its modified nonbusiness income. 6878

(ii) With respect to a trust or portion of a trust that is 6879  
not a resident as ascertained in accordance with division 6880  
(I)(3)(d) of this section, the amount of its modified nonbusiness 6881  
income satisfying the descriptions in divisions (B)(2) to (5) of 6882  
section 5747.20 of the Revised Code, except as otherwise provided 6883  
in division (BB)(4)(c)(ii) of this section. With respect to a 6884  
trust or portion of a trust that is not a resident as ascertained 6885  
in accordance with division (I)(3)(d) of this section, the trust's 6886  
portion of modified nonbusiness income recognized from the sale, 6887  
exchange, or other disposition of a debt interest in or equity 6888  
interest in a section 5747.212 entity, as defined in section 6889  
5747.212 of the Revised Code, without regard to division (A) of 6890  
that section, shall not be allocated to this state in accordance 6891  
with section 5747.20 of the Revised Code but shall be apportioned 6892  
to this state in accordance with division (B) of section 5747.212 6893  
of the Revised Code without regard to division (A) of that 6894  
section. 6895

If the allocation and apportionment of a trust's income under 6896  
divisions (BB)(4)(a) and (c) of this section do not fairly 6897  
represent the modified Ohio taxable income of the trust in this 6898

state, the alternative methods described in division (C) of 6899  
section 5747.21 of the Revised Code may be applied in the manner 6900  
and to the same extent provided in that section. 6901

(5)(a) Except as set forth in division (BB)(5)(b) of this 6902  
section, "qualifying investee" means a person in which a trust has 6903  
an equity or ownership interest, or a person or unit of government 6904  
the debt obligations of either of which are owned by a trust. For 6905  
the purposes of division (BB)(2)(a) of this section and for the 6906  
purpose of computing the fraction described in division (BB)(4)(b) 6907  
of this section, all of the following apply: 6908

(i) If the qualifying investee is a member of a qualifying 6909  
controlled group on the last day of the qualifying investee's 6910  
fiscal or calendar year ending immediately prior to the date on 6911  
which the trust recognizes the gain or loss, then "qualifying 6912  
investee" includes all persons in the qualifying controlled group 6913  
on such last day. 6914

(ii) If the qualifying investee, or if the qualifying 6915  
investee and any members of the qualifying controlled group of 6916  
which the qualifying investee is a member on the last day of the 6917  
qualifying investee's fiscal or calendar year ending immediately 6918  
prior to the date on which the trust recognizes the gain or loss, 6919  
separately or cumulatively own, directly or indirectly, on the 6920  
last day of the qualifying investee's fiscal or calendar year 6921  
ending immediately prior to the date on which the trust recognizes 6922  
the qualifying trust amount, more than fifty per cent of the 6923  
equity of a pass-through entity, then the qualifying investee and 6924  
the other members are deemed to own the proportionate share of the 6925  
pass-through entity's physical assets which the pass-through 6926  
entity directly or indirectly owns on the last day of the 6927  
pass-through entity's calendar or fiscal year ending within or 6928  
with the last day of the qualifying investee's fiscal or calendar 6929  
year ending immediately prior to the date on which the trust 6930



recognizes the qualifying trust amount. 6931

(iii) For the purposes of division (BB)(5)(a)(iii) of this 6932  
section, "upper level pass-through entity" means a pass-through 6933  
entity directly or indirectly owning any equity of another 6934  
pass-through entity, and "lower level pass-through entity" means 6935  
that other pass-through entity. 6936

An upper level pass-through entity, whether or not it is also 6937  
a qualifying investee, is deemed to own, on the last day of the 6938  
upper level pass-through entity's calendar or fiscal year, the 6939  
proportionate share of the lower level pass-through entity's 6940  
physical assets that the lower level pass-through entity directly 6941  
or indirectly owns on the last day of the lower level pass-through 6942  
entity's calendar or fiscal year ending within or with the last 6943  
day of the upper level pass-through entity's fiscal or calendar 6944  
year. If the upper level pass-through entity directly and 6945  
indirectly owns less than fifty per cent of the equity of the 6946  
lower level pass-through entity on each day of the upper level 6947  
pass-through entity's calendar or fiscal year in which or with 6948  
which ends the calendar or fiscal year of the lower level 6949  
pass-through entity and if, based upon clear and convincing 6950  
evidence, complete information about the location and cost of the 6951  
physical assets of the lower pass-through entity is not available 6952  
to the upper level pass-through entity, then solely for purposes 6953  
of ascertaining if a gain or loss constitutes a qualifying trust 6954  
amount, the upper level pass-through entity shall be deemed as 6955  
owning no equity of the lower level pass-through entity for each 6956  
day during the upper level pass-through entity's calendar or 6957  
fiscal year in which or with which ends the lower level 6958  
pass-through entity's calendar or fiscal year. Nothing in division 6959  
(BB)(5)(a)(iii) of this section shall be construed to provide for 6960  
any deduction or exclusion in computing any trust's Ohio taxable 6961  
income. 6962

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation.

(ii) Such gain or loss constitutes nonbusiness income.

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one,

subtitle A of the Internal Revenue Code for its taxable year 6993  
ending within, or on the last day of, the investor's taxable year. 6994

(2) For the purposes of this chapter, unless expressly stated 6995  
otherwise, no qualifying person indirectly owns any asset directly 6996  
or indirectly owned by any qualifying corporation. 6997

(FF) For purposes of this chapter and Chapter 5751. of the 6998  
Revised Code: 6999

(1) "Trust" does not include a qualified pre-income tax 7000  
trust. 7001

(2) A "qualified pre-income tax trust" is any pre-income tax 7002  
trust that makes a qualifying pre-income tax trust election as 7003  
described in division (FF)(3) of this section. 7004

(3) A "qualifying pre-income tax trust election" is an 7005  
election by a pre-income tax trust to subject to the tax imposed 7006  
by section 5751.02 of the Revised Code the pre-income tax trust 7007  
and all pass-through entities of which the trust owns or controls, 7008  
directly, indirectly, or constructively through related interests, 7009  
five per cent or more of the ownership or equity interests. The 7010  
trustee shall notify the tax commissioner in writing of the 7011  
election on or before April 15, 2006. The election, if timely 7012  
made, shall be effective on and after January 1, 2006, and shall 7013  
apply for all tax periods and tax years until revoked by the 7014  
trustee of the trust. 7015

(4) A "pre-income tax trust" is a trust that satisfies all of 7016  
the following requirements: 7017

(a) The document or instrument creating the trust was 7018  
executed by the grantor before January 1, 1972; 7019

(b) The trust became irrevocable upon the creation of the 7020  
trust; and 7021

(c) The grantor was domiciled in this state at the time the 7022

trust was created. 7023

**Sec. 5747.02.** (A) For the purpose of providing revenue for 7024  
the support of schools and local government functions, to provide 7025  
relief to property taxpayers, to provide revenue for the general 7026  
revenue fund, and to meet the expenses of administering the tax 7027  
levied by this chapter, there is hereby levied on every 7028  
individual, trust, and estate residing in or earning or receiving 7029  
income in this state, on every individual, trust, and estate 7030  
earning or receiving lottery winnings, prizes, or awards pursuant 7031  
to Chapter 3770. of the Revised Code, on every individual, trust, 7032  
and estate earning or receiving winnings on casino gaming, and on 7033  
every individual, trust, and estate otherwise having nexus with or 7034  
in this state under the Constitution of the United States, an 7035  
annual tax measured in the case of individuals by Ohio adjusted 7036  
gross income less an exemption for the taxpayer, the taxpayer's 7037  
spouse, and each dependent as provided in section 5747.025 of the 7038  
Revised Code; measured in the case of trusts by modified Ohio 7039  
taxable income under division (D) of this section; and measured in 7040  
the case of estates by Ohio taxable income. The tax imposed by 7041  
this section on the balance thus obtained is hereby levied as 7042  
follows: 7043

(1) For taxable years beginning in 2004: 7044

OHIO ADJUSTED GROSS INCOME LESS 7045

EXEMPTIONS (INDIVIDUALS)

OR 7046

MODIFIED OHIO 7047

TAXABLE INCOME (TRUSTS) 7048

OR 7049

OHIO TAXABLE INCOME (ESTATES) TAX 7050

\$5,000 or less .743% 7051

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 7052

than \$10,000	in excess of \$5,000	
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	7053
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	7054
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	7055
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	7056
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	7057
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	7058
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	7059
(2) For taxable years beginning in 2005:		7060
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		7061
OR		7062
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		7063
OR		7064
OHIO TAXABLE INCOME (ESTATES)	TAX	7065
\$5,000 or less	.712%	7066
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	7067
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	7068
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	7069
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	7070
More than \$40,000 but not more	\$1,281.10 plus 4.983% of the	7071
		7072

than \$80,000	amount in excess of \$40,000	
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	7073
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	7074
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	7075
(3) For taxable years beginning in 2006:		7076
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		7077
OR		7078
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		7079
OR		7080
OHIO TAXABLE INCOME (ESTATES)		7081
	TAX	7082
\$5,000 or less	.681%	7083
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	7084
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	7085
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	7086
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	7087
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	7088
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	7089
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	7090
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	7091
(4) For taxable years beginning in 2007:		7092

OHIO ADJUSTED GROSS INCOME LESS		7093
EXEMPTIONS (INDIVIDUALS)		
OR		7094
MODIFIED OHIO		7095
TAXABLE INCOME (TRUSTS)		7096
OR		7097
OHIO TAXABLE INCOME (ESTATES)	TAX	7098
\$5,000 or less	.649%	7099
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	7100
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	7101
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	7102
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	7103
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	7104
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	7105
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	7106
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	7107
(5) For taxable years beginning in 2008, 2009, or 2010:		7108
OHIO ADJUSTED GROSS INCOME LESS		7109
EXEMPTIONS (INDIVIDUALS)		
OR		7110
MODIFIED OHIO		7111
TAXABLE INCOME (TRUSTS)		7112
OR		7113
OHIO TAXABLE INCOME (ESTATES)	TAX	7114
\$5,000 or less	.618%	7115

More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	7116
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	7117
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	7118
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	7119
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	7120
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	7121
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	7122
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	7123
(6) For taxable years beginning in 2011 or thereafter:		7124
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		7125
OR		7126
MODIFIED OHIO		7127
TAXABLE INCOME (TRUSTS)		7128
OR		7129
OHIO TAXABLE INCOME (ESTATES)	TAX	7130
\$5,000 or less	.587%	7131
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	7132
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	7133
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	7134
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	7135



More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	7136
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	7137
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	7138
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	7139

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 7164  
municipal corporation, a joint economic development zone created 7165  
under section 715.691, or a joint economic development district 7166  
created under section 715.70 or 715.71 or sections 715.72 to 7167  
715.81 of the Revised Code from levying a tax on income. 7168

(D) This division applies only to taxable years of a trust 7169  
beginning in 2002 or thereafter. 7170

(1) The tax imposed by this section on a trust shall be 7171  
computed by multiplying the Ohio modified taxable income of the 7172  
trust by the rates prescribed by division (A) of this section. 7173

(2) A nonresident trust may claim a credit against the tax 7174  
computed under division (D) of this section equal to the lesser of 7175  
(1) the tax paid to another state or the District of Columbia on 7176  
the nonresident trust's modified nonbusiness income, other than 7177  
the portion of the nonresident trust's nonbusiness income that is 7178  
qualifying investment income as defined in section 5747.012 of the 7179  
Revised Code, or (2) the effective tax rate, based on modified 7180  
Ohio taxable income, multiplied by the nonresident trust's 7181  
modified nonbusiness income other than the portion of the 7182  
nonresident trust's nonbusiness income that is qualifying 7183  
investment income. The credit applies before any other applicable 7184  
credits. 7185

(3) The credits enumerated in divisions (A)(1) to (13) of 7186  
section 5747.98 of the Revised Code do not apply to a trust 7187  
subject to division (D) of this section. Any credits enumerated in 7188  
other divisions of section 5747.98 of the Revised Code apply to a 7189  
trust subject to division (D) of this section. To the extent that 7190  
the trust distributes income for the taxable year for which a 7191  
credit is available to the trust, the credit shall be shared by 7192  
the trust and its beneficiaries. The tax commissioner and the 7193  
trust shall be guided by applicable regulations of the United 7194  
States treasury regarding the sharing of credits. 7195

(E) For the purposes of this section, "trust" means any trust 7196  
described in Subchapter J of Chapter 1 of the Internal Revenue 7197  
Code, excluding trusts that are not irrevocable as defined in 7198  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 7199  
have no modified Ohio taxable income for the taxable year, 7200  
charitable remainder trusts, qualified funeral trusts and preneed 7201  
funeral contract trusts established pursuant to sections 4717.31 7202  
to 4717.38 of the Revised Code that are not qualified funeral 7203  
trusts, endowment and perpetual care trusts, qualified settlement 7204  
trusts and funds, designated settlement trusts and funds, and 7205  
trusts exempted from taxation under section 501(a) of the Internal 7206  
Revenue Code. 7207

Sec. 5747.063. (A)(1) If a person's winnings at a casino 7208  
facility are an amount for which reporting to the internal revenue 7209  
service of the amount is required by 26 U.S.C. 6041 or a 7210  
subsequent, analogous section of the Internal Revenue Code, the 7211  
casino operator shall deduct and withhold Ohio income tax from the 7212  
person's winnings at a rate of six per cent of the amount won. A 7213  
person's amount of winnings shall be determined each time the 7214  
person exchanges amounts won in tokens, chips, casino credit, or 7215  
other pre-paid representations of value for cash or a cash 7216  
equivalent. The casino operator shall issue, to a person from 7217  
whose winnings an amount has been deducted and withheld, a receipt 7218  
for the amount deducted and withheld, and also shall obtain from 7219  
the person additional information that will be necessary for the 7220  
casino operator to prepare the returns required by this section. 7221

(2) If a person's winnings at a casino facility require 7222  
reporting to the internal revenue service under division (A)(1) of 7223  
this section, the casino operator also shall require the person to 7224  
state in writing, under penalty of falsification, whether the 7225  
person is in default under a support order. 7226

(B) Amounts deducted and withheld by a casino operator are 7227  
held in trust for the benefit of the state. 7228

(1) On or before the tenth banking day of each month, the 7229  
casino operator shall file a return electronically with the tax 7230  
commissioner identifying the persons from whose winnings amounts 7231  
were deducted and withheld and the amount of each such deduction 7232  
and withholding during the preceding calendar month. With the 7233  
return, the casino operator shall remit electronically to the tax 7234  
commissioner all the amounts deducted and withheld during the 7235  
preceding month. And together with the return and remittance, the 7236  
casino operator shall transmit electronically to the tax 7237  
commissioner a copy of each receipt issued, and a copy of each 7238  
statement made, under divisions (A)(1) and (2) of this section. 7239

(2) Annually on or before the thirty-first day of January, a 7240  
casino operator shall file an annual return electronically with 7241  
the tax commissioner indicating the total amount deducted and 7242  
withheld during the preceding calendar year. The casino operator 7243  
shall remit electronically with the annual return any amount that 7244  
was deducted and withheld and that was not previously remitted. If 7245  
the identity of a person and the amount deducted and withheld with 7246  
respect to that person were omitted on a monthly return, that 7247  
information shall be indicated on the annual return. And if a copy 7248  
of the receipt and statement pertaining to a person was not 7249  
previously transmitted to the tax commissioner, the receipt and 7250  
statement shall be transmitted to the tax commissioner 7251  
electronically with the annual return. 7252

(3)(a) A casino operator who fails to file a return and remit 7253  
the amounts deducted and withheld is personally liable for the 7254  
amount deducted and withheld and not remitted. The tax 7255  
commissioner may impose a penalty up to one thousand dollars if a 7256  
return is filed late, if amounts deducted and withheld are 7257  
remitted late, if a return is not filed, or if amounts deducted 7258

and withheld are not remitted. Interest accrues on past due 7259  
amounts deducted and withheld at the rate prescribed in section 7260  
5703.47 of the Revised Code. The tax commissioner may collect past 7261  
due amounts deducted and withheld and penalties and interest 7262  
thereon by assessment under section 5747.13 of the Revised Code as 7263  
if they were income taxes collected by an employer. 7264

(b) If a casino operator sells the casino facility or 7265  
otherwise quits the casino business, the amounts deducted and 7266  
withheld and any penalties and interest thereon are immediately 7267  
due and payable. The successor shall withhold an amount of the 7268  
purchase money that is sufficient to cover the amounts deducted 7269  
and withheld and penalties and interest thereon until the 7270  
predecessor casino operator produces either a receipt from the tax 7271  
commissioner showing that the amounts deducted and withheld and 7272  
penalties and interest thereon have been paid or a certificate 7273  
from the tax commissioner indicating that no amounts deducted and 7274  
withheld or penalties and interest thereon are due. If the 7275  
successor fails to withhold purchase money, the successor is 7276  
personally liable for payment of the amounts deducted and withheld 7277  
and penalties and interest thereon, up to the amount of the 7278  
purchase money. 7279

(C) Annually, on or before the thirty-first day of January, a 7280  
casino operator shall issue an information return to each person 7281  
with respect to whom an amount has been deducted and withheld 7282  
during the preceding calendar year. The information return shall 7283  
show the total amount deducted from the person's winnings by the 7284  
casino operator during the preceding calendar year. 7285

(D) Amounts deducted and withheld shall be treated as a 7286  
credit against the tax imposed by section 5747.02 of the Revised 7287  
Code. The credit is refundable and shall be claimed in the order 7288  
required under section 5747.98 of the Revised Code. Only the 7289  
person for whom the amount is deducted and withheld may claim a 7290

credit for such amount. 7291

(E) The failure of a casino operator to deduct and withhold 7292  
the required amount from a person's winnings does not relieve the 7293  
person from liability for the tax imposed by section 5747.02 of 7294  
the Revised Code with respect to those winnings. And compliance 7295  
with this section does not relieve a casino operator or a person 7296  
who has winnings at a casino facility from compliance with 7297  
relevant provisions of federal tax laws. 7298

(F) The tax commissioner shall prescribe the form of the 7299  
receipt, statement, and returns required by this section. 7300

**Sec. 5747.20.** This section applies solely for the purposes of 7301  
computing the credit allowed under division (A) of section 5747.05 7302  
of the Revised Code and computing income taxable in this state 7303  
under division (D) of section 5747.08 of the Revised Code. 7304

All items of nonbusiness income or deduction shall be 7305  
allocated in this state as follows: 7306

(A) All items of nonbusiness income or deduction taken into 7307  
account in the computation of adjusted gross income for the 7308  
taxable year by a resident shall be allocated to this state. 7309

(B) All items of nonbusiness income or deduction taken into 7310  
account in the computation of adjusted gross income for the 7311  
taxable year by a nonresident shall be allocated to this state as 7312  
follows: 7313

(1) All items of compensation paid to an individual for 7314  
personal services performed in this state who was a nonresident at 7315  
the time of payment and all items of deduction directly allocated 7316  
thereto shall be allocated to this state. 7317

(2) All gains or losses from the sale of real property, 7318  
tangible personal property, or intangible property shall be 7319  
allocated as follows: 7320

(a) Capital gains or losses from the sale or other transfer of real property are allocable to this state if the property is located physically in this state.

(b) Capital gains or losses from the sale or other transfer of tangible personal property are allocable to this state if, at the time of such sale or other transfer, the property had its physical location in this state.

(c) Capital gains or losses from the sale or other transfer of intangible personal property are allocable to this state if the taxpayer's domicile was in this state at the time of such sale or other transfer.

(3) All rents and royalties of real or tangible personal property shall be allocated to this state as follows:

(a) Rents and royalties derived from real property are allocable to this state if the property is physically located in this state.

(b) Rents and royalties derived from tangible personal property are allocable to this state to the extent that such property is utilized in this state.

The extent of utilization of tangible personal property in a state is determined by multiplying the rents or royalties derived from such property by a fraction, the numerator of which is the number of days of physical location of the property in this state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the nonresident, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payor obtained possession.

(4) All patent and copyright royalties shall be allocated to 7352  
this state to the extent the patent or copyright was utilized by 7353  
the payor in this state. 7354

A patent is utilized in a state to the extent that it is 7355  
employed in production, fabrication, manufacturing, or other 7356  
processing in the state, or to the extent that a patented product 7357  
is produced in the state. If the basis of receipts from patent 7358  
royalties does not permit allocation to states or if the 7359  
accounting procedures do not reflect states of utilization, the 7360  
patent is utilized in this state if the taxpayer's domicile was in 7361  
this state at the time such royalties were paid or accrued. 7362

A copyright is utilized in a state to the extent that 7363  
printing or other publication originates in the state. If the 7364  
basis of receipts from copyright royalties does not permit 7365  
allocation to states or if the accounting procedures do not 7366  
reflect states of utilization, the copyright is utilized in this 7367  
state if the taxpayer's domicile was in this state at the time 7368  
such royalties were paid or accrued. 7369

(5)(a) All lottery prize awards paid by the state lottery 7370  
commission pursuant to Chapter 3770. of the Revised Code shall be 7371  
allocated to this state. 7372

(b) All earnings, profit, income, and gain from the sale, 7373  
exchange, or other disposition of lottery prize awards paid or to 7374  
be paid to any person by the state lottery commission pursuant to 7375  
Chapter 3770. of the Revised Code shall be allocated to this 7376  
state. 7377

(c) All earnings, profit, income, and gain from the direct or 7378  
indirect ownership of lottery prize awards paid or to be paid to 7379  
any person by the state lottery commission pursuant to Chapter 7380  
3770. of the Revised Code shall be allocated to this state. 7381

(d) All earnings, profit, income, and gain from the direct or 7382



indirect interest in any right in or to any lottery prize awards 7383  
paid or to be paid to any person by the state lottery commission 7384  
pursuant to Chapter 3770. of the Revised Code shall be allocated 7385  
to this state. 7386

(6) Any item of income or deduction which has been taken into 7387  
account in the computation of adjusted gross income for the 7388  
taxable year by a nonresident and which is not otherwise 7389  
specifically allocated or apportioned pursuant to sections 5747.20 7390  
to 5747.23 of the Revised Code, including, without limitation, 7391  
interest, dividends and distributions, items of income taken into 7392  
account under the provisions of sections 401 to 425 of the 7393  
Internal Revenue Code, and benefit payments received by a 7394  
beneficiary of a supplemental unemployment trust which is referred 7395  
to in section 501(c)(17) of the Internal Revenue Code, shall not 7396  
be allocated to this state unless the taxpayer's domicile was in 7397  
this state at the time such income was paid or accrued. 7398

(7) All casino gaming winnings paid by any person licensed by 7399  
the Ohio casino control commission shall be allocated to the 7400  
state. 7401

(C) If an individual is a resident for part of the taxable 7402  
year and a nonresident for the remainder of the taxable year, all 7403  
items of nonbusiness income or deduction shall be allocated under 7404  
division (A) of this section for the part of the taxable year that 7405  
the individual is a resident and under division (B) of this 7406  
section for the part of the taxable year that the individual is a 7407  
nonresident. 7408

**Sec. 5747.98.** (A) To provide a uniform procedure for 7409  
calculating the amount of tax due under section 5747.02 of the 7410  
Revised Code, a taxpayer shall claim any credits to which the 7411  
taxpayer is entitled in the following order: 7412

(1) The retirement income credit under division (B) of 7413

section 5747.055 of the Revised Code;	7414
(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	7415 7416
(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	7417 7418
(4) The dependent care credit under section 5747.054 of the Revised Code;	7419 7420
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	7421 7422
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	7423 7424
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	7425 7426
(8) The low-income credit under section 5747.056 of the Revised Code;	7427 7428
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	7429 7430
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	7431 7432
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	7433 7434
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	7435 7436
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	7437 7438
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	7439 7440
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	7441 7442

(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	7443 7444
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	7445 7446
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	7447 7448
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	7449 7450
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	7451 7452
(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;	7453 7454 7455
(22) The job training credit under section 5747.39 of the Revised Code;	7456 7457
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	7458 7459
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	7460 7461
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	7462 7463
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	7464 7465
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	7466 7467
(28) The export sales credit under section 5747.057 of the Revised Code;	7468 7469
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	7470 7471

(30) The enterprise zone credits under section 5709.65 of the Revised Code;	7472 7473
(31) The research and development credit under section 5747.331 of the Revised Code;	7474 7475
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	7476 7477
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	7478 7479
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	7480 7481
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	7482 7483
(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;	7484 7485 7486
(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	7487 7488
(38) <u>The refundable credit for tax withheld under section 5747.063 of the Revised Code;</u>	7489 7490
<u>(39)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	7491 7492 7493
<del>(39)</del> (40) The refundable motion picture production credit under section 5747.66 of the Revised Code.	7494 7495
(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	7496 7497 7498 7499 7500 7501

forward if authorized under the section creating that credit. 7502  
Nothing in this chapter shall be construed to allow a taxpayer to 7503  
claim, directly or indirectly, a credit more than once for a 7504  
taxable year. 7505

Sec. 5753.01. As used in Chapter 5753. of the Revised Code 7506  
and for no other purpose under Title LVII of the Revised Code: 7507

(A) "Casino facility" has the same meaning as in section 7508  
3772.01 of the Revised Code. 7509

(B) "Casino gaming" has the same meaning as in section 7510  
3772.01 of the Revised Code. 7511

(C) "Casino operator" has the same meaning as in section 7512  
3772.01 of the Revised Code. 7513

(D) "Gross casino revenue" means the total amount of money 7514  
exchanged for the purchase of chips, tokens, tickets, electronic 7515  
cards, or similar objects by casino patrons, less winnings paid to 7516  
wagerers. 7517

(E) "Person" has the same meaning as in section 3772.01 of 7518  
the Revised Code. 7519

(F) "Slot machine" has the same meaning as in section 3772.01 7520  
of the Revised Code. 7521

(G) "Table game" has the same meaning as in section 3772.01 7522  
of the Revised Code. 7523

(H) "Tax period" means one twenty-four-hour period with 7524  
regard to which a casino operator is required to pay the tax 7525  
levied by this chapter. 7526

Sec. 5753.02. For the purpose of funding the needs of cities, 7527  
counties, public school districts, law enforcement, and the horse 7528  
racing industry; funding efforts to alleviate problem gambling and 7529  
substance abuse; defraying Ohio casino control commission 7530

operating costs; and defraying the costs of administering the tax, 7531  
a tax is levied on the gross casino revenue received by a casino 7532  
operator of a casino facility at the rate of thirty-three per cent 7533  
of the casino operator's gross casino revenue at the casino 7534  
facility. The tax is in addition to any other taxes or fees 7535  
imposed under the Revised Code or other law and for which the 7536  
casino operator is liable under Section 6(C)(2) of Article XV, 7537  
Ohio Constitution. 7538

**Sec. 5753.03.** (A) For the purpose of receiving and 7539  
distributing, and accounting for, revenue received from the tax 7540  
levied by section 5753.02 of the Revised Code, the following funds 7541  
are created in the state treasury: 7542

(1) The casino tax revenue fund; 7543

(2) The gross casino revenue county fund; 7544

(3) The gross casino revenue county student fund; 7545

(4) The gross casino revenue host city fund; 7546

(5) The Ohio state racing commission fund; 7547

(6) The Ohio law enforcement training fund; 7548

(7) The problem casino gambling and addictions fund; 7549

(8) The casino control commission fund; 7550

(9) The casino tax administration fund. 7551

(B) All moneys collected from the tax levied under this 7552  
chapter shall be deposited into the casino tax revenue fund. 7553

(C) From the casino tax revenue fund the director of budget 7554  
and management shall transfer as needed to the tax refund fund 7555  
amounts equal to the refunds certified by the tax commissioner 7556  
under section 5753.06 of the Revised Code. 7557

(D) After making any transfers required by division (C) of 7558

this section, but not later than the fifteenth day of the month 7559  
following the end of each calendar quarter, the director of budget 7560  
and management shall transfer amounts to each fund as follows: 7561

(1) Fifty-one per cent to the gross casino revenue county 7562  
fund to make payments as required by Section 6(C)(3)(a) of Article 7563  
XV, Ohio Constitution; 7564

(2) Thirty-four per cent to the gross casino revenue county 7565  
student fund to make payments as required by Section 6(C)(3)(b) of 7566  
Article XV, Ohio Constitution; 7567

(3) Five per cent to the gross casino revenue host city fund 7568  
for the benefit of the cities in which casino facilities are 7569  
located; 7570

(4) Three per cent to the Ohio state racing commission fund 7571  
to support horse racing in this state at which the pari-mutuel 7572  
system of wagering is conducted; 7573

(5) Two per cent to the Ohio law enforcement training fund to 7574  
support law enforcement functions in the state; 7575

(6) Two per cent to the problem casino gambling and 7576  
addictions fund to support efforts to alleviate problem gambling 7577  
and substance abuse and related research in the state; 7578

(7) Three per cent to the casino control commission fund to 7579  
support the operations of the Ohio casino control commission and 7580  
to defray the cost of administering the tax levied under section 7581  
5753.02 of the Revised Code. 7582

Payments under divisions (D)(1), (2), and (3) of this section 7583  
shall be made by the end of the month following the end of the 7584  
quarterly period. The tax commissioner shall make the data 7585  
available to the director of budget and management for this 7586  
purpose. 7587

Of the money credited to the Ohio law enforcement training 7588

fund, the director of budget and management shall distribute 7589  
eighty-five per cent of the money to the Ohio peace officer 7590  
training academy and fifteen per cent of the money to the division 7591  
of criminal justice services. 7592

(E) The director of budget and management shall transfer one 7593  
per cent of the money credited to the casino control commission 7594  
fund to the casino tax administration fund. The tax commissioner 7595  
shall use the casino tax administration fund to defray the costs 7596  
incurred in administering the tax levied by this chapter. 7597

**Sec. 5753.04.** Daily each day banks are open for business, not 7598  
later than noon, a casino operator shall file a return 7599  
electronically with the tax commissioner. The return shall be in 7600  
the form required by the tax commissioner, and shall reflect the 7601  
relevant tax period. The return shall include, but is not limited 7602  
to, the amount of the casino operator's gross casino revenue for 7603  
the tax period and the amount of tax due under section 5753.02 of 7604  
the Revised Code for the tax period. The casino operator shall 7605  
remit electronically with the return the tax due. 7606

If the casino operator ceases to be a taxpayer at any time, 7607  
the casino operator shall indicate the last date for which the 7608  
casino operator was liable for the tax. The return shall include a 7609  
space for this purpose. 7610

**Sec. 5753.05.** (A)(1) A casino operator who fails to file a 7611  
return or to remit the tax due as required by section 5753.04 of 7612  
the Revised Code shall pay a penalty not to exceed the greater of 7613  
five hundred dollars or ten per cent of the tax due. 7614

(2) If the tax commissioner finds additional tax to be due, 7615  
the tax commissioner may impose an additional penalty of up to 7616  
fifteen per cent of the additional tax found to be due. A 7617  
delinquent payment of tax made as the result of a notice or an 7618



audit is subject to the additional penalty imposed by this 7619  
division. 7620

(3) If a casino operator fails to file a return 7621  
electronically or to remit the tax electronically, the tax 7622  
commissioner may impose an additional penalty of fifty dollars or 7623  
ten per cent of the tax due as shown on the return, whichever is 7624  
greater. 7625

(B) If the tax due under section 5753.02 of the Revised Code 7626  
is not timely paid, the casino operator shall pay interest at the 7627  
rate per annum prescribed in section 5703.47 of the Revised Code 7628  
beginning on the day the tax was due through the day the tax is 7629  
paid or an assessment is issued, whichever occurs first. 7630

(C) The tax commissioner shall collect any penalty or 7631  
interest as if it were the tax levied by section 5753.02 of the 7632  
Revised Code. Penalties and interest shall be treated as if they 7633  
were revenue arising from the tax levied by section 5753.02 of the 7634  
Revised Code. 7635

(D) The tax commissioner may abate all or a portion of any 7636  
penalty imposed under this section and may adopt rules governing 7637  
abatements. 7638

(E) If a casino operator fails to file a return or remit the 7639  
tax due as required by section 5753.04 of the Revised Code within 7640  
a period of one year after the due date for filing the return or 7641  
remitting the tax, the Ohio casino control commission may suspend 7642  
the casino operator's license. 7643

**Sec. 5753.06.** (A) A casino operator may apply to the tax 7644  
commissioner for refund of the amount of taxes under section 7645  
5753.02 of the Revised Code that were overpaid, paid illegally or 7646  
erroneously, or paid on an illegal or erroneous assessment. The 7647  
application shall be on a form prescribed by the tax commissioner. 7648

The casino operator shall provide the amount of the requested 7649  
refund along with the claimed reasons for, and documentation to 7650  
support, the issuance of a refund. The casino operator shall file 7651  
the application with the tax commissioner within four years after 7652  
the date the payment was made, unless the applicant has waived the 7653  
time limitation under division (D) of section 5753.07 of the 7654  
Revised Code. In the latter event, the four-year limitation is 7655  
extended for the same period of time as the waiver. 7656

(B) Upon the filing of a refund application, the tax 7657  
commissioner shall determine the amount of refund to which the 7658  
applicant is entitled. If the amount is not less than that 7659  
claimed, the tax commissioner shall certify the amount to the 7660  
director of budget and management and treasurer of state for 7661  
payment from the tax refund fund. If the amount is less than that 7662  
claimed, the tax commissioner shall proceed under section 5703.70 7663  
of the Revised Code. 7664

(C) Interest on a refund applied for under this section, 7665  
computed at the rate provided for in section 5703.47 of the 7666  
Revised Code, shall be allowed from the later of the date the tax 7667  
was due or the date payment of the tax was made. Except as 7668  
provided in section 5753.07 of the Revised Code, the tax 7669  
commissioner may, with the consent of the casino operator, provide 7670  
for crediting against the tax due for a tax period, the amount of 7671  
any refund due the casino operator for a preceding tax period. 7672

(D) Refunds under this section are subject to offset under 7673  
section 5753.061 of the Revised Code. 7674

**Sec. 5753.061.** As used in this section, "debt to the state" 7675  
means unpaid taxes that are due the state, unpaid workers' 7676  
compensation premiums that are due, unpaid unemployment 7677  
compensation contributions that are due, unpaid unemployment 7678

compensation payments in lieu of contributions that are due, 7679  
unpaid fees payable to the state or to the clerk of courts under 7680  
section 4505.06 of the Revised Code, incorrect medical assistance 7681  
payments, or any unpaid charge, penalty, or interest arising from 7682  
any of the foregoing. A debt to the state is not a "debt to the 7683  
state" as used in this section unless the liability underlying the 7684  
debt to the state has become incontestable because the time for 7685  
appealing, reconsidering, reassessing, or otherwise questioning 7686  
the liability has expired or the liability has been finally 7687  
determined to be valid. 7688

If a casino operator who is entitled to a refund under 7689  
section 5753.06 of the Revised Code owes a debt to the state, the 7690  
amount refundable may be applied in satisfaction of the debt to 7691  
the state. If the amount refundable is less than the amount of the 7692  
debt to the state, the amount refundable may be applied in partial 7693  
satisfaction of the debt. If the amount refundable is greater than 7694  
the amount of the debt, the amount refundable remaining after 7695  
satisfaction of the debt shall be refunded to the casino operator. 7696

**Sec. 5753.07. (A)(1) The tax commissioner may issue an** 7697  
**assessment, based on any information in the tax commissioner's** 7698  
**possession, against a casino operator who fails to pay the tax** 7699  
**levied under section 5753.02 of the Revised Code or to file a** 7700  
**return under section 5753.04 of the Revised Code. The tax** 7701  
**commissioner shall give the casino operator written notice of the** 7702  
**assessment under section 5703.37 of the Revised Code. With the** 7703  
**notice, the tax commissioner shall include instructions on how to** 7704  
**petition for reassessment and on how to request a hearing with** 7705  
**respect to the petition.** 7706

(2) Unless the casino operator, within sixty days after 7707  
service of the notice of assessment, files with the tax 7708  
commissioner, either personally or by certified mail, a written 7709

petition signed by the casino operator, or by the casino 7710  
operator's authorized agent who has knowledge of the facts, the 7711  
assessment becomes final, and the amount of the assessment is due 7712  
and payable from the casino operator to the treasurer of state. 7713  
The petition shall indicate the casino operator's objections to 7714  
the assessment. Additional objections may be raised in writing if 7715  
they are received by the tax commissioner before the date shown on 7716  
the final determination. 7717

(3) If a petition for reassessment has been properly filed, 7718  
the tax commissioner shall proceed under section 5703.60 of the 7719  
Revised Code. 7720

(4) After an assessment becomes final, if any portion of the 7721  
assessment, including penalties and accrued interest, remains 7722  
unpaid, the tax commissioner may file a certified copy of the 7723  
entry making the assessment final in the office of the clerk of 7724  
the court of common pleas of Franklin county or in the office of 7725  
the clerk of the court of common pleas of the county in which the 7726  
casino operator resides, the casino operator's casino facility is 7727  
located, or the casino operator's principal place of business in 7728  
this state is located. Immediately upon the filing of the entry, 7729  
the clerk shall enter a judgment for the state against the 7730  
taxpayer assessed in the amount shown on the entry. The judgment 7731  
may be filed by the clerk in a loose-leaf book entitled, "special 7732  
judgments for the gross casino revenue tax." The judgment has the 7733  
same effect as other judgments. Execution shall issue upon the 7734  
judgment at the request of the tax commissioner, and all laws 7735  
applicable to sales on execution apply to sales made under the 7736  
judgment. 7737

(5) The portion of an assessment not paid within sixty days 7738  
after the day the assessment was issued bears interest at the rate 7739  
per annum prescribed by section 5703.47 of the Revised Code from 7740  
the day the tax commissioner issued the assessment until the 7741

assessment is paid. Interest shall be paid in the same manner as 7742  
the tax levied under section 5753.02 of the Revised Code and may 7743  
be collected by the issuance of an assessment under this section. 7744

(B) If the tax commissioner believes that collection of the 7745  
tax levied under section 5753.02 of the Revised Code will be 7746  
jeopardized unless proceedings to collect or secure collection of 7747  
the tax are instituted without delay, the commissioner may issue a 7748  
jeopardy assessment against the casino operator who is liable for 7749  
the tax. Immediately upon the issuance of a jeopardy assessment, 7750  
the tax commissioner shall file an entry with the clerk of the 7751  
court of common pleas in the manner prescribed by division (A)(4) 7752  
of this section, and the clerk shall proceed as directed in that 7753  
division. Notice of the jeopardy assessment shall be served on the 7754  
casino operator or the casino operator's authorized agent under 7755  
section 5703.37 of the Revised Code within five days after the 7756  
filing of the entry with the clerk. The total amount assessed is 7757  
immediately due and payable, unless the casino operator assessed 7758  
files a petition for reassessment under division (A)(2) of this 7759  
section and provides security in a form satisfactory to the tax 7760  
commissioner that is in an amount sufficient to satisfy the unpaid 7761  
balance of the assessment. If a petition for reassessment has been 7762  
filed, and if satisfactory security has been provided, the tax 7763  
commissioner shall proceed under division (A)(3) of this section. 7764  
Full or partial payment of the assessment does not prejudice the 7765  
tax commissioner's consideration of the petition for reassessment. 7766

(C) The tax commissioner shall immediately forward to the 7767  
treasurer of state all amounts the tax commissioner receives under 7768  
this section, and the amounts forwarded shall be treated as if 7769  
they were revenue arising from the tax levied under section 7770  
5753.02 of the Revised Code. 7771

(D) Except as otherwise provided in this division, no 7772  
assessment shall be issued against a casino operator for the tax 7773

levied under section 5753.02 of the Revised Code more than four 7774  
years after the due date for filing the return for the tax period 7775  
for which the tax was reported, or more than four years after the 7776  
return for the tax period was filed, whichever is later. This 7777  
division does not bar an assessment against a casino operator who 7778  
fails to file a return as required by section 5753.04 of the 7779  
Revised Code or who files a fraudulent return, or when the casino 7780  
operator and the tax commissioner waive in writing the time 7781  
limitation. 7782

(E) If the tax commissioner possesses information that 7783  
indicates that the amount of tax a casino operator is liable to 7784  
pay under section 5753.02 of the Revised Code exceeds the amount 7785  
the casino operator paid, the tax commissioner may audit a sample 7786  
of the casino operator's gross casino revenue over a 7787  
representative period of time to ascertain the amount of tax due, 7788  
and may issue an assessment based on the audit. The tax 7789  
commissioner shall make a good faith effort to reach agreement 7790  
with the casino operator in selecting a representative sample. The 7791  
tax commissioner may apply a sampling method only if the tax 7792  
commissioner has prescribed the method by rule. 7793

(F) If the whereabouts of a casino operator who is liable for 7794  
the tax levied under section 5753.02 of the Revised Code are 7795  
unknown to the tax commissioner, the tax commissioner shall 7796  
proceed under section 5703.37 of the Revised Code. 7797

(G) If a casino operator fails to pay the tax levied under 7798  
section 5753.02 of the Revised Code within a period of one year 7799  
after the due date for remitting the tax, the Ohio casino control 7800  
commission may suspend the casino operator's license. 7801

**Sec. 5753.08.** If a casino operator who is liable for the tax 7802  
levied under section 5753.02 of the Revised Code sells the casino 7803  
facility, disposes of the casino facility in any manner other than 7804

in the regular course of business, or quits the casino gaming 7805  
business, any tax owed by that person becomes immediately due and 7806  
payable, and the person shall pay the tax due, including any 7807  
applicable penalties and interest. The person's successor shall 7808  
withhold a sufficient amount of the purchase money to cover the 7809  
amounts due and unpaid until the predecessor produces a receipt 7810  
from the tax commissioner showing that the amounts due have been 7811  
paid or a certificate indicating that no taxes are due. If the 7812  
successor fails to withhold purchase money, the successor is 7813  
personally liable, up to the purchase money amount, for amounts 7814  
that were unpaid during the operation of the business by the 7815  
predecessor. 7816

**Sec. 5753.09.** The tax commissioner shall administer and 7817  
enforce this chapter. In addition to any other powers conferred 7818  
upon the tax commissioner by law, the tax commissioner may: 7819

(A) Prescribe all forms that are required to be filed under 7820  
this chapter; 7821

(B) Adopt rules that are necessary and proper to carry out 7822  
this chapter; and 7823

(C) Appoint professional, technical, and clerical employees 7824  
as are necessary to carry out the tax commissioner's duties under 7825  
this chapter. 7826

**Sec. 5753.10.** The tax commissioner may prescribe requirements 7827  
for the keeping of records and pertinent documents, for the filing 7828  
of copies of federal income tax returns and determinations, and 7829  
for computations reconciling federal income tax returns with the 7830  
return required by section 5753.04 of the Revised Code. The tax 7831  
commissioner may require a casino operator, by rule or by notice 7832  
served on the casino operator, to keep records and other documents 7833  
that the tax commissioner considers necessary to show the extent 7834

to which the casino operator is subject to this chapter. The 7835  
records and other documents shall be open to inspection by the tax 7836  
commissioner during business hours, and shall be preserved for a 7837  
period of four years unless the tax commissioner, in writing, 7838  
consents to their destruction within that period, or by order 7839  
served on the casino operator requires that they be kept longer. 7840  
If the records are normally kept electronically by the casino 7841  
operator, the casino operator shall provide the records to the tax 7842  
commissioner electronically at the tax commissioner's request. 7843

Any information required by the tax commissioner under this 7845  
section is confidential under section 5703.21 of the Revised Code. 7846

**Section 2.** That existing sections 101.70, 102.02, 102.03, 7847  
109.31, 109.572, 109.71, 109.77, 109.79, 121.41, 121.60, 1705.48, 7848  
2915.01, 2915.02, 2915.091, 2915.101, 3793.02, 4301.355, 4301.62, 7849  
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 7850  
5703.70, 5747.01, 5747.02, 5747.20, and 5747.98 of the Revised 7851  
Code are hereby repealed. 7852

**Section 3.** The first return filed under section 5753.04 of 7853  
the Revised Code shall reflect the tax period consisting of or 7854  
beginning on the day on which operations of the casino facility 7855  
commence. 7856

**Section 4.** The General Assembly, applying the principle 7857  
stated in division (B) of section 1.52 of the Revised Code that 7858  
amendments are to be harmonized if reasonably capable of 7859  
simultaneous operation, finds that the following sections, 7860  
presented in this act as composites of the sections as amended by 7861  
the acts indicated, are the resulting versions of the sections in 7862  
effect before the effective date of the sections as presented in 7863



this act:	7864
Section 109.572 of the Revised Code as amended by both Am.	7865
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	7866
Section 109.77 of the Revised Code as amended by both Am.	7867
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	7868
Section 4301.62 of the Revised Code as amended by both Am.	7869
Sub. H.B. 562 and Sub. S.B. 150 of the 127th General Assembly.	7870