

As Reported by the House Economic Development Committee

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Sub. H. B. No. 519

Representatives Yuko, Book

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A B I L L

To amend sections 101.70, 102.02, 102.03, 109.32, 1
109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2
2915.01, 2915.02, 2915.061, 2915.08, 2915.081, 3
2915.082, 2915.09, 2915.091, 2915.093, 2915.10, 4
2915.101, 2915.13, 3793.02, 4301.355, 4301.62, 5
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 6
5703.19, 5703.21, 5703.70, 5747.02, and 5747.98, 7
to enact sections 121.54, 122.045, 2915.083, 8
2915.14, 3517.1015, 3769.081, 3772.01 to 3772.03, 9
3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 10
3772.05, 3772.051, 3772.06, 3772.061, 3772.062, 11
3772.07, 3772.08, 3772.081, 3772.09, 3772.091, 12
3772.10, 3772.11, 3772.111, 3772.12, 3772.121, 13
3772.13, 3772.131, 3772.14 to 3772.32, 3772.99, 14
3793.032, 5747.063, 5753.01 to 5753.06, 5753.061, 15
and 5753.07 to 5753.10, and to repeal section 16
2915.06 of the Revised Code to create the Ohio 17
Casino Control Commission and related provisions 18
and to set forth casino gaming statutes under Ohio 19
Constitution, Article XV, Section 6(C), to make 20
changes to bingo and instant bingo laws, to create 21
charity card rooms, and to make an appropriation. 22

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

Section 1. That sections 101.70, 102.02, 102.03, 109.32, 23
109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2915.01, 24
2915.02, 2915.061, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 25
2915.093, 2915.10, 2915.101, 2915.13, 3793.02, 4301.355, 4301.62, 26
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 27
5703.70, 5747.02, and 5747.98 be amended and sections 121.54, 28
122.045, 2915.083, 2915.14, 3517.1015, 3769.081, 3772.01, 3772.02, 29
3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 30
3772.051, 3772.06, 3772.061, 3772.062, 3772.07, 3772.08, 3772.081, 31
3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.12, 3772.121, 32
3772.13, 3772.131, 3772.14, 3772.15, 3772.16, 3772.17, 3772.18, 33
3772.19, 3772.20, 3772.21, 3772.22, 3772.23, 3772.24, 3772.25, 34
3772.26, 3772.27, 3772.28, 3772.29, 3772.30, 3772.31, 3772.32, 35
3772.99, 3793.032, 5747.063, 5753.01, 5753.02, 5753.03, 5753.04, 36
5753.05, 5753.06, 5753.061, 5753.07, 5753.08, 5753.09, and 5753.10 37
of the Revised Code be enacted to read as follows: 38

Sec. 101.70. As used in sections 101.70 to 101.79 and 101.99 39
of the Revised Code: 40

(A) "Person" means any individual, partnership, trust, 41
estate, business trust, association, or corporation; any labor 42
organization or manufacturer association; any department, 43
commission, board, publicly supported college or university, 44
division, institution, bureau, or other instrumentality of the 45
state; or any county, township, municipal corporation, school 46
district, or other political subdivision of the state. "Person" 47
includes the Ohio casino control commission, a member of the 48
commission, the executive director of the commission, an employee 49
of the commission, and an agent of the commission. 50

(B) "Legislation" means bills, resolutions, amendments, 51
nominations, and any other matter pending before the general 52
assembly, any matter pending before the controlling board, or the 53

executive approval or veto of any bill acted upon by the general assembly. 54
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(C) "Compensation" means a salary, gift, payment, benefit, subscription, loan, advance, reimbursement, or deposit of money or anything of value; or a contract, promise, or agreement, whether or not legally enforceable, to make compensation. 56
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(D) "Expenditure" means any of the following that is made to, at the request of, for the benefit of, or on behalf of any member of the general assembly, any member of the controlling board, the governor, the director of a department created under section 121.02 of the Revised Code, or any member of the staff of any public officer or employee listed in this division: 60
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(1) A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, or transportation; 66
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(2) A contract, promise, or agreement to make an expenditure, whether or not legally enforceable; 70
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(3) The purchase, sale, or gift of services or any other thing of value. 72
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"Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this division, or an offer or sale of securities to any person listed in this division that is governed by 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 Stat. 74, 15 U.S.C.A. and following, or that is governed by a 74
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comparable provision under state law. 85

(E) "Actively advocate" means to promote, advocate, or oppose 86
the passage, modification, defeat, or executive approval or veto 87
of any legislation by direct communication with any member of the 88
general assembly, any member of the controlling board, the 89
governor, the director of any department listed in section 121.02 90
of the Revised Code, or any member of the staff of any public 91
officer or employee listed in this division. "Actively advocate" 92
does not include the action of any person not engaged by an 93
employer who has a direct interest in legislation if the person, 94
acting under Section 3 of Article I, Ohio Constitution, assembles 95
together with other persons to consult for their common good, 96
instructs a public officer or employee who is listed in this 97
division, or petitions that public officer or employee for the 98
redress of grievances. 99

(F) "Legislative agent" means any individual, except a member 100
of the general assembly, a member of the staff of the general 101
assembly, the governor, lieutenant governor, attorney general, 102
secretary of state, treasurer of state, or auditor of state, who 103
is engaged during at least a portion of ~~his~~ the individual's time 104
to actively advocate as one of ~~his~~ the individual's main purposes. 105
An individual engaged by the Ohio casino control commission, a 106
member of the commission, the executive director of the 107
commission, or an employee or agent of the commission to actively 108
advocate is a "legislative agent" even if the individual does not 109
during at least a portion of the individual's time actively 110
advocate as one of the individual's main purposes. 111

(G) "Employer" means any person who, directly or indirectly, 112
engages a legislative agent. 113

(H) "Engage" means to make any arrangement, and "engagement" 114
means any arrangement, whereby an individual is employed or 115
retained for compensation to act for or on behalf of an employer 116

to actively advocate. 117

(I) "Financial transaction" means a transaction or activity 118
that is conducted or undertaken for profit and arises from the 119
joint ownership or the ownership or part ownership in common of 120
any real or personal property or any commercial or business 121
enterprise of whatever form or nature between the following: 122

(1) A legislative agent, ~~his~~ an employer of a legislative 123
agent, or a member of the immediate family of the legislative 124
agent or ~~his~~ a legislative agent's employer; and 125

(2) Any member of the general assembly, any member of the 126
controlling board, the governor, the director of a department 127
created under section 121.02 of the Revised Code, or any member of 128
the staff of a public officer or employee listed in division 129
(I)(2) of this section. 130

"Financial transaction" does not include any transaction or 131
activity described in division (I) of this section if it is 132
available to the general public on the same terms, or if it is an 133
offer or sale of securities to any person listed in division 134
(I)(2) of this section that is governed by regulation D, 17 C.F.R. 135
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 136
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 137
following, or that is governed by a comparable provision under 138
state law. 139

(J) "Staff" means any state employee whose official duties 140
are to formulate policy and who exercises administrative or 141
supervisory authority or who authorizes the expenditure of state 142
funds. 143

Sec. 102.02. (A) Except as otherwise provided in division (H) 144
of this section, all of the following shall file with the 145
appropriate ethics commission the disclosure statement described 146

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

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

The disclosure statement shall include all of the following: 203

(1) The name of the person filing the statement and each 204
member of the person's immediate family and all names under which 205
the person or members of the person's immediate family do 206
business; 207

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 208
and except as otherwise provided in section 102.022 of the Revised 209
Code, identification of every source of income, other than income 210
from a legislative agent identified in division (A)(2)(b) of this 211

section, received during the preceding calendar year, in the 212
person's own name or by any other person for the person's use or 213
benefit, by the person filing the statement, and a brief 214
description of the nature of the services for which the income was 215
received. If the person filing the statement is a member of the 216
general assembly, the statement shall identify the amount of every 217
source of income received in accordance with the following ranges 218
of amounts: zero or more, but less than one thousand dollars; one 219
thousand dollars or more, but less than ten thousand dollars; ten 220
thousand dollars or more, but less than twenty-five thousand 221
dollars; twenty-five thousand dollars or more, but less than fifty 222
thousand dollars; fifty thousand dollars or more, but less than 223
one hundred thousand dollars; and one hundred thousand dollars or 224
more. Division (A)(2)(a) of this section shall not be construed to 225
require a person filing the statement who derives income from a 226
business or profession to disclose the individual items of income 227
that constitute the gross income of that business or profession, 228
except for those individual items of income that are attributable 229
to the person's or, if the income is shared with the person, the 230
partner's, solicitation of services or goods or performance, 231
arrangement, or facilitation of services or provision of goods on 232
behalf of the business or profession of clients, including 233
corporate clients, who are legislative agents. A person who files 234
the statement under this section shall disclose the identity of 235
and the amount of income received from a person who the public 236
official or employee knows or has reason to know is doing or 237
seeking to do business of any kind with the public official's or 238
employee's agency. 239

(b) If the person filing the statement is a member of the 240
general assembly, the statement shall identify every source of 241
income and the amount of that income that was received from a 242
legislative agent during the preceding calendar year, in the 243
person's own name or by any other person for the person's use or 244

benefit, by the person filing the statement, and a brief 245
description of the nature of the services for which the income was 246
received. Division (A)(2)(b) of this section requires the 247
disclosure of clients of attorneys or persons licensed under 248
section 4732.12 of the Revised Code, or patients of persons 249
certified under section 4731.14 of the Revised Code, if those 250
clients or patients are legislative agents. Division (A)(2)(b) of 251
this section requires a person filing the statement who derives 252
income from a business or profession to disclose those individual 253
items of income that constitute the gross income of that business 254
or profession that are received from legislative agents. 255

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

professional subject to a confidentiality requirement as described 278
in division (A)(2)(c) of this section to disclose in the brief 279
description of the nature of services required by division 280
(A)(2)(a) of this section any information pertaining to specific 281
professional services rendered for a client, patient, or other 282
recipient of professional services that would reveal details of 283
the subject matter for which legal, medical, or professional 284
advice was sought or would reveal an otherwise privileged 285
communication involving the client, patient, or other recipient of 286
professional services. 287

(3) The name of every corporation on file with the secretary 288
of state that is incorporated in this state or holds a certificate 289
of compliance authorizing it to do business in this state, trust, 290
business trust, partnership, or association that transacts 291
business in this state in which the person filing the statement or 292
any other person for the person's use and benefit had during the 293
preceding calendar year an investment of over one thousand dollars 294
at fair market value as of the thirty-first day of December of the 295
preceding calendar year, or the date of disposition, whichever is 296
earlier, or in which the person holds any office or has a 297
fiduciary relationship, and a description of the nature of the 298
investment, office, or relationship. Division (A)(3) of this 299
section does not require disclosure of the name of any bank, 300
savings and loan association, credit union, or building and loan 301
association with which the person filing the statement has a 302
deposit or a withdrawable share account. 303

(4) All fee simple and leasehold interests to which the 304
person filing the statement holds legal title to or a beneficial 305
interest in real property located within the state, excluding the 306
person's residence and property used primarily for personal 307
recreation; 308

(5) The names of all persons residing or transacting business 309

in the state to whom the person filing the statement owes, in the 310
person's own name or in the name of any other person, more than 311
one thousand dollars. Division (A)(5) of this section shall not be 312
construed to require the disclosure of debts owed by the person 313
resulting from the ordinary conduct of a business or profession or 314
debts on the person's residence or real property used primarily 315
for personal recreation, except that the superintendent of 316
financial institutions shall disclose the names of all 317
state-chartered savings and loan associations and of all service 318
corporations subject to regulation under division (E)(2) of 319
section 1151.34 of the Revised Code to whom the superintendent in 320
the superintendent's own name or in the name of any other person 321
owes any money, and that the superintendent and any deputy 322
superintendent of banks shall disclose the names of all 323
state-chartered banks and all bank subsidiary corporations subject 324
to regulation under section 1109.44 of the Revised Code to whom 325
the superintendent or deputy superintendent owes any money. 326

(6) The names of all persons residing or transacting business 327
in the state, other than a depository excluded under division 328
(A)(3) of this section, who owe more than one thousand dollars to 329
the person filing the statement, either in the person's own name 330
or to any person for the person's use or benefit. Division (A)(6) 331
of this section shall not be construed to require the disclosure 332
of clients of attorneys or persons licensed under section 4732.12 333
or 4732.15 of the Revised Code, or patients of persons certified 334
under section 4731.14 of the Revised Code, nor the disclosure of 335
debts owed to the person resulting from the ordinary conduct of a 336
business or profession. 337

(7) Except as otherwise provided in section 102.022 of the 338
Revised Code, the source of each gift of over seventy-five 339
dollars, or of each gift of over twenty-five dollars received by a 340
member of the general assembly from a legislative agent, received 341

by the person in the person's own name or by any other person for 342
the person's use or benefit during the preceding calendar year, 343
except gifts received by will or by virtue of section 2105.06 of 344
the Revised Code, or received from spouses, parents, grandparents, 345
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 346
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 347
fathers-in-law, mothers-in-law, or any person to whom the person 348
filing the statement stands in loco parentis, or received by way 349
of distribution from any inter vivos or testamentary trust 350
established by a spouse or by an ancestor; 351

(8) Except as otherwise provided in section 102.022 of the 352
Revised Code, identification of the source and amount of every 353
payment of expenses incurred for travel to destinations inside or 354
outside this state that is received by the person in the person's 355
own name or by any other person for the person's use or benefit 356
and that is incurred in connection with the person's official 357
duties, except for expenses for travel to meetings or conventions 358
of a national or state organization to which any state agency, 359
including, but not limited to, any legislative agency or state 360
institution of higher education as defined in section 3345.011 of 361
the Revised Code, pays membership dues, or any political 362
subdivision or any office or agency of a political subdivision 363
pays membership dues; 364

(9) Except as otherwise provided in section 102.022 of the 365
Revised Code, identification of the source of payment of expenses 366
for meals and other food and beverages, other than for meals and 367
other food and beverages provided at a meeting at which the person 368
participated in a panel, seminar, or speaking engagement or at a 369
meeting or convention of a national or state organization to which 370
any state agency, including, but not limited to, any legislative 371
agency or state institution of higher education as defined in 372
section 3345.011 of the Revised Code, pays membership dues, or any 373

political subdivision or any office or agency of a political 374
subdivision pays membership dues, that are incurred in connection 375
with the person's official duties and that exceed one hundred 376
dollars aggregated per calendar year; 377

(10) If the disclosure statement is filed by a public 378
official or employee described in division (B)(2) of section 379
101.73 of the Revised Code or division (B)(2) of section 121.63 of 380
the Revised Code who receives a statement from a legislative 381
agent, executive agency lobbyist, or employer that contains the 382
information described in division (F)(2) of section 101.73 of the 383
Revised Code or division (G)(2) of section 121.63 of the Revised 384
Code, all of the nondisputed information contained in the 385
statement delivered to that public official or employee by the 386
legislative agent, executive agency lobbyist, or employer under 387
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 388
the Revised Code. 389

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

person shall be required to file with the appropriate ethics 406
commission more than one statement or pay more than one filing fee 407
for any one calendar year. 408

The appropriate ethics commission, for good cause, may extend 409
for a reasonable time the deadline for filing a statement under 410
this section. 411

A statement filed under this section is subject to public 412
inspection at locations designated by the appropriate ethics 413
commission except as otherwise provided in this section. 414

(B) The Ohio ethics commission, the joint legislative ethics 415
committee, and the board of commissioners on grievances and 416
discipline of the supreme court, using the rule-making procedures 417
of Chapter 119. of the Revised Code, may require any class of 418
public officials or employees under its jurisdiction and not 419
specifically excluded by this section whose positions involve a 420
substantial and material exercise of administrative discretion in 421
the formulation of public policy, expenditure of public funds, 422
enforcement of laws and rules of the state or a county or city, or 423
the execution of other public trusts, to file an annual statement 424
on or before the fifteenth day of April under division (A) of this 425
section. The appropriate ethics commission shall send the public 426
officials or employees written notice of the requirement by the 427
fifteenth day of February of each year the filing is required 428
unless the public official or employee is appointed after that 429
date, in which case the notice shall be sent within thirty days 430
after appointment, and the filing shall be made not later than 431
ninety days after appointment. 432

Except for disclosure statements filed by members of the 433
board of trustees and the executive director of the southern Ohio 434
agricultural and community development foundation, disclosure 435
statements filed under this division with the Ohio ethics 436
commission by members of boards, commissions, or bureaus of the 437

state for which no compensation is received other than reasonable 438
and necessary expenses shall be kept confidential. Disclosure 439
statements filed with the Ohio ethics commission under division 440
(A) of this section by business managers, treasurers, and 441
superintendents of city, local, exempted village, joint 442
vocational, or cooperative education school districts or 443
educational service centers shall be kept confidential, except 444
that any person conducting an audit of any such school district or 445
educational service center pursuant to section 115.56 or Chapter 446
117. of the Revised Code may examine the disclosure statement of 447
any business manager, treasurer, or superintendent of that school 448
district or educational service center. The Ohioethics commission 449
shall examine each disclosure statement required to be kept 450
confidential to determine whether a potential conflict of interest 451
exists for the person who filed the disclosure statement. A 452
potential conflict of interest exists if the private interests of 453
the person, as indicated by the person's disclosure statement, 454
might interfere with the public interests the person is required 455
to serve in the exercise of the person's authority and duties in 456
the person's office or position of employment. If the commission 457
determines that a potential conflict of interest exists, it shall 458
notify the person who filed the disclosure statement and shall 459
make the portions of the disclosure statement that indicate a 460
potential conflict of interest subject to public inspection in the 461
same manner as is provided for other disclosure statements. Any 462
portion of the disclosure statement that the commission determines 463
does not indicate a potential conflict of interest shall be kept 464
confidential by the commission and shall not be made subject to 465
public inspection, except as is necessary for the enforcement of 466
Chapters 102. and 2921. of the Revised Code and except as 467
otherwise provided in this division. 468

(C) No person shall knowingly fail to file, on or before the 469
applicable filing deadline established under this section, a 470

statement that is required by this section.		471
(D) No person shall knowingly file a false statement that is required to be filed under this section.		472 473
(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.		474 475 476
(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:		477 478 479 480
For state office, except member of the state board of education		481 482
For office of member of general assembly	\$65	483
For county office	\$40	484
For city office	\$40	485
For office of member of the state board of education	\$25	486 487
For office of member of the Ohio livestock care standards board		488
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$25	489 490 491 492
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$20	493 494 495 496 497 498 499 500
(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		501 502

record, shall be required to pay the fee required under division 503
(E)(1) or (2) or (F) of this section. 504

(4) For any public official who is appointed to a nonelective 505
office of the state and for any employee who holds a nonelective 506
position in a public agency of the state, the state agency that is 507
the primary employer of the state official or employee shall pay 508
the fee required under division (E)(1) or (F) of this section. 509

(F) If a statement required to be filed under this section is 510
not filed by the date on which it is required to be filed, the 511
appropriate ethics commission shall assess the person required to 512
file the statement a late filing fee of ten dollars for each day 513
the statement is not filed, except that the total amount of the 514
late filing fee shall not exceed two hundred fifty dollars. 515

(G)(1) The appropriate ethics commission other than the Ohio 516
ethics commission and the joint legislative ethics committee shall 517
deposit all fees it receives under divisions (E) and (F) of this 518
section into the general revenue fund of the state. 519

(2) The Ohio ethics commission shall deposit all receipts, 520
including, but not limited to, fees it receives under divisions 521
(E) and (F) of this section and all moneys it receives from 522
settlements under division (G) of section 102.06 of the Revised 523
Code, into the Ohio ethics commission fund, which is hereby 524
created in the state treasury. All moneys credited to the fund 525
shall be used solely for expenses related to the operation and 526
statutory functions of the commission. 527

(3) The joint legislative ethics committee shall deposit all 528
receipts it receives from the payment of financial disclosure 529
statement filing fees under divisions (E) and (F) of this section 530
into the joint legislative ethics committee investigative fund. 531

(H) Division (A) of this section does not apply to a person 532
elected or appointed to the office of precinct, ward, or district 533

committee member under Chapter 3517. of the Revised Code; a 534
presidential elector; a delegate to a national convention; village 535
or township officials and employees; any physician or psychiatrist 536
who is paid a salary or wage in accordance with schedule C of 537
section 124.15 or schedule E-2 of section 124.152 of the Revised 538
Code and whose primary duties do not require the exercise of 539
administrative discretion; or any member of a board, commission, 540
or bureau of any county or city who receives less than one 541
thousand dollars per year for serving in that position. 542

Sec. 102.03. (A)(1) No present or former public official or 543
employee shall, during public employment or service or for twelve 544
months thereafter, represent a client or act in a representative 545
capacity for any person on any matter in which the public official 546
or employee personally participated as a public official or 547
employee through decision, approval, disapproval, recommendation, 548
the rendering of advice, investigation, or other substantial 549
exercise of administrative discretion. 550

(2) For twenty-four months after the conclusion of service, 551
no former commissioner or attorney examiner of the public 552
utilities commission shall represent a public utility, as defined 553
in section 4905.02 of the Revised Code, or act in a representative 554
capacity on behalf of such a utility before any state board, 555
commission, or agency. 556

(3) For twenty-four months after the conclusion of employment 557
or service, no former public official or employee who personally 558
participated as a public official or employee through decision, 559
approval, disapproval, recommendation, the rendering of advice, 560
the development or adoption of solid waste management plans, 561
investigation, inspection, or other substantial exercise of 562
administrative discretion under Chapter 343. or 3734. of the 563
Revised Code shall represent a person who is the owner or operator 564

of a facility, as defined in section 3734.01 of the Revised Code, 565
or who is an applicant for a permit or license for a facility 566
under that chapter, on any matter in which the public official or 567
employee personally participated as a public official or employee. 568

(4) For a period of one year after the conclusion of 569
employment or service as a member or employee of the general 570
assembly, no former member or employee of the general assembly 571
shall represent, or act in a representative capacity for, any 572
person on any matter before the general assembly, any committee of 573
the general assembly, or the controlling board. Division (A)(4) of 574
this section does not apply to or affect a person who separates 575
from service with the general assembly on or before December 31, 576
1995. As used in division (A)(4) of this section "person" does not 577
include any state agency or political subdivision of the state. 578

(5) As used in divisions (A)(1), (2), and (3) of this 579
section, "matter" includes any case, proceeding, application, 580
determination, issue, or question, but does not include the 581
proposal, consideration, or enactment of statutes, rules, 582
ordinances, resolutions, or charter or constitutional amendments. 583
As used in division (A)(4) of this section, "matter" includes the 584
proposal, consideration, or enactment of statutes, resolutions, or 585
constitutional amendments. As used in division (A) of this 586
section, "represent" includes any formal or informal appearance 587
before, or any written or oral communication with, any public 588
agency on behalf of any person. 589

(6) Nothing contained in division (A) of this section shall 590
prohibit, during such period, a former public official or employee 591
from being retained or employed to represent, assist, or act in a 592
representative capacity for the public agency by which the public 593
official or employee was employed or on which the public official 594
or employee served. 595

(7) Division (A) of this section shall not be construed to 596

prohibit the performance of ministerial functions, including, but 597
not limited to, the filing or amendment of tax returns, 598
applications for permits and licenses, incorporation papers, and 599
other similar documents. 600

(8) No present or former Ohio casino control commission 601
official shall, during public service or for twelve months 602
thereafter, represent a client, be employed or compensated by a 603
person regulated by the commission, or act in a representative 604
capacity for any person on any matter before or concerning the 605
commission. 606

No present or former commission employee shall, during public 607
employment or for twelve months thereafter, represent a client or 608
act in a representative capacity on any matter in which the 609
employee personally participated as a commission employee through 610
decision, approval, disapproval, recommendation, the rendering of 611
advice, investigation, or other substantial exercise of 612
administrative discretion. 613

(B) No present or former public official or employee shall 614
disclose or use, without appropriate authorization, any 615
information acquired by the public official or employee in the 616
course of the public official's or employee's official duties that 617
is confidential because of statutory provisions, or that has been 618
clearly designated to the public official or employee as 619
confidential when that confidential designation is warranted 620
because of the status of the proceedings or the circumstances 621
under which the information was received and preserving its 622
confidentiality is necessary to the proper conduct of government 623
business. 624

(C) No public official or employee shall participate within 625
the scope of duties as a public official or employee, except 626
through ministerial functions as defined in division (A) of this 627
section, in any license or rate-making proceeding that directly 628

affects the license or rates of any person, partnership, trust, 629
business trust, corporation, or association in which the public 630
official or employee or immediate family owns or controls more 631
than five per cent. No public official or employee shall 632
participate within the scope of duties as a public official or 633
employee, except through ministerial functions as defined in 634
division (A) of this section, in any license or rate-making 635
proceeding that directly affects the license or rates of any 636
person to whom the public official or employee or immediate 637
family, or a partnership, trust, business trust, corporation, or 638
association of which the public official or employee or the public 639
official's or employee's immediate family owns or controls more 640
than five per cent, has sold goods or services totaling more than 641
one thousand dollars during the preceding year, unless the public 642
official or employee has filed a written statement acknowledging 643
that sale with the clerk or secretary of the public agency and the 644
statement is entered in any public record of the agency's 645
proceedings. This division shall not be construed to require the 646
disclosure of clients of attorneys or persons licensed under 647
section 4732.12 or 4732.15 of the Revised Code, or patients of 648
persons certified under section 4731.14 of the Revised Code. 649

(D) No public official or employee shall use or authorize the 650
use of the authority or influence of office or employment to 651
secure anything of value or the promise or offer of anything of 652
value that is of such a character as to manifest a substantial and 653
improper influence upon the public official or employee with 654
respect to that person's duties. 655

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

(F) No person shall promise or give to a public official or 660

employee anything of value that is of such a character as to 661
manifest a substantial and improper influence upon the public 662
official or employee with respect to that person's duties. 663

(G) In the absence of bribery or another offense under the 664
Revised Code or a purpose to defraud, contributions made to a 665
campaign committee, political party, legislative campaign fund, 666
political action committee, or political contributing entity on 667
behalf of an elected public officer or other public official or 668
employee who seeks elective office shall be considered to accrue 669
ordinarily to the public official or employee for the purposes of 670
divisions (D), (E), and (F) of this section. 671

As used in this division, "contributions," "campaign 672
committee," "political party," "legislative campaign fund," 673
"political action committee," and "political contributing entity" 674
have the same meanings as in section 3517.01 of the Revised Code. 675

(H)(1) No public official or employee, except for the 676
president or other chief administrative officer of or a member of 677
a board of trustees of a state institution of higher education as 678
defined in section 3345.011 of the Revised Code, who is required 679
to file a financial disclosure statement under section 102.02 of 680
the Revised Code shall solicit or accept, and no person shall give 681
to that public official or employee, an honorarium. Except as 682
provided in division (H)(2) of this section, this division and 683
divisions (D), (E), and (F) of this section do not prohibit a 684
public official or employee who is required to file a financial 685
disclosure statement under section 102.02 of the Revised Code from 686
accepting and do not prohibit a person from giving to that public 687
official or employee the payment of actual travel expenses, 688
including any expenses incurred in connection with the travel for 689
lodging, and meals, food, and beverages provided to the public 690
official or employee at a meeting at which the public official or 691
employee participates in a panel, seminar, or speaking engagement 692

or provided to the public official or employee at a meeting or 693
convention of a national organization to which any state agency, 694
including, but not limited to, any state legislative agency or 695
state institution of higher education as defined in section 696
3345.011 of the Revised Code, pays membership dues. Except as 697
provided in division (H)(2) of this section, this division and 698
divisions (D), (E), and (F) of this section do not prohibit a 699
public official or employee who is not required to file a 700
financial disclosure statement under section 102.02 of the Revised 701
Code from accepting and do not prohibit a person from promising or 702
giving to that public official or employee an honorarium or the 703
payment of travel, meal, and lodging expenses if the honorarium, 704
expenses, or both were paid in recognition of demonstrable 705
business, professional, or esthetic interests of the public 706
official or employee that exist apart from public office or 707
employment, including, but not limited to, such a demonstrable 708
interest in public speaking and were not paid by any person or 709
other entity, or by any representative or association of those 710
persons or entities, that is regulated by, doing business with, or 711
seeking to do business with the department, division, institution, 712
board, commission, authority, bureau, or other instrumentality of 713
the governmental entity with which the public official or employee 714
serves. 715

(2) No person who is a member of the board of a state 716
retirement system, a state retirement system investment officer, 717
or an employee of a state retirement system whose position 718
involves substantial and material exercise of discretion in the 719
investment of retirement system funds shall solicit or accept, and 720
no person shall give to that board member, officer, or employee, 721
payment of actual travel expenses, including expenses incurred 722
with the travel for lodging, meals, food, and beverages. 723

(I) A public official or employee may accept travel, meals, 724

and lodging or expenses or reimbursement of expenses for travel, 725
meals, and lodging in connection with conferences, seminars, and 726
similar events related to official duties if the travel, meals, 727
and lodging, expenses, or reimbursement is not of such a character 728
as to manifest a substantial and improper influence upon the 729
public official or employee with respect to that person's duties. 730
The house of representatives and senate, in their code of ethics, 731
and the Ohio ethics commission, under section 111.15 of the 732
Revised Code, may adopt rules setting standards and conditions for 733
the furnishing and acceptance of such travel, meals, and lodging, 734
expenses, or reimbursement. 735

A person who acts in compliance with this division and any 736
applicable rules adopted under it, or any applicable, similar 737
rules adopted by the supreme court governing judicial officers and 738
employees, does not violate division (D), (E), or (F) of this 739
section. This division does not preclude any person from seeking 740
an advisory opinion from the appropriate ethics commission under 741
section 102.08 of the Revised Code. 742

(J) For purposes of divisions (D), (E), and (F) of this 743
section, the membership of a public official or employee in an 744
organization shall not be considered, in and of itself, to be of 745
such a character as to manifest a substantial and improper 746
influence on the public official or employee with respect to that 747
person's duties. As used in this division, "organization" means a 748
church or a religious, benevolent, fraternal, or professional 749
organization that is tax exempt under subsection 501(a) and 750
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 751
"Internal Revenue Code of 1986." This division does not apply to a 752
public official or employee who is an employee of an organization, 753
serves as a trustee, director, or officer of an organization, or 754
otherwise holds a fiduciary relationship with an organization. 755
This division does not allow a public official or employee who is 756

a member of an organization to participate, formally or 757
informally, in deliberations, discussions, or voting on a matter 758
or to use his official position with regard to the interests of 759
the organization on the matter if the public official or employee 760
has assumed a particular responsibility in the organization with 761
respect to the matter or if the matter would affect that person's 762
personal, pecuniary interests. 763

(K) It is not a violation of this section for a prosecuting 764
attorney to appoint assistants and employees in accordance with 765
division (B) of section 309.06 and section 2921.421 of the Revised 766
Code, for a chief legal officer of a municipal corporation or an 767
official designated as prosecutor in a municipal corporation to 768
appoint assistants and employees in accordance with sections 769
733.621 and 2921.421 of the Revised Code, for a township law 770
director appointed under section 504.15 of the Revised Code to 771
appoint assistants and employees in accordance with sections 772
504.151 and 2921.421 of the Revised Code, or for a coroner to 773
appoint assistants and employees in accordance with division (B) 774
of section 313.05 of the Revised Code. 775

As used in this division, "chief legal officer" has the same 776
meaning as in section 733.621 of the Revised Code. 777

(L) No present public official or employee with a casino 778
gaming regulatory function shall indirectly invest, by way of an 779
entity the public official or employee has an ownership interest 780
or control in, or directly invest in a casino operator, management 781
company, holding company, casino facility, or gaming-related 782
vendor. No present public official or employee with a casino 783
gaming regulatory function shall directly or indirectly have a 784
financial interest in, have an ownership interest in, be the 785
creditor or hold a debt instrument issued by, or have an interest 786
in a contractual or service relationship with a casino operator, 787
management company, holding company, casino facility, or 788

gaming-related vendor. This section does not prohibit or limit 789
permitted passive investing by the public official or employee. 790

As used in this division, "passive investing" means 791
investment by the public official or employee by means of a mutual 792
fund in which the public official or employee has no control of 793
the investments or investment decisions. "Casino operator," 794
"holding company," "management company," "casino facility," and 795
"gaming-related vendor" have the same meanings as in section 796
3772.01 of the Revised Code. 797

(M) A member of the Ohio casino control commission, the 798
executive director of the commission, or an employee of the 799
commission shall not: 800

(1) Accept anything of value, including but not limited to a 801
gift, gratuity, emolument, or employment from a casino operator, 802
management company, or other person subject to the jurisdiction of 803
the commission, or from an officer, attorney, agent, or employee 804
of a casino operator, management company, or other person subject 805
to the jurisdiction of the commission; 806

(2) Solicit, suggest, request, or recommend, directly or 807
indirectly, to a casino operator, management company, or other 808
person subject to the jurisdiction of the commission, or to an 809
officer, attorney, agent, or employee of a casino operator, 810
management company, or other person subject to the jurisdiction of 811
the commission, the appointment of a person to an office, place, 812
position, or employment; 813

(3) Participate in casino gaming or any other amusement or 814
activity at a casino facility in this state or at an affiliate 815
gaming facility of a licensed casino operator, wherever located. 816

In addition to the penalty provided in section 102.99 of the 817
Revised Code, whoever violates division (M)(1), (2), or (3) of 818
this section forfeits the individual's office or employment. 819

Sec. 109.32. All annual filing fees obtained by the attorney 820
general pursuant to section 109.31 of the Revised Code, all 821
receipts obtained from the sale of the charitable foundations 822
directory, all registration fees received by the attorney general, 823
bond forfeitures, awards of costs and attorney's fees, and civil 824
penalties assessed under Chapter 1716. of the Revised Code, and 825
all license fees received by the attorney general under section 826
2915.08, 2915.081, or 2915.082 of the Revised Code shall be paid 827
into the state treasury to the credit of the charitable law fund. 828
The charitable law fund shall be used insofar as its moneys are 829
available for the expenses of the charitable law section of the 830
office of the attorney general, except that all annual license 831
fees that are received by the attorney general under section 832
2915.08, 2915.081, or 2915.082 of the Revised Code and that are 833
credited to the fund shall be used by the attorney general, or any 834
law enforcement agency in cooperation with the attorney general, 835
for the purposes specified in division ~~(H)~~(I) of section 2915.10 836
of the Revised Code and to administer and enforce Chapter 2915. of 837
the Revised Code. The expenses of the charitable law section in 838
excess of moneys available in the charitable law fund shall be 839
paid out of regular appropriations to the office of the attorney 840
general. 841

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 842
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 843
a completed form prescribed pursuant to division (C)(1) of this 844
section, and a set of fingerprint impressions obtained in the 845
manner described in division (C)(2) of this section, the 846
superintendent of the bureau of criminal identification and 847
investigation shall conduct a criminal records check in the manner 848
described in division (B) of this section to determine whether any 849
information exists that indicates that the person who is the 850

subject of the request previously has been convicted of or pleaded 851
guilty to any of the following: 852

(a) A violation of section 2903.01, 2903.02, 2903.03, 853
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 854
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 855
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 856
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 857
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 858
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 859
2925.06, or 3716.11 of the Revised Code, felonious sexual 860
penetration in violation of former section 2907.12 of the Revised 861
Code, a violation of section 2905.04 of the Revised Code as it 862
existed prior to July 1, 1996, a violation of section 2919.23 of 863
the Revised Code that would have been a violation of section 864
2905.04 of the Revised Code as it existed prior to July 1, 1996, 865
had the violation been committed prior to that date, or a 866
violation of section 2925.11 of the Revised Code that is not a 867
minor drug possession offense; 868

(b) A violation of an existing or former law of this state, 869
any other state, or the United States that is substantially 870
equivalent to any of the offenses listed in division (A)(1)(a) of 871
this section. 872

(2) On receipt of a request pursuant to section 5123.081 of 873
the Revised Code with respect to an applicant for employment in 874
any position with the department of developmental disabilities, 875
pursuant to section 5126.28 of the Revised Code with respect to an 876
applicant for employment in any position with a county board of 877
developmental disabilities, or pursuant to section 5126.281 of the 878
Revised Code with respect to an applicant for employment in a 879
direct services position with an entity contracting with a county 880
board for employment, a completed form prescribed pursuant to 881
division (C)(1) of this section, and a set of fingerprint 882

impressions obtained in the manner described in division (C)(2) of 883
this section, the superintendent of the bureau of criminal 884
identification and investigation shall conduct a criminal records 885
check. The superintendent shall conduct the criminal records check 886
in the manner described in division (B) of this section to 887
determine whether any information exists that indicates that the 888
person who is the subject of the request has been convicted of or 889
pleaded guilty to any of the following: 890

(a) A violation of section 2903.01, 2903.02, 2903.03, 891
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 892
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 893
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 894
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 895
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 896
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 897
2925.03, or 3716.11 of the Revised Code; 898

(b) An existing or former municipal ordinance or law of this 899
state, any other state, or the United States that is substantially 900
equivalent to any of the offenses listed in division (A)(2)(a) of 901
this section. 902

(3) On receipt of a request pursuant to section 173.27, 903
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 904
completed form prescribed pursuant to division (C)(1) of this 905
section, and a set of fingerprint impressions obtained in the 906
manner described in division (C)(2) of this section, the 907
superintendent of the bureau of criminal identification and 908
investigation shall conduct a criminal records check with respect 909
to any person who has applied for employment in a position for 910
which a criminal records check is required by those sections. The 911
superintendent shall conduct the criminal records check in the 912
manner described in division (B) of this section to determine 913
whether any information exists that indicates that the person who 914

is the subject of the request previously has been convicted of or 915
pleaded guilty to any of the following: 916

(a) A violation of section 2903.01, 2903.02, 2903.03, 917
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 918
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 919
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 920
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 921
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 922
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 923
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 924
2925.22, 2925.23, or 3716.11 of the Revised Code; 925

(b) An existing or former law of this state, any other state, 926
or the United States that is substantially equivalent to any of 927
the offenses listed in division (A)(3)(a) of this section. 928

(4) On receipt of a request pursuant to section 3701.881 of 929
the Revised Code with respect to an applicant for employment with 930
a home health agency as a person responsible for the care, 931
custody, or control of a child, a completed form prescribed 932
pursuant to division (C)(1) of this section, and a set of 933
fingerprint impressions obtained in the manner described in 934
division (C)(2) of this section, the superintendent of the bureau 935
of criminal identification and investigation shall conduct a 936
criminal records check. The superintendent shall conduct the 937
criminal records check in the manner described in division (B) of 938
this section to determine whether any information exists that 939
indicates that the person who is the subject of the request 940
previously has been convicted of or pleaded guilty to any of the 941
following: 942

(a) A violation of section 2903.01, 2903.02, 2903.03, 943
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 944
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 945
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 946

2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 947
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 948
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 949
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 950
violation of section 2925.11 of the Revised Code that is not a 951
minor drug possession offense; 952

(b) An existing or former law of this state, any other state, 953
or the United States that is substantially equivalent to any of 954
the offenses listed in division (A)(4)(a) of this section. 955

(5) On receipt of a request pursuant to section 5111.032, 956
5111.033, or 5111.034 of the Revised Code, a completed form 957
prescribed pursuant to division (C)(1) of this section, and a set 958
of fingerprint impressions obtained in the manner described in 959
division (C)(2) of this section, the superintendent of the bureau 960
of criminal identification and investigation shall conduct a 961
criminal records check. The superintendent shall conduct the 962
criminal records check in the manner described in division (B) of 963
this section to determine whether any information exists that 964
indicates that the person who is the subject of the request 965
previously has been convicted of, has pleaded guilty to, or has 966
been found eligible for intervention in lieu of conviction for any 967
of the following, regardless of the date of the conviction, the 968
date of entry of the guilty plea, or the date the person was found 969
eligible for intervention in lieu of conviction: 970

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 971
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 972
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 973
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 974
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 975
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 976
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 977
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 978

2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 979
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 980
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 981
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 982
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 983
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 984
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 985
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 986
penetration in violation of former section 2907.12 of the Revised 987
Code, a violation of section 2905.04 of the Revised Code as it 988
existed prior to July 1, 1996, a violation of section 2919.23 of 989
the Revised Code that would have been a violation of section 990
2905.04 of the Revised Code as it existed prior to July 1, 1996, 991
had the violation been committed prior to that date; 992

(b) A violation of an existing or former municipal ordinance 993
or law of this state, any other state, or the United States that 994
is substantially equivalent to any of the offenses listed in 995
division (A)(5)(a) of this section. 996

(6) On receipt of a request pursuant to section 3701.881 of 997
the Revised Code with respect to an applicant for employment with 998
a home health agency in a position that involves providing direct 999
care to an older adult, a completed form prescribed pursuant to 1000
division (C)(1) of this section, and a set of fingerprint 1001
impressions obtained in the manner described in division (C)(2) of 1002
this section, the superintendent of the bureau of criminal 1003
identification and investigation shall conduct a criminal records 1004
check. The superintendent shall conduct the criminal records check 1005
in the manner described in division (B) of this section to 1006
determine whether any information exists that indicates that the 1007
person who is the subject of the request previously has been 1008
convicted of or pleaded guilty to any of the following: 1009

(a) A violation of section 2903.01, 2903.02, 2903.03, 1010

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1011
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1012
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1013
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1014
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1015
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1016
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1017
2925.22, 2925.23, or 3716.11 of the Revised Code; 1018

(b) An existing or former law of this state, any other state, 1019
or the United States that is substantially equivalent to any of 1020
the offenses listed in division (A)(6)(a) of this section. 1021

(7) When conducting a criminal records check upon a request 1022
pursuant to section 3319.39 of the Revised Code for an applicant 1023
who is a teacher, in addition to the determination made under 1024
division (A)(1) of this section, the superintendent shall 1025
determine whether any information exists that indicates that the 1026
person who is the subject of the request previously has been 1027
convicted of or pleaded guilty to any offense specified in section 1028
3319.31 of the Revised Code. 1029

(8) On receipt of a request pursuant to section 2151.86 of 1030
the Revised Code, a completed form prescribed pursuant to division 1031
(C)(1) of this section, and a set of fingerprint impressions 1032
obtained in the manner described in division (C)(2) of this 1033
section, the superintendent of the bureau of criminal 1034
identification and investigation shall conduct a criminal records 1035
check in the manner described in division (B) of this section to 1036
determine whether any information exists that indicates that the 1037
person who is the subject of the request previously has been 1038
convicted of or pleaded guilty to any of the following: 1039

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1040
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1041
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1042

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1043
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1044
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1045
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1046
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1047
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1048
of the Revised Code, a violation of section 2905.04 of the Revised 1049
Code as it existed prior to July 1, 1996, a violation of section 1050
2919.23 of the Revised Code that would have been a violation of 1051
section 2905.04 of the Revised Code as it existed prior to July 1, 1052
1996, had the violation been committed prior to that date, a 1053
violation of section 2925.11 of the Revised Code that is not a 1054
minor drug possession offense, two or more OVI or OVUAC violations 1055
committed within the three years immediately preceding the 1056
submission of the application or petition that is the basis of the 1057
request, or felonious sexual penetration in violation of former 1058
section 2907.12 of the Revised Code; 1059

(b) A violation of an existing or former law of this state, 1060
any other state, or the United States that is substantially 1061
equivalent to any of the offenses listed in division (A)(8)(a) of 1062
this section. 1063

(9) Upon receipt of a request pursuant to section 5104.012 or 1064
5104.013 of the Revised Code, a completed form prescribed pursuant 1065
to division (C)(1) of this section, and a set of fingerprint 1066
impressions obtained in the manner described in division (C)(2) of 1067
this section, the superintendent of the bureau of criminal 1068
identification and investigation shall conduct a criminal records 1069
check in the manner described in division (B) of this section to 1070
determine whether any information exists that indicates that the 1071
person who is the subject of the request has been convicted of or 1072
pleaded guilty to any of the following: 1073

(a) A violation of section 2903.01, 2903.02, 2903.03, 1074

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1075
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1076
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1077
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1078
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1079
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1080
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1081
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1082
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1083
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1084
3716.11 of the Revised Code, felonious sexual penetration in 1085
violation of former section 2907.12 of the Revised Code, a 1086
violation of section 2905.04 of the Revised Code as it existed 1087
prior to July 1, 1996, a violation of section 2919.23 of the 1088
Revised Code that would have been a violation of section 2905.04 1089
of the Revised Code as it existed prior to July 1, 1996, had the 1090
violation been committed prior to that date, a violation of 1091
section 2925.11 of the Revised Code that is not a minor drug 1092
possession offense, a violation of section 2923.02 or 2923.03 of 1093
the Revised Code that relates to a crime specified in this 1094
division, or a second violation of section 4511.19 of the Revised 1095
Code within five years of the date of application for licensure or 1096
certification. 1097

(b) A violation of an existing or former law of this state, 1098
any other state, or the United States that is substantially 1099
equivalent to any of the offenses or violations described in 1100
division (A)(9)(a) of this section. 1101

(10) Upon receipt of a request pursuant to section 5153.111 1102
of the Revised Code, a completed form prescribed pursuant to 1103
division (C)(1) of this section, and a set of fingerprint 1104
impressions obtained in the manner described in division (C)(2) of 1105
this section, the superintendent of the bureau of criminal 1106

identification and investigation shall conduct a criminal records 1107
check in the manner described in division (B) of this section to 1108
determine whether any information exists that indicates that the 1109
person who is the subject of the request previously has been 1110
convicted of or pleaded guilty to any of the following: 1111

(a) A violation of section 2903.01, 2903.02, 2903.03, 1112
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1113
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1114
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1115
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1116
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1117
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1118
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1119
felonious sexual penetration in violation of former section 1120
2907.12 of the Revised Code, a violation of section 2905.04 of the 1121
Revised Code as it existed prior to July 1, 1996, a violation of 1122
section 2919.23 of the Revised Code that would have been a 1123
violation of section 2905.04 of the Revised Code as it existed 1124
prior to July 1, 1996, had the violation been committed prior to 1125
that date, or a violation of section 2925.11 of the Revised Code 1126
that is not a minor drug possession offense; 1127

(b) A violation of an existing or former law of this state, 1128
any other state, or the United States that is substantially 1129
equivalent to any of the offenses listed in division (A)(10)(a) of 1130
this section. 1131

(11) On receipt of a request for a criminal records check 1132
from an individual pursuant to section 4749.03 or 4749.06 of the 1133
Revised Code, accompanied by a completed copy of the form 1134
prescribed in division (C)(1) of this section and a set of 1135
fingerprint impressions obtained in a manner described in division 1136
(C)(2) of this section, the superintendent of the bureau of 1137
criminal identification and investigation shall conduct a criminal 1138

records check in the manner described in division (B) of this 1139
section to determine whether any information exists indicating 1140
that the person who is the subject of the request has been 1141
convicted of or pleaded guilty to a felony in this state or in any 1142
other state. If the individual indicates that a firearm will be 1143
carried in the course of business, the superintendent shall 1144
require information from the federal bureau of investigation as 1145
described in division (B)(2) of this section. The superintendent 1146
shall report the findings of the criminal records check and any 1147
information the federal bureau of investigation provides to the 1148
director of public safety. 1149

(12) On receipt of a request pursuant to section 1321.37, 1150
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1151
Code, a completed form prescribed pursuant to division (C)(1) of 1152
this section, and a set of fingerprint impressions obtained in the 1153
manner described in division (C)(2) of this section, the 1154
superintendent of the bureau of criminal identification and 1155
investigation shall conduct a criminal records check with respect 1156
to any person who has applied for a license, permit, or 1157
certification from the department of commerce or a division in the 1158
department. The superintendent shall conduct the criminal records 1159
check in the manner described in division (B) of this section to 1160
determine whether any information exists that indicates that the 1161
person who is the subject of the request previously has been 1162
convicted of or pleaded guilty to any of the following: a 1163
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 1164
2925.03 of the Revised Code; any other criminal offense involving 1165
theft, receiving stolen property, embezzlement, forgery, fraud, 1166
passing bad checks, money laundering, or drug trafficking, or any 1167
criminal offense involving money or securities, as set forth in 1168
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1169
the Revised Code; or any existing or former law of this state, any 1170
other state, or the United States that is substantially equivalent 1171

to those offenses. 1172

(13) On receipt of a request for a criminal records check 1173
from the treasurer of state under section 113.041 of the Revised 1174
Code or from an individual under section 4701.08, 4715.101, 1175
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1176
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1177
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1178
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1179
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1180
a completed form prescribed under division (C)(1) of this section 1181
and a set of fingerprint impressions obtained in the manner 1182
described in division (C)(2) of this section, the superintendent 1183
of the bureau of criminal identification and investigation shall 1184
conduct a criminal records check in the manner described in 1185
division (B) of this section to determine whether any information 1186
exists that indicates that the person who is the subject of the 1187
request has been convicted of or pleaded guilty to any criminal 1188
offense in this state or any other state. The superintendent shall 1189
send the results of a check requested under section 113.041 of the 1190
Revised Code to the treasurer of state and shall send the results 1191
of a check requested under any of the other listed sections to the 1192
licensing board specified by the individual in the request. 1193

(14) On receipt of a request pursuant to section 1121.23, 1194
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1195
Code, a completed form prescribed pursuant to division (C)(1) of 1196
this section, and a set of fingerprint impressions obtained in the 1197
manner described in division (C)(2) of this section, the 1198
superintendent of the bureau of criminal identification and 1199
investigation shall conduct a criminal records check in the manner 1200
described in division (B) of this section to determine whether any 1201
information exists that indicates that the person who is the 1202
subject of the request previously has been convicted of or pleaded 1203

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 fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), ~~or (14)~~, or (15) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6),

(7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of this section, 1236
as appropriate. If the request was made under section 3701.881 of 1237
the Revised Code with regard to an applicant who may be both 1238
responsible for the care, custody, or control of a child and 1239
involved in providing direct care to an older adult, the 1240
superintendent shall provide a list of the offenses specified in 1241
divisions (A)(4) and (6) of this section. 1242

Not later than thirty days after the superintendent receives 1243
a request for a criminal records check pursuant to section 113.041 1244
of the Revised Code, the completed form, and the fingerprint 1245
impressions, the superintendent shall send the treasurer of state 1246
any information, other than information the dissemination of which 1247
is prohibited by federal law, the superintendent determines exist 1248
with respect to the person who is the subject of the request that 1249
indicates that the person previously has been convicted of or 1250
pleaded guilty to any criminal offense in this state or any other 1251
state. 1252

(B) The superintendent shall conduct any criminal records 1253
check requested under section 113.041, 121.08, 173.27, 173.394, 1254
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1255
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1256
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 1257
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1258
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1259
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1260
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1261
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1262
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1263
5126.281, or 5153.111 of the Revised Code as follows: 1264

(1) The superintendent shall review or cause to be reviewed 1265
any relevant information gathered and compiled by the bureau under 1266
division (A) of section 109.57 of the Revised Code that relates to 1267

the person who is the subject of the request, including, if the 1268
criminal records check was requested under section 113.041, 1269
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1270
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1271
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1272
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1273
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1274
5153.111 of the Revised Code, any relevant information contained 1275
in records that have been sealed under section 2953.32 of the 1276
Revised Code; 1277

(2) If the request received by the superintendent asks for 1278
information from the federal bureau of investigation, the 1279
superintendent shall request from the federal bureau of 1280
investigation any information it has with respect to the person 1281
who is the subject of the request, including fingerprint-based 1282
checks of national crime information databases as described in 42 1283
U.S.C. 671 if the request is made pursuant to section 2151.86, 1284
5104.012, or 5104.013 of the Revised Code or if any other Revised 1285
Code section requires fingerprint-based checks of that nature, and 1286
shall review or cause to be reviewed any information the 1287
superintendent receives from that bureau. If a request under 1288
section 3319.39 of the Revised Code asks only for information from 1289
the federal bureau of investigation, the superintendent shall not 1290
conduct the review prescribed by division (B)(1) of this section. 1291

(3) The superintendent or the superintendent's designee may 1292
request criminal history records from other states or the federal 1293
government pursuant to the national crime prevention and privacy 1294
compact set forth in section 109.571 of the Revised Code. 1295

(C)(1) The superintendent shall prescribe a form to obtain 1296
the information necessary to conduct a criminal records check from 1297
any person for whom a criminal records check is requested under 1298
section 113.041 of the Revised Code or required by section 121.08, 1299

173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1300
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1301
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 1302
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 1303
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1304
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 1305
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 1306
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1307
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1308
5126.281, or 5153.111 of the Revised Code. The form that the 1309
superintendent prescribes pursuant to this division may be in a 1310
tangible format, in an electronic format, or in both tangible and 1311
electronic formats. 1312

(2) The superintendent shall prescribe standard impression 1313
sheets to obtain the fingerprint impressions of any person for 1314
whom a criminal records check is requested under section 113.041 1315
of the Revised Code or required by section 121.08, 173.27, 1316
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1317
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1318
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 1319
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1320
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1321
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1322
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1323
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1324
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1325
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1326
records check is requested under or required by any of those 1327
sections shall obtain the fingerprint impressions at a county 1328
sheriff's office, municipal police department, or any other entity 1329
with the ability to make fingerprint impressions on the standard 1330
impression sheets prescribed by the superintendent. The office, 1331
department, or entity may charge the person a reasonable fee for 1332

making the impressions. The standard impression sheets the 1333
superintendent prescribes pursuant to this division may be in a 1334
tangible format, in an electronic format, or in both tangible and 1335
electronic formats. 1336

(3) Subject to division (D) of this section, the 1337
superintendent shall prescribe and charge a reasonable fee for 1338
providing a criminal records check requested under section 1339
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1340
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1341
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1342
3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 1343
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1344
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 1345
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 1346
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 1347
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1348
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 1349
person making a criminal records request under any of those 1350
sections shall pay the fee prescribed pursuant to this division. A 1351
person making a request under section 3701.881 of the Revised Code 1352
for a criminal records check for an applicant who may be both 1353
responsible for the care, custody, or control of a child and 1354
involved in providing direct care to an older adult shall pay one 1355
fee for the request. In the case of a request under section 1356
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 1357
of the Revised Code, the fee shall be paid in the manner specified 1358
in that section. 1359

(4) The superintendent of the bureau of criminal 1360
identification and investigation may prescribe methods of 1361
forwarding fingerprint impressions and information necessary to 1362
conduct a criminal records check, which methods shall include, but 1363
not be limited to, an electronic method. 1364

(D) A determination whether any information exists that 1365
indicates that a person previously has been convicted of or 1366
pleaded guilty to any offense listed or described in division 1367
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1368
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1369
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), ~~or~~ (A)(14), or 1370
(A)(15) of this section, or that indicates that a person 1371
previously has been convicted of or pleaded guilty to any criminal 1372
offense in this state or any other state regarding a criminal 1373
records check of a type described in division (A)(13) of this 1374
section, and that is made by the superintendent with respect to 1375
information considered in a criminal records check in accordance 1376
with this section is valid for the person who is the subject of 1377
the criminal records check for a period of one year from the date 1378
upon which the superintendent makes the determination. During the 1379
period in which the determination in regard to a person is valid, 1380
if another request under this section is made for a criminal 1381
records check for that person, the superintendent shall provide 1382
the information that is the basis for the superintendent's initial 1383
determination at a lower fee than the fee prescribed for the 1384
initial criminal records check. 1385

(E) As used in this section: 1386

(1) "Criminal records check" means any criminal records check 1387
conducted by the superintendent of the bureau of criminal 1388
identification and investigation in accordance with division (B) 1389
of this section. 1390

(2) "Minor drug possession offense" has the same meaning as 1391
in section 2925.01 of the Revised Code. 1392

(3) "Older adult" means a person age sixty or older. 1393

(4) "OVI or OVUAC violation" means a violation of section 1394
4511.19 of the Revised Code or a violation of an existing or 1395

former law of this state, any other state, or the United States 1396
that is substantially equivalent to section 4511.19 of the Revised 1397
Code. 1398

Sec. 109.71. There is hereby created in the office of the 1399
attorney general the Ohio peace officer training commission. The 1400
commission shall consist of nine members appointed by the governor 1401
with the advice and consent of the senate and selected as follows: 1402
one member representing the public; two members who are incumbent 1403
sheriffs; two members who are incumbent chiefs of police; one 1404
member from the bureau of criminal identification and 1405
investigation; one member from the state highway patrol; one 1406
member who is the special agent in charge of a field office of the 1407
federal bureau of investigation in this state; and one member from 1408
the department of education, trade and industrial education 1409
services, law enforcement training. 1410

This section does not confer any arrest authority or any 1411
ability or authority to detain a person, write or issue any 1412
citation, or provide any disposition alternative, as granted under 1413
Chapter 2935. of the Revised Code. 1414

As used in sections 109.71 to 109.801 of the Revised Code: 1415

(A) "Peace officer" means: 1416

(1) A deputy sheriff, marshal, deputy marshal, member of the 1417
organized police department of a township or municipal 1418
corporation, member of a township police district or joint 1419
township police district police force, member of a police force 1420
employed by a metropolitan housing authority under division (D) of 1421
section 3735.31 of the Revised Code, or township constable, who is 1422
commissioned and employed as a peace officer by a political 1423
subdivision of this state or by a metropolitan housing authority, 1424
and whose primary duties are to preserve the peace, to protect 1425
life and property, and to enforce the laws of this state, 1426

ordinances of a municipal corporation, resolutions of a township, 1427
or regulations of a board of county commissioners or board of 1428
township trustees, or any of those laws, ordinances, resolutions, 1429
or regulations; 1430

(2) A police officer who is employed by a railroad company 1431
and appointed and commissioned by the secretary of state pursuant 1432
to sections 4973.17 to 4973.22 of the Revised Code; 1433

(3) Employees of the department of taxation engaged in the 1434
enforcement of Chapter 5743. of the Revised Code and designated by 1435
the tax commissioner for peace officer training for purposes of 1436
the delegation of investigation powers under section 5743.45 of 1437
the Revised Code; 1438

(4) An undercover drug agent; 1439

(5) Enforcement agents of the department of public safety 1440
whom the director of public safety designates under section 1441
5502.14 of the Revised Code; 1442

(6) An employee of the department of natural resources who is 1443
a natural resources law enforcement staff officer designated 1444
pursuant to section 1501.013, a park officer designated pursuant 1445
to section 1541.10, a forest officer designated pursuant to 1446
section 1503.29, a preserve officer designated pursuant to section 1447
1517.10, a wildlife officer designated pursuant to section 1448
1531.13, or a state watercraft officer designated pursuant to 1449
section 1547.521 of the Revised Code; 1450

(7) An employee of a park district who is designated pursuant 1451
to section 511.232 or 1545.13 of the Revised Code; 1452

(8) An employee of a conservancy district who is designated 1453
pursuant to section 6101.75 of the Revised Code; 1454

(9) A police officer who is employed by a hospital that 1455
employs and maintains its own proprietary police department or 1456

security department, and who is appointed and commissioned by the 1457
secretary of state pursuant to sections 4973.17 to 4973.22 of the 1458
Revised Code; 1459

(10) Veterans' homes police officers designated under section 1460
5907.02 of the Revised Code; 1461

(11) A police officer who is employed by a qualified 1462
nonprofit corporation police department pursuant to section 1463
1702.80 of the Revised Code; 1464

(12) A state university law enforcement officer appointed 1465
under section 3345.04 of the Revised Code or a person serving as a 1466
state university law enforcement officer on a permanent basis on 1467
June 19, 1978, who has been awarded a certificate by the executive 1468
director of the Ohio peace officer training commission attesting 1469
to the person's satisfactory completion of an approved state, 1470
county, municipal, or department of natural resources peace 1471
officer basic training program; 1472

(13) A special police officer employed by the department of 1473
mental health pursuant to section 5119.14 of the Revised Code or 1474
the department of developmental disabilities pursuant to section 1475
5123.13 of the Revised Code; 1476

(14) A member of a campus police department appointed under 1477
section 1713.50 of the Revised Code; 1478

(15) A member of a police force employed by a regional 1479
transit authority under division (Y) of section 306.35 of the 1480
Revised Code; 1481

(16) Investigators appointed by the auditor of state pursuant 1482
to section 117.091 of the Revised Code and engaged in the 1483
enforcement of Chapter 117. of the Revised Code; 1484

(17) A special police officer designated by the 1485
superintendent of the state highway patrol pursuant to section 1486

5503.09 of the Revised Code or a person who was serving as a 1487
special police officer pursuant to that section on a permanent 1488
basis on October 21, 1997, and who has been awarded a certificate 1489
by the executive director of the Ohio peace officer training 1490
commission attesting to the person's satisfactory completion of an 1491
approved state, county, municipal, or department of natural 1492
resources peace officer basic training program; 1493

(18) A special police officer employed by a port authority 1494
under section 4582.04 or 4582.28 of the Revised Code or a person 1495
serving as a special police officer employed by a port authority 1496
on a permanent basis on May 17, 2000, who has been awarded a 1497
certificate by the executive director of the Ohio peace officer 1498
training commission attesting to the person's satisfactory 1499
completion of an approved state, county, municipal, or department 1500
of natural resources peace officer basic training program; 1501

(19) A special police officer employed by a municipal 1502
corporation who has been awarded a certificate by the executive 1503
director of the Ohio peace officer training commission for 1504
satisfactory completion of an approved peace officer basic 1505
training program and who is employed on a permanent basis on or 1506
after March 19, 2003, at a municipal airport, or other municipal 1507
air navigation facility, that has scheduled operations, as defined 1508
in section 119.3 of Title 14 of the Code of Federal Regulations, 1509
14 C.F.R. 119.3, as amended, and that is required to be under a 1510
security program and is governed by aviation security rules of the 1511
transportation security administration of the United States 1512
department of transportation as provided in Parts 1542. and 1544. 1513
of Title 49 of the Code of Federal Regulations, as amended; 1514

(20) A police officer who is employed by an owner or operator 1515
of an amusement park that has an average yearly attendance in 1516
excess of six hundred thousand guests and that employs and 1517
maintains its own proprietary police department or security 1518

department, and who is appointed and commissioned by a judge of 1519
the appropriate municipal court or county court pursuant to 1520
section 4973.17 of the Revised Code; 1521

(21) A police officer who is employed by a bank, savings and 1522
loan association, savings bank, credit union, or association of 1523
banks, savings and loan associations, savings banks, or credit 1524
unions, who has been appointed and commissioned by the secretary 1525
of state pursuant to sections 4973.17 to 4973.22 of the Revised 1526
Code, and who has been awarded a certificate by the executive 1527
director of the Ohio peace officer training commission attesting 1528
to the person's satisfactory completion of a state, county, 1529
municipal, or department of natural resources peace officer basic 1530
training program; 1531

(22) An investigator, as defined in section 109.541 of the 1532
Revised Code, of the bureau of criminal identification and 1533
investigation who is commissioned by the superintendent of the 1534
bureau as a special agent for the purpose of assisting law 1535
enforcement officers or providing emergency assistance to peace 1536
officers pursuant to authority granted under that section; 1537

(23) A state fire marshal law enforcement officer appointed 1538
under section 3737.22 of the Revised Code or a person serving as a 1539
state fire marshal law enforcement officer on a permanent basis on 1540
or after July 1, 1982, who has been awarded a certificate by the 1541
executive director of the Ohio peace officer training commission 1542
attesting to the person's satisfactory completion of an approved 1543
state, county, municipal, or department of natural resources peace 1544
officer basic training program; 1545

(24) A gaming agent employed under section 3772.03 of the 1546
Revised Code. 1547

(B) "Undercover drug agent" has the same meaning as in 1548
division (B)(2) of section 109.79 of the Revised Code. 1549

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

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

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

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

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

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

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

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

(e) A state university law enforcement officer;

(f) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of developmental disabilities pursuant to section

5123.13 of the Revised Code;	1580
(g) An enforcement agent of the department of public safety	1581
whom the director of public safety designates under section	1582
5502.14 of the Revised Code;	1583
(h) A special police officer employed by a port authority	1584
under section 4582.04 or 4582.28 of the Revised Code;	1585
(i) A special police officer employed by a municipal	1586
corporation at a municipal airport, or other municipal air	1587
navigation facility, that has scheduled operations, as defined in	1588
section 119.3 of Title 14 of the Code of Federal Regulations, 14	1589
C.F.R. 119.3, as amended, and that is required to be under a	1590
security program and is governed by aviation security rules of the	1591
transportation security administration of the United States	1592
department of transportation as provided in Parts 1542. and 1544.	1593
of Title 49 of the Code of Federal Regulations, as amended;	1594
<u>(j) A gaming agent employed under section 3772.03 of the</u>	1595
<u>Revised Code.</u>	1596
(2) Every person who is appointed on a temporary basis or for	1597
a probationary term or on other than a permanent basis as any of	1598
the following shall forfeit the appointed position unless the	1599
person previously has completed satisfactorily or, within the time	1600
prescribed by rules adopted by the attorney general pursuant to	1601
section 109.74 of the Revised Code, satisfactorily completes a	1602
state, county, municipal, or department of natural resources peace	1603
officer basic training program for temporary or probationary	1604
officers and is awarded a certificate by the director attesting to	1605
the satisfactory completion of the program:	1606
(a) A peace officer of any county, township, municipal	1607
corporation, regional transit authority, or metropolitan housing	1608
authority;	1609
(b) A natural resources law enforcement staff officer, park	1610

officer, forest officer, preserve officer, wildlife officer, or 1611
state watercraft officer of the department of natural resources; 1612

(c) An employee of a park district under section 511.232 or 1613
1545.13 of the Revised Code; 1614

(d) An employee of a conservancy district who is designated 1615
pursuant to section 6101.75 of the Revised Code; 1616

(e) A special police officer employed by the department of 1617
mental health pursuant to section 5119.14 of the Revised Code or 1618
the department of developmental disabilities pursuant to section 1619
5123.13 of the Revised Code; 1620

(f) An enforcement agent of the department of public safety 1621
whom the director of public safety designates under section 1622
5502.14 of the Revised Code; 1623

(g) A special police officer employed by a port authority 1624
under section 4582.04 or 4582.28 of the Revised Code; 1625

(h) A special police officer employed by a municipal 1626
corporation at a municipal airport, or other municipal air 1627
navigation facility, that has scheduled operations, as defined in 1628
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1629
C.F.R. 119.3, as amended, and that is required to be under a 1630
security program and is governed by aviation security rules of the 1631
transportation security administration of the United States 1632
department of transportation as provided in Parts 1542. and 1544. 1633
of Title 49 of the Code of Federal Regulations, as amended. 1634

(3) For purposes of division (B) of this section, a state, 1635
county, municipal, or department of natural resources peace 1636
officer basic training program, regardless of whether the program 1637
is to be completed by peace officers appointed on a permanent or 1638
temporary, probationary, or other nonpermanent basis, shall 1639
include training in the handling of the offense of domestic 1640
violence, other types of domestic violence-related offenses and 1641

incidents, and protection orders and consent agreements issued or 1642
approved under section 2919.26 or 3113.31 of the Revised Code and 1643
crisis intervention training. The requirement to complete training 1644
in the handling of the offense of domestic violence, other types 1645
of domestic violence-related offenses and incidents, and 1646
protection orders and consent agreements issued or approved under 1647
section 2919.26 or 3113.31 of the Revised Code does not apply to 1648
any person serving as a peace officer on March 27, 1979, and the 1649
requirement to complete training in crisis intervention does not 1650
apply to any person serving as a peace officer on April 4, 1985. 1651
Any person who is serving as a peace officer on April 4, 1985, who 1652
terminates that employment after that date, and who subsequently 1653
is hired as a peace officer by the same or another law enforcement 1654
agency shall complete training in crisis intervention as 1655
prescribed by rules adopted by the attorney general pursuant to 1656
section 109.742 of the Revised Code. No peace officer shall have 1657
employment as a peace officer terminated and then be reinstated 1658
with intent to circumvent this section. 1659

(4) Division (B) of this section does not apply to any person 1660
serving on a permanent basis on March 28, 1985, as a park officer, 1661
forest officer, preserve officer, wildlife officer, or state 1662
watercraft officer of the department of natural resources or as an 1663
employee of a park district under section 511.232 or 1545.13 of 1664
the Revised Code, to any person serving on a permanent basis on 1665
March 6, 1986, as an employee of a conservancy district designated 1666
pursuant to section 6101.75 of the Revised Code, to any person 1667
serving on a permanent basis on January 10, 1991, as a preserve 1668
officer of the department of natural resources, to any person 1669
employed on a permanent basis on July 2, 1992, as a special police 1670
officer by the department of mental health pursuant to section 1671
5119.14 of the Revised Code or by the department of developmental 1672
disabilities pursuant to section 5123.13 of the Revised Code, to 1673
any person serving on a permanent basis on May 17, 2000, as a 1674

special police officer employed by a port authority under section 1675
4582.04 or 4582.28 of the Revised Code, to any person serving on a 1676
permanent basis on March 19, 2003, as a special police officer 1677
employed by a municipal corporation at a municipal airport or 1678
other municipal air navigation facility described in division 1679
(A)(19) of section 109.71 of the Revised Code, to any person 1680
serving on a permanent basis on June 19, 1978, as a state 1681
university law enforcement officer pursuant to section 3345.04 of 1682
the Revised Code and who, immediately prior to June 19, 1978, was 1683
serving as a special police officer designated under authority of 1684
that section, or to any person serving on a permanent basis on 1685
September 20, 1984, as a liquor control investigator, known after 1686
June 30, 1999, as an enforcement agent of the department of public 1687
safety, engaged in the enforcement of Chapters 4301. and 4303. of 1688
the Revised Code. 1689

(5) Division (B) of this section does not apply to any person 1690
who is appointed as a regional transit authority police officer 1691
pursuant to division (Y) of section 306.35 of the Revised Code if, 1692
on or before July 1, 1996, the person has completed satisfactorily 1693
an approved state, county, municipal, or department of natural 1694
resources peace officer basic training program and has been 1695
awarded a certificate by the executive director of the Ohio peace 1696
officer training commission attesting to the person's satisfactory 1697
completion of such an approved program and if, on July 1, 1996, 1698
the person is performing peace officer functions for a regional 1699
transit authority. 1700

(C) No person, after September 20, 1984, shall receive an 1701
original appointment on a permanent basis as a veterans' home 1702
police officer designated under section 5907.02 of the Revised 1703
Code unless the person previously has been awarded a certificate 1704
by the executive director of the Ohio peace officer training 1705
commission attesting to the person's satisfactory completion of an 1706

approved police officer basic training program. Every person who 1707
is appointed on a temporary basis or for a probationary term or on 1708
other than a permanent basis as a veterans' home police officer 1709
designated under section 5907.02 of the Revised Code shall forfeit 1710
that position unless the person previously has completed 1711
satisfactorily or, within one year from the time of appointment, 1712
satisfactorily completes an approved police officer basic training 1713
program. 1714

(D) No bailiff or deputy bailiff of a court of record of this 1715
state and no criminal investigator who is employed by the state 1716
public defender shall carry a firearm, as defined in section 1717
2923.11 of the Revised Code, while on duty unless the bailiff, 1718
deputy bailiff, or criminal investigator has done or received one 1719
of the following: 1720

(1) Has been awarded a certificate by the executive director 1721
of the Ohio peace officer training commission, which certificate 1722
attests to satisfactory completion of an approved state, county, 1723
or municipal basic training program for bailiffs and deputy 1724
bailiffs of courts of record and for criminal investigators 1725
employed by the state public defender that has been recommended by 1726
the Ohio peace officer training commission; 1727

(2) Has successfully completed a firearms training program 1728
approved by the Ohio peace officer training commission prior to 1729
employment as a bailiff, deputy bailiff, or criminal investigator; 1730

(3) Prior to June 6, 1986, was authorized to carry a firearm 1731
by the court that employed the bailiff or deputy bailiff or, in 1732
the case of a criminal investigator, by the state public defender 1733
and has received training in the use of firearms that the Ohio 1734
peace officer training commission determines is equivalent to the 1735
training that otherwise is required by division (D) of this 1736
section. 1737

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

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

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

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

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person,

before completion of an approved peace officer basic training 1770
program, failed to disclose any previous criminal conviction of or 1771
plea of guilty to a felony as required under division (E)(1) of 1772
this section. 1773

(F)(1) Regardless of whether the person has been awarded the 1774
certificate or has been classified as a peace officer prior to, 1775
on, or after October 16, 1996, the executive director of the Ohio 1776
peace officer training commission shall revoke any certificate 1777
that has been awarded to a person as prescribed in this section if 1778
the person does either of the following: 1779

(a) Pleads guilty to a felony committed on or after January 1780
1, 1997; 1781

(b) Pleads guilty to a misdemeanor committed on or after 1782
January 1, 1997, pursuant to a negotiated plea agreement as 1783
provided in division (D) of section 2929.43 of the Revised Code in 1784
which the person agrees to surrender the certificate awarded to 1785
the person under this section. 1786

(2) The executive director of the commission shall suspend 1787
any certificate that has been awarded to a person as prescribed in 1788
this section if the person is convicted, after trial, of a felony 1789
committed on or after January 1, 1997. The executive director 1790
shall suspend the certificate pursuant to division (F)(2) of this 1791
section pending the outcome of an appeal by the person from that 1792
conviction to the highest court to which the appeal is taken or 1793
until the expiration of the period in which an appeal is required 1794
to be filed. If the person files an appeal that results in that 1795
person's acquittal of the felony or conviction of a misdemeanor, 1796
or in the dismissal of the felony charge against that person, the 1797
executive director shall reinstate the certificate awarded to the 1798
person under this section. If the person files an appeal from that 1799
person's conviction of the felony and the conviction is upheld by 1800
the highest court to which the appeal is taken or if the person 1801

does not file a timely appeal, the executive director shall revoke 1802
the certificate awarded to the person under this section. 1803

(G)(1) If a person is awarded a certificate under this 1804
section and the certificate is revoked pursuant to division (E)(4) 1805
or (F) of this section, the person shall not be eligible to 1806
receive, at any time, a certificate attesting to the person's 1807
satisfactory completion of a peace officer basic training program. 1808

(2) The revocation or suspension of a certificate under 1809
division (E)(4) or (F) of this section shall be in accordance with 1810
Chapter 119. of the Revised Code. 1811

(H)(1) A person who was employed as a peace officer of a 1812
county, township, or municipal corporation of the state on January 1813
1, 1966, and who has completed at least sixteen years of full-time 1814
active service as such a peace officer, or equivalent service as 1815
determined by the executive director of the Ohio peace officer 1816
training commission, may receive an original appointment on a 1817
permanent basis and serve as a peace officer of a county, 1818
township, or municipal corporation, or as a state university law 1819
enforcement officer, without complying with the requirements of 1820
division (B) of this section. 1821

(2) Any person who held an appointment as a state highway 1822
trooper on January 1, 1966, may receive an original appointment on 1823
a permanent basis and serve as a peace officer of a county, 1824
township, or municipal corporation, or as a state university law 1825
enforcement officer, without complying with the requirements of 1826
division (B) of this section. 1827

(I) No person who is appointed as a peace officer of a 1828
county, township, or municipal corporation on or after April 9, 1829
1985, shall serve as a peace officer of that county, township, or 1830
municipal corporation unless the person has received training in 1831
the handling of missing children and child abuse and neglect cases 1832

from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code.

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

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

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

The Ohio peace officer training commission shall develop the training program, which shall include courses in both the civil and criminal functions of law enforcement officers, a course in

crisis intervention with six or more hours of training, and 1864
training in the handling of missing children and child abuse and 1865
neglect cases, and shall establish rules governing qualifications 1866
for admission to the academy. The commission may require 1867
competitive examinations to determine fitness of prospective 1868
trainees, so long as the examinations or other criteria for 1869
admission to the academy are consistent with the provisions of 1870
Chapter 124. of the Revised Code. 1871

The Ohio peace officer training commission shall determine 1872
tuition costs sufficient in the aggregate to pay the costs of 1873
operating the academy. The costs of acquiring and equipping the 1874
academy shall be paid from appropriations made by the general 1875
assembly to the Ohio peace officer training commission for that 1876
purpose, from gifts or grants received for that purpose, or from 1877
fees for goods related to the academy. 1878

The Ohio peace officer training commission shall create a 1879
gaming-related curriculum for gaming agents. The Ohio peace 1880
officer training commission shall use money distributed to the 1881
Ohio peace officer training academy from the Ohio law enforcement 1882
training fund to first support the academy's training programs for 1883
gaming agents and gaming-related curriculum. The Ohio peace 1884
officer training commission may utilize existing training programs 1885
in other states that specialize in training gaming agents. 1886

The law enforcement officers, during the period of their 1887
training, shall receive compensation as determined by the 1888
political subdivision that sponsors them or, if the officer is a 1889
criminal investigator employed by the state public defender, as 1890
determined by the state public defender. The political subdivision 1891
may pay the tuition costs of the law enforcement officers they 1892
sponsor and the state public defender may pay the tuition costs of 1893
criminal investigators of that office who attend the academy. 1894

If trainee vacancies exist, the academy may train and issue 1895

certificates of satisfactory completion to peace officers who are 1896
employed by a campus police department pursuant to section 1713.50 1897
of the Revised Code, by a qualified nonprofit corporation police 1898
department pursuant to section 1702.80 of the Revised Code, or by 1899
a railroad company, who are amusement park police officers 1900
appointed and commissioned by a judge of the appropriate municipal 1901
court or county court pursuant to section 4973.17 of the Revised 1902
Code, or who are bank, savings and loan association, savings bank, 1903
credit union, or association of banks, savings and loan 1904
associations, savings banks, or credit unions, or hospital police 1905
officers appointed and commissioned by the secretary of state 1906
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 1907
provided that no such officer shall be trained at the academy 1908
unless the officer meets the qualifications established for 1909
admission to the academy and the qualified nonprofit corporation 1910
police department; bank, savings and loan association, savings 1911
bank, credit union, or association of banks, savings and loan 1912
associations, savings banks, or credit unions; railroad company; 1913
hospital; or amusement park or the private college or university 1914
that established the campus police department prepays the entire 1915
cost of the training. A qualified nonprofit corporation police 1916
department; bank, savings and loan association, savings bank, 1917
credit union, or association of banks, savings and loan 1918
associations, savings banks, or credit unions; railroad company; 1919
hospital; or amusement park or a private college or university 1920
that has established a campus police department is not entitled to 1921
reimbursement from the state for any amount paid for the cost of 1922
training the bank, savings and loan association, savings bank, 1923
credit union, or association of banks, savings and loan 1924
associations, savings banks, or credit unions peace officers; the 1925
railroad company's peace officers; or the peace officers of the 1926
qualified nonprofit corporation police department, campus police 1927
department, hospital, or amusement park. 1928

The academy shall permit investigators employed by the state 1929
medical board to take selected courses that the board determines 1930
are consistent with its responsibilities for initial and 1931
continuing training of investigators as required under sections 1932
4730.26 and 4731.05 of the Revised Code. The board shall pay the 1933
entire cost of training that investigators receive at the academy. 1934

(B) As used in this section: 1935

(1) "Law enforcement officers" include any undercover drug 1936
agent, any bailiff or deputy bailiff of a court of record, and any 1937
criminal investigator who is employed by the state public 1938
defender. 1939

(2) "Undercover drug agent" means any person who: 1940

(a) Is employed by a county, township, or municipal 1941
corporation for the purposes set forth in division (B)(2)(b) of 1942
this section but who is not an employee of a county sheriff's 1943
department, of a township constable, or of the police department 1944
of a municipal corporation or township; 1945

(b) In the course of the person's employment by a county, 1946
township, or municipal corporation, investigates and gathers 1947
information pertaining to persons who are suspected of violating 1948
Chapter 2925. or 3719. of the Revised Code, and generally does not 1949
wear a uniform in the performance of the person's duties. 1950

(3) "Crisis intervention training" has the same meaning as in 1951
section 109.71 of the Revised Code. 1952

(4) "Missing children" has the same meaning as in section 1953
2901.30 of the Revised Code. 1954

Sec. 121.54. As it relates in any way to state funds or 1955
public officials subject to the investigatory authority of the 1956
inspector general, the inspector general may investigate all 1957
wrongful acts or omissions that have been committed by or are 1958

being committed by any member of the Ohio casino control 1959
commission or its employees. 1960

The inspector general shall conduct a program of random 1961
review of the processing of contracts associated with the 1962
commission. The random review program shall be designed by the 1963
inspector general. The program shall be confidential and may be 1964
altered by the inspector general at any time. 1965

The inspector general shall take care to preserve the 1966
confidentiality of information contained in responses to questions 1967
or in books, records, or papers that are made confidential by law. 1968
In performing any investigation, the inspector general shall avoid 1969
interfering with the ongoing operations of the entities being 1970
investigated, except insofar as is reasonably necessary to 1971
successfully complete the investigation. 1972

At the conclusion of an investigation conducted by the 1973
inspector general, the inspector general shall deliver to the 1974
executive director of the commission, depending on the subject of 1975
the investigation, and to the governor, any case for which 1976
remedial action is necessary. The inspector general shall maintain 1977
a public record of the activities of the inspector general to the 1978
extent permitted under this section, ensuring that the rights of 1979
the parties involved in each case are protected. The inspector 1980
general shall include in the annual report required under section 1981
121.48 of the Revised Code a summary of the activities of the 1982
inspector general under this section during the previous year. 1983

No person shall disclose any information that is designated 1984
as confidential in accordance with section 121.44 of the Revised 1985
Code or any confidential information that is acquired in the 1986
course of an investigation conducted under this section to any 1987
person who is not legally entitled to disclosure of that 1988
information. 1989

As used in this section, "state agency" and "state employee" have the same meanings as in section 121.41 of the Revised Code. 1990
1991

Sec. 121.60. As used in sections 121.60 to 121.69 of the Revised Code: 1992
1993

(A) "Person" and "compensation" have the same meanings as in section 101.70 of the Revised Code. 1994
1995

(B) "Expenditure" means any of the following that is made to, at the request of, for the benefit of, or on behalf of an elected executive official, the director of a department created under section 121.02 of the Revised Code, an executive agency official, or a member of the staff of any public officer or employee listed in this division: 1996
1997
1998
1999
2000
2001

(1) A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honorariums; 2002
2003
2004
2005

(2) A contract, promise, or agreement to make an expenditure, whether or not legally enforceable; 2006
2007

(3) The purchase, sale, or gift of services or any other thing of value. "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this division, or an offer or sale of securities to any person listed in this division that is governed by 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 Stat. 74, 15 U.S.C.A. and following, or that is 2008
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governed by a comparable provision under state law. 2020

(C) "Employer" means any person who, directly or indirectly, 2021
engages an executive agency lobbyist. 2022

(D) "Engage" means to make any arrangement, and "engagement" 2023
means arrangement, whereby an individual is employed or retained 2024
for compensation to act for or on behalf of an employer to 2025
influence executive agency decisions or to conduct any executive 2026
agency lobbying activity. 2027

(E) "Financial transaction" means a transaction or activity 2028
that is conducted or undertaken for profit and arises from the 2029
joint ownership or the ownership or part ownership in common of 2030
any real or personal property or any commercial or business 2031
enterprise of whatever form or nature between the following: 2032

(1) An executive agency lobbyist, ~~his~~ the executive agency 2033
lobbyist's employer, or a member of the immediate family of the 2034
executive agency lobbyist or ~~his~~ the executive agency lobbyist's 2035
employer; and 2036

(2) Any elected executive official, the director of a 2037
department created under section 121.02 of the Revised Code, an 2038
executive agency official, or any member of the staff of a public 2039
officer or employee listed in division (E)(2) of this section. 2040

"Financial transaction" does not include any transaction or 2041
activity described in division (E) of this section if it is 2042
available to the general public on the same terms, or if it is an 2043
offer or sale of securities to any person listed in division 2044
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 2045
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 2046
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 2047
following, or that is governed by a comparable provision under 2048
state law. 2049

(F) "Executive agency" means the office of an elected 2050

executive official, a department created under section 121.02 of 2051
the Revised Code, or any other state agency, department, board, or 2052
commission controlled or directed by an elected executive official 2053
or otherwise subject to ~~his~~ an elected executive official's 2054
authority. "Executive agency" does not include any court, the 2055
general assembly, or the controlling board. 2056

(G) "Executive agency decision" means a decision of an 2057
executive agency regarding the expenditure of funds of the state 2058
or of an executive agency with respect to the award of a contract, 2059
grant, lease, or other financial arrangement under which such 2060
funds are distributed or allocated, or a regulatory decision of an 2061
executive agency or any board or commission of the state. 2062
"Executive agency decision" does not include either of the 2063
following: 2064

(1) A purchasing decision for which a vendor has filed a 2065
statement certifying that ~~he~~ the vendor has not made campaign 2066
contributions in an amount such that section 3517.13 of the 2067
Revised Code would invalidate the decision, if that vendor has not 2068
engaged an executive agency lobbyist; 2069

(2) The award of a competitively bid contract for which bid 2070
specifications were prepared and for which at least three eligible 2071
competitive bids were received by the executive agency. 2072

(H) "Executive agency lobbyist" means any person engaged to 2073
influence executive agency decisions or to conduct executive 2074
agency lobbying activity as one of ~~his~~ the person's main purposes 2075
on a regular and substantial basis. "Executive agency lobbyist" 2076
does not include an elected or appointed officer or employee of a 2077
federal or state agency, state college, state university, or 2078
political subdivision who attempts to influence or affect 2079
executive agency decisions in ~~his~~ a fiduciary capacity as a 2080
representative of ~~his~~ the officer's or employee's agency, college, 2081
university, or political subdivision. 2082

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

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

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

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

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

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

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

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

Sec. 122.045. The director of development shall establish, 2114
and thereafter shall maintain and improve, an urban workforce 2115
development initiative. The director shall use money in the urban 2116
workforce development fund, which is created in the state 2117
treasury, to establish and administer a competitive process for 2118
making grants under the initiative to one or more entities that 2119
meet criteria determined by the director. The director shall enter 2120
into contracts with grantees under which the grantees develop and 2121
administer programs that reimburse eligible employers for 2122
qualified wage expenditures incurred in connection with the hiring 2123
of eligible employees. The director shall determine what 2124
constitutes qualified wage expenditures. 2125

An individual is an "eligible employee" if the individual has 2126
been hired by an eligible employer who is eligible to receive 2127
reimbursements under the workforce development initiative, the 2128
individual, at the time of hiring, resides in the city in which 2129
the eligible employer's business is located, and the individual 2130
either: (1) was unemployed immediately before being hired by the 2131
eligible employer and, during the period of employment with the 2132
eligible employer, engages in a skills training program that has 2133
been approved by the director or (2) recently graduated from an 2134
educational program relevant to the employment that, upon 2135
completion of the program, granted a degree or certificate to the 2136
individual. The degree or certificate shall have been issued by a 2137
state institution of higher education as defined in section 2138
3345.011 of the Revised Code or otherwise approved by the 2139
director. 2140

An employer is an "eligible employer" if the employer 2141
operates a business that is located in an Ohio city having more 2142
than thirty thousand individuals whose incomes are below one 2143
hundred eighty-five per cent of the poverty rate determined by the 2144
United States bureau of the census in the 2006-2008 American 2145

community survey. 2146

The contracts between the director and the grantees shall 2147
obligate the grantees to encourage eligible employers to enter 2148
into partnerships with cooperative education programs and 2149
internship programs under section 3333.71 of the Revised Code in 2150
conjunction with participation in the urban workforce development 2151
initiative. 2152

The director shall adopt, and may amend and rescind, rules 2153
under Chapter 119. of the Revised Code as are necessary to carry 2154
out the urban workforce development initiative. 2155

Sec. 1705.48. Except as otherwise provided by this chapter or 2156
any other provision of the Revised Code, including, but not 2157
limited to, sections 3734.908, 5739.33, 5743.57, 5747.07, and 2158
~~5753.09~~ 5753.02 of the Revised Code, all of the following apply: 2159

(A) The debts, obligations, and liabilities of a limited 2160
liability company, whether arising in contract, tort, or 2161
otherwise, are solely the debts, obligations, and liabilities of 2162
the limited liability company. 2163

(B) Neither the members of the limited liability company nor 2164
any managers of the limited liability company are personally 2165
liable to satisfy any judgment, decree, or order of a court for, 2166
or are personally liable to satisfy in any other manner, a debt, 2167
obligation, or liability of the company solely by reason of being 2168
a member or manager of the limited liability company. 2169

(C) Nothing in this chapter affects any personal liability of 2170
a member of a limited liability company or any manager of a 2171
limited liability company for the member's or manager's own 2172
actions or omissions. 2173

(D) This chapter does not affect any statutory or common law 2174
of this or another state that pertains to the relationship between 2175

an individual who renders a professional service and a recipient 2176
of that service, including, but not limited to, any contract or 2177
tort liability arising out of acts or omissions committed or 2178
omitted during the course of rendering the professional service. 2179

Sec. 2915.01. As used in this chapter: 2180

(A) "Bookmaking" means the business of receiving or paying 2181
off bets. 2182

(B) "Bet" means the hazarding of anything of value upon the 2183
result of an event, undertaking, or contingency, but does not 2184
include a bona fide business risk. 2185

(C) "Scheme of chance" means a slot machine, lottery, numbers 2186
game, pool conducted for profit, or other scheme in which a 2187
participant gives a valuable consideration for a chance to win a 2188
prize, but does not include bingo, a skill-based amusement 2189
machine, or a pool not conducted for profit. 2190

(D) "Game of chance" means poker, craps, roulette, or other 2191
game in which a player gives anything of value in the hope of 2192
gain, the outcome of which is determined largely by chance, but 2193
does not include bingo. 2194

(E) "Game of chance conducted for profit" means any game of 2195
chance designed to produce income for the person who conducts or 2196
operates the game of chance, but does not include bingo. As used 2197
in this division, "income" includes consideration paid by 2198
participants for admission to any location where games of chance 2199
are conducted. 2200

(F) "Gambling device" means any of the following: 2201

(1) A book, totalizer, or other equipment for recording bets; 2202

(2) A ticket, token, or other device representing a chance, 2203
share, or interest in a scheme of chance or evidencing a bet; 2204

(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;	2205 2206 2207
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	2208 2209
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	2210 2211
(G) "Gambling offense" means any of the following:	2212
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, <u>2915.083</u> , 2915.09, 2915.091, 2915.092, <u>2915.093</u> , <u>2915.094</u> , 2915.10, or <u>2915.101</u> , 2915.11, <u>or 2915.13</u> of the Revised Code;	2213 2214 2215 2216
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	2217 2218 2219 2220 2221
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	2222 2223 2224
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	2225 2226 2227
(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the	2228 2229 2230 2231 2232 2233 2234

internal revenue service a determination letter that currently is 2235
in effect stating that the organization is, exempt from federal 2236
income taxation under subsection 501(a) and described in 2237
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 2238
501(c)(19) of the Internal Revenue Code, or if the organization is 2239
a sporting organization that is exempt from federal income 2240
taxation under subsection 501(a) and is described in subsection 2241
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 2242
organization, an organization, except a volunteer rescue service 2243
~~or~~, volunteer firefighter's, veteran's, or fraternal organization, 2244
shall have been in continuous existence as such in this state for 2245
a period of two years immediately preceding either the making of 2246
an application for a bingo license under section 2915.08 of the 2247
Revised Code or the conducting of any game of chance as provided 2248
in division (D) of section 2915.02 or in section 2915.14 or 2249
conducting a raffle as provided in section 2915.092 of the Revised 2250
Code. A charitable organization that is exempt from federal income 2251
taxation under subsection 501(a) and described in subsection 2252
501(c)(3) of the Internal Revenue Code and that is created by a 2253
veteran's organization, a fraternal organization, or a sporting 2254
organization does not have to have been in continuous existence as 2255
such in this state for a period of two years immediately preceding 2256
either the making of an application for a bingo license under 2257
section 2915.08 of the Revised Code or the conducting of any game 2258
of chance as provided in division (D) of section 2915.02 or in 2259
section 2915.14 of the Revised Code. 2260

(I) "Religious organization" means any church, body of 2261
communicants, or group that is not organized or operated for 2262
profit and that gathers in common membership for regular worship 2263
and religious observances. 2264

(J) "Educational organization" means any organization within 2265
this state that is not organized for profit, the primary purpose 2266

of which is to educate and develop the capabilities of individuals 2267
through instruction by means of operating or contributing to the 2268
support of a school, academy, college, or university. 2269

(K) "Veteran's organization" means any individual post or 2270
state headquarters of a national veteran's association or an 2271
auxiliary unit of any individual post of a national veteran's 2272
association, which post, state headquarters, or auxiliary unit ~~has~~ 2273
~~been in continuous existence in this state for at least two years~~ 2274
~~and~~ is incorporated as a nonprofit corporation and either has 2275
received a letter from the state headquarters of the national 2276
veteran's association indicating that the individual post or 2277
auxiliary unit is in good standing with the national veteran's 2278
association or has received a letter from the national veteran's 2279
association indicating that the state headquarters is in good 2280
standing with the national veteran's association. As used in this 2281
division, "national veteran's association" means any veteran's 2282
association that has been in continuous existence as such for a 2283
period of at least five years and either is incorporated by an act 2284
of the United States congress or has a national dues-paying 2285
membership of at least five thousand persons. 2286

(L) "Volunteer firefighter's organization" means any 2287
organization of volunteer firefighters, as defined in section 2288
146.01 of the Revised Code, that is organized and operated 2289
exclusively to provide financial support for a volunteer fire 2290
department or a volunteer fire company and that is recognized or 2291
ratified by a county, municipal corporation, or township. 2292

(M) "Fraternal organization" means any society, order, state 2293
headquarters, or association within this state, except a college 2294
or high school fraternity, that is not organized for profit, that 2295
is a branch, lodge, or chapter of a national or state 2296
organization, that exists exclusively for the common business or 2297
sodality of its members, ~~and that has been in continuous existence~~ 2298

~~in this state for a period of five years.~~ 2299

(N) "Volunteer rescue service organization" means any 2300
organization of volunteers organized to function as an emergency 2301
medical service organization, as defined in section 4765.01 of the 2302
Revised Code. 2303

(O) "Service organization" means either of the following: 2304

(1) Any organization, not organized for profit, that is 2305
organized and operated exclusively to provide, or to contribute to 2306
the support of organizations or institutions organized and 2307
operated exclusively to provide, medical and therapeutic services 2308
for persons who are crippled, born with birth defects, or have any 2309
other mental or physical defect or those organized and operated 2310
exclusively to protect, or to contribute to the support of 2311
organizations or institutions organized and operated exclusively 2312
to protect, animals from inhumane treatment or provide immediate 2313
shelter to victims of domestic violence; 2314

(2) Any organization that is described in subsection 2315
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2316
and is either a governmental unit or an organization that is tax 2317
exempt under subsection 501(a) and described in subsection 2318
501(c)(3) of the Internal Revenue Code and that is an 2319
organization, not organized for profit, that is organized and 2320
operated primarily to provide, or to contribute to the support of 2321
organizations or institutions organized and operated primarily to 2322
provide, medical and therapeutic services for persons who are 2323
crippled, born with birth defects, or have any other mental or 2324
physical defect. 2325

(P) "Nonprofit medical organization" means either of the 2326
following: 2327

(1) Any organization that has been incorporated as a 2328
nonprofit corporation for at least five years and that has 2329

continuously operated and will be operated exclusively to provide, 2330
or to contribute to the support of organizations or institutions 2331
organized and operated exclusively to provide, hospital, medical, 2332
research, or therapeutic services for the public; 2333

(2) Any organization that is described and qualified under 2334
subsection 501(c)(3) of the Internal Revenue Code, that has been 2335
incorporated as a nonprofit corporation for at least five years, 2336
and that has continuously operated and will be operated primarily 2337
to provide, or to contribute to the support of organizations or 2338
institutions organized and operated primarily to provide, 2339
hospital, medical, research, or therapeutic services for the 2340
public. 2341

(Q) "Senior citizen's organization" means any private 2342
organization, not organized for profit, that is organized and 2343
operated exclusively to provide recreational or social services 2344
for persons who are fifty-five years of age or older and that is 2345
described and qualified under subsection 501(c)(3) of the Internal 2346
Revenue Code. 2347

(R) "Charitable bingo game" means any bingo game described in 2348
division (S)(1) or (2) of this section that is conducted by a 2349
charitable organization that has obtained a license pursuant to 2350
section 2915.08 of the Revised Code and the proceeds of which are 2351
used for a charitable purpose. 2352

(S) "Bingo" means either of the following: 2353

(1) A game with all of the following characteristics: 2354

(a) The participants use bingo cards or sheets, including 2355
paper formats and electronic representation or image formats, that 2356
are divided into twenty-five spaces arranged in five horizontal 2357
and five vertical rows of spaces, with each space, except the 2358
central space, being designated by a combination of a letter and a 2359
number and with the central space being designated as a free 2360

space. 2361

(b) The participants cover the spaces on the bingo cards or 2362
sheets that correspond to combinations of letters and numbers that 2363
are announced by a bingo game operator. 2364

(c) A bingo game operator announces combinations of letters 2365
and numbers that appear on objects that a bingo game operator 2366
selects by chance, either manually or mechanically, from a 2367
receptacle that contains seventy-five objects at the beginning of 2368
each game, each object marked by a different combination of a 2369
letter and a number that corresponds to one of the seventy-five 2370
possible combinations of a letter and a number that can appear on 2371
the bingo cards or sheets. 2372

(d) The winner of the bingo game includes any participant who 2373
properly announces during the interval between the announcements 2374
of letters and numbers as described in division (S)(1)(c) of this 2375
section, that a predetermined and preannounced pattern of spaces 2376
has been covered on a bingo card or sheet being used by the 2377
participant. 2378

(2) Instant bingo, punch boards, and raffles. 2379

(T) "Conduct" means to back, promote, organize, manage, carry 2380
on, sponsor, or prepare for the operation of bingo or a game of 2381
chance. 2382

(U) "Bingo game operator" means any person, except security 2383
personnel, who performs work or labor at the site of bingo, 2384
including, but not limited to, collecting money from participants, 2385
handing out bingo cards or sheets or objects to cover spaces on 2386
bingo cards or sheets, selecting from a receptacle the objects 2387
that contain the combination of letters and numbers that appear on 2388
bingo cards or sheets, calling out the combinations of letters and 2389
numbers, distributing prizes, selling or redeeming instant bingo 2390
tickets or cards, supervising the operation of a punch board, 2391

selling raffle tickets, selecting raffle tickets from a receptacle 2392
and announcing the winning numbers in a raffle, and preparing, 2393
selling, and serving food or beverages. 2394

(V) "Participant" means any person who plays bingo. 2395

(W) "Bingo session" means a period that includes both of the 2396
following: 2397

(1) Not to exceed five continuous hours for the conduct of 2398
one or more games described in division (S)(1) of this section, 2399
instant bingo, and seal cards; 2400

(2) A period for the conduct of instant bingo and seal cards 2401
for not more than two hours before and not more than two hours 2402
after the period described in division (W)(1) of this section. 2403

(X) "Gross receipts" means all money or assets, including 2404
admission fees, that a person receives from bingo without the 2405
deduction of any amounts for prizes paid out or for the expenses 2406
of conducting bingo. "Gross receipts" does not include any money 2407
directly taken in from the sale of food or beverages by a 2408
charitable organization conducting bingo, or by a bona fide 2409
auxiliary unit or society of a charitable organization conducting 2410
bingo, provided ~~all~~ both of the following apply: 2411

~~(1) The auxiliary unit or society has been in existence as a 2412
bona fide auxiliary unit or society of the charitable organization 2413
for at least two years prior to conducting bingo. 2414~~

~~(2)~~ The person who purchases the food or beverage receives 2415
nothing of value except the food or beverage and items customarily 2416
received with the purchase of that food or beverage. 2417

~~(3)~~(2) The food and beverages are sold at customary and 2418
reasonable prices. 2419

(Y) "Security personnel" includes any person who either is a 2420
sheriff, deputy sheriff, marshal, deputy marshal, township 2421

constable, or member of an organized police department of a 2422
municipal corporation or has successfully completed a peace 2423
officer's training course pursuant to sections 109.71 to 109.79 of 2424
the Revised Code and who is hired to provide security for the 2425
premises on which bingo is conducted. 2426

(Z) "Charitable purpose" means that the net profit of bingo, 2427
other than instant bingo, is used by, or is given, donated, or 2428
otherwise transferred to, any of the following: 2429

(1) Any organization that is described in subsection 2430
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2431
and is either a governmental unit or an organization that is tax 2432
exempt under subsection 501(a) and described in subsection 2433
501(c)(3) of the Internal Revenue Code; 2434

(2) A veteran's organization that is a post, chapter, or 2435
organization of veterans, or an auxiliary unit or society of, or a 2436
trust or foundation for, any such post, chapter, or organization 2437
organized in the United States or any of its possessions, at least 2438
seventy-five per cent of the members of which are veterans and 2439
substantially all of the other members of which are individuals 2440
who are spouses, widows, or widowers of veterans, or such 2441
individuals, provided that no part of the net earnings of such 2442
post, chapter, or organization inures to the benefit of any 2443
private shareholder or individual, and further provided that the 2444
net profit is used by the post, chapter, or organization for the 2445
charitable purposes set forth in division (B)(12) of section 2446
5739.02 of the Revised Code, is used for awarding scholarships to 2447
or for attendance at an institution mentioned in division (B)(12) 2448
of section 5739.02 of the Revised Code, is donated to a 2449
governmental agency, or is used for nonprofit youth activities, 2450
the purchase of United States or Ohio flags that are donated to 2451
schools, youth groups, or other bona fide nonprofit organizations, 2452
promotion of patriotism, or disaster relief; 2453

(3) A fraternal organization that has been in continuous 2454
existence in this state for fifteen years and that uses the net 2455
profit exclusively for religious, charitable, scientific, 2456
literary, or educational purposes, or for the prevention of 2457
cruelty to children or animals, if contributions for such use 2458
would qualify as a deductible charitable contribution under 2459
subsection 170 of the Internal Revenue Code; 2460

(4) A volunteer firefighter's organization that uses the net 2461
profit for the purposes set forth in division (L) of this section. 2462

(AA) "Internal Revenue Code" means the "Internal Revenue Code 2463
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 2464
amended. 2465

(BB) "Youth athletic organization" means any organization, 2466
not organized for profit, that is organized and operated 2467
exclusively to provide financial support to, or to operate, 2468
athletic activities for persons who are twenty-one years of age or 2469
younger by means of sponsoring, organizing, operating, or 2470
contributing to the support of an athletic team, club, league, or 2471
association. 2472

(CC) "Youth athletic park organization" means any 2473
organization, not organized for profit, that satisfies both of the 2474
following: 2475

(1) It owns, operates, and maintains playing fields that 2476
satisfy both of the following: 2477

(a) The playing fields are used at least one hundred days per 2478
year for athletic activities by one or more organizations, not 2479
organized for profit, each of which is organized and operated 2480
exclusively to provide financial support to, or to operate, 2481
athletic activities for persons who are eighteen years of age or 2482
younger by means of sponsoring, organizing, operating, or 2483
contributing to the support of an athletic team, club, league, or 2484

association. 2485

(b) The playing fields are not used for any profit-making 2486
activity at any time during the year. 2487

(2) It uses the proceeds of bingo it conducts exclusively for 2488
the operation, maintenance, and improvement of its playing fields 2489
of the type described in division (CC)(1) of this section. 2490

(DD) "Amateur athletic organization" means any organization, 2491
not organized for profit, that is organized and operated 2492
exclusively to provide financial support to, or to operate, 2493
athletic activities for persons who are training for amateur 2494
athletic competition that is sanctioned by a national governing 2495
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 2496
3045, 36 U.S.C.A. 373. 2497

(EE) "Bingo supplies" means bingo cards or sheets; instant 2498
bingo tickets or cards; electronic bingo aids; raffle tickets; 2499
punch boards; seal cards; instant bingo ticket dispensers; ~~and~~ 2500
devices for selecting or displaying the combination of bingo 2501
letters and numbers or raffle tickets; and durable bingo 2502
equipment. Items that are "bingo supplies" are not gambling 2503
devices if sold or otherwise provided, and used, in accordance 2504
with this chapter. For purposes of this chapter, "bingo supplies" 2505
are not to be considered equipment, such as tables and chairs, 2506
used to conduct a bingo game. 2507

(FF) "Instant bingo" means a form of bingo that uses folded 2508
or banded tickets or paper cards with perforated break-open tabs, 2509
a face of which is covered or otherwise hidden from view to 2510
conceal a number, letter, or symbol, or set of numbers, letters, 2511
or symbols, some of which have been designated in advance as prize 2512
winners, and games in which winners are determined by the random 2513
selection of one or more bingo numbers, by the use of a seal card 2514
or bingo blower. "Instant bingo" includes seal cards. "Instant 2515

bingo" does not include any device that is activated by the 2516
insertion of a coin, currency, token, or an equivalent, and that 2517
contains as one of its components a video display monitor that is 2518
capable of displaying numbers, letters, symbols, or characters in 2519
winning or losing combinations. 2520

(GG) "Seal card" means a form of instant bingo that uses 2521
instant bingo tickets in conjunction with a board or placard that 2522
contains one or more seals that, when removed or opened, reveal 2523
predesignated winning numbers, letters, or symbols. 2524

(HH) "Raffle" means a form of bingo in which the one or more 2525
prizes are won by one or more persons who have purchased a raffle 2526
ticket. The one or more winners of the raffle are determined by 2527
drawing a ticket stub or other detachable section from a 2528
receptacle containing ticket stubs or detachable sections 2529
corresponding to all tickets sold for the raffle. 2530

(II) "Punch board" means a board containing a number of holes 2531
or receptacles of uniform size in which are placed, mechanically 2532
and randomly, serially numbered slips of paper that may be punched 2533
or drawn from the hole or receptacle when used in conjunction with 2534
instant bingo. A player may punch or draw the numbered slips of 2535
paper from the holes or receptacles and obtain the prize 2536
established for the game if the number drawn corresponds to a 2537
winning number or, if the punch board includes the use of a seal 2538
card, a potential winning number. 2539

(JJ) "Gross profit" means gross receipts minus the amount 2540
actually expended for the payment of prize awards. 2541

(KK) "Net profit" means gross profit minus expenses. 2542

(LL) "Expenses" means the reasonable amount of gross profit 2543
actually expended for all of the following: 2544

(1) The purchase or lease of bingo supplies; 2545

(2) The annual license fee required under section 2915.08 of the Revised Code;	2546 2547
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	2548 2549
(4) Audits and accounting services;	2550
(5) Safes;	2551
(6) Cash registers;	2552
(7) Hiring security personnel;	2553
(8) Advertising bingo;	2554
(9) Renting premises in which to conduct a bingo session;	2555
(10) Tables and chairs;	2556
(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;	2557 2558 2559 2560
(12) <u>Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;</u>	2561 2562
(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.	2563 2564 2565 2566
(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.	2567 2568 2569
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082, <u>or 2915.083</u> of the Revised Code or a charitable gaming license issued by another jurisdiction.	2570 2571 2572 2573
(OO) "Suspend" means to interrupt temporarily all rights and	2574

privileges of the holder of a license issued under section 2575
2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the Revised Code or 2576
a charitable gaming license issued by another jurisdiction. 2577

(PP) "Distributor" means any person who purchases or obtains 2578
bingo supplies and who does either of the following: 2579

(1) Sells, offers for sale, or otherwise provides or offers 2580
to provide the bingo supplies to another person for use in this 2581
state, except that this division does not apply to a licensed 2582
lessor providing durable bingo equipment to charitable 2583
organizations in compliance with section 2915.083 of the Revised 2584
Code; 2585

(2) Modifies, converts, adds to, or removes parts from the 2586
bingo supplies to further their promotion or sale for use in this 2587
state. 2588

(QQ) "Manufacturer" means any person who assembles completed 2589
bingo supplies from raw materials, other items, or subparts or who 2590
modifies, converts, adds to, or removes parts from bingo supplies 2591
to further their promotion or sale. 2592

(RR) "Gross annual revenues" means the annual gross receipts 2593
derived from the conduct of bingo described in division (S)(1) of 2594
this section plus the annual net profit derived from the conduct 2595
of bingo described in division (S)(2) of this section. 2596

(SS) "Instant bingo ticket dispenser" means a mechanical 2597
device that dispenses an instant bingo ticket or card as the sole 2598
item of value dispensed and that has the following 2599
characteristics: 2600

(1) It is activated upon the insertion of United States 2601
currency. 2602

(2) It performs no gaming functions. 2603

(3) It does not contain a video display monitor or generate 2604

noise. 2605

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations. 2606
2607

(5) It does not simulate or display rolling or spinning reels. 2608
2609

(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. 2610
2611
2612
2613

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses. 2614
2615

(8) It is not part of an electronic network and is not interactive. 2616
2617

(TT)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following: 2618
2619
2620
2621

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller. 2622
2623

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device. 2624
2625
2626

(c) It identifies a winning bingo pattern. 2627

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play. 2628
2629
2630

(UU) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number. 2631
2632

(VV)(1) "Slot machine" means either of the following: 2633

(a) Any mechanical, electronic, video, or digital device that 2634
is capable of accepting anything of value, directly or indirectly, 2635
from or on behalf of a player who gives the thing of value in the 2636
hope of gain; 2637

(b) Any mechanical, electronic, video, or digital device that 2638
is capable of accepting anything of value, directly or indirectly, 2639
from or on behalf of a player to conduct ~~or dispense~~ bingo or a 2640
scheme or game of chance. 2641

(2) "Slot machine" does not include a skill-based amusement 2642
machine or an instant bingo ticket dispenser. 2643

(WW) "Net profit from the proceeds of the sale of instant 2644
bingo" means gross profit minus the ordinary, necessary, and 2645
reasonable expense expended for the purchase of instant bingo 2646
supplies and in the case of instant bingo conducted by a 2647
veteran's, fraternal, or sporting organization, the payment by a 2648
veteran's, fraternal, or sporting organization of real property 2649
taxes and assessments levied on the premises in which instant 2650
bingo is conducted. 2651

(XX) "Charitable instant bingo organization" means an 2652
organization that is exempt from federal income taxation under 2653
subsection 501(a) and described in subsection 501(c)(3) of the 2654
Internal Revenue Code and is a charitable organization as defined 2655
in this section. A "charitable instant bingo organization" does 2656
not include a charitable organization that is exempt from federal 2657
income taxation under subsection 501(a) and described in 2658
subsection 501(c)(3) of the Internal Revenue Code and that is 2659
created by a veteran's organization, a fraternal organization, or 2660
a sporting organization in regards to bingo conducted or assisted 2661
by a veteran's organization, a fraternal organization, or a 2662
sporting organization pursuant to section 2915.13 of the Revised 2663
Code. 2664

(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:	2665 2666 2667
(1) The name of the game;	2668
(2) The manufacturer's name or distinctive logo;	2669
(3) The form number;	2670
(4) The ticket count;	2671
(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;	2672 2673 2674 2675
(6) The cost per play;	2676
(7) The serial number of the game.	2677
(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.	2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693
(AAA) (1) "Skill-based amusement machine" means a mechanical,	2694

video, digital, or electronic device that rewards the player or 2695
players, if at all, ~~only with merchandise prizes or with~~ 2696
~~redeemable vouchers redeemable only for merchandise prizes,~~ 2697
provided that with respect to rewards for playing the game all of 2698
the following apply: 2699

~~(a) The wholesale value of a merchandise prize awarded as a~~ 2700
~~result of the single play of a machine does not exceed ten~~ 2701
~~dollars;~~ 2702

~~(b) Redeemable vouchers awarded for any single play of a~~ 2703
~~machine are not redeemable for a merchandise prize with a~~ 2704
~~wholesale value of more than ten dollars;~~ 2705

~~(c) Redeemable vouchers are not redeemable for a merchandise~~ 2706
~~prize that has a wholesale value of more than ten dollars times~~ 2707
~~the fewest number of single plays necessary to accrue the~~ 2708
~~redeemable vouchers required to obtain that prize; and~~ 2709

~~(d) Any redeemable vouchers or merchandise prizes are~~ 2710
~~distributed at the site of the skill based amusement machine at~~ 2711
~~the time of play.~~ 2712

~~(2) A device shall not be considered a skill based amusement~~ 2713
~~machine and shall be considered a slot machine if it pays cash or~~ 2714
~~one or more of the following apply:~~ 2715

~~(a) The ability of a player to succeed at the game is~~ 2716
~~impacted by the number or ratio of prior wins to prior losses of~~ 2717
~~players playing the game.~~ 2718

~~(b) Any reward of redeemable vouchers is not based solely on~~ 2719
~~the player achieving the object of the game or the player's score;~~ 2720

~~(c) The outcome of the game, or the value of the redeemable~~ 2721
~~voucher or merchandise prize awarded for winning the game, can be~~ 2722
~~controlled by a source other than any player playing the game.~~ 2723

~~(d) The success of any player is or may be determined by a~~ 2724

~~chance event that cannot be altered by player actions.~~ 2725

~~(e) The ability of any player to succeed at the game is 2726
determined by game features not visible or known to the player. 2727~~

~~(f) The ability of the player to succeed at the game is 2728
impacted by the exercise of a skill that no reasonable player 2729
could exercise. 2730~~

~~(3) All of the following apply to any machine that is 2731
operated as described in division (AAA)(1) of this section: 2732~~

~~(a) As used in this section, "game" and "play" mean one event 2733
from the initial activation of the machine until the results of 2734
play are determined without payment of additional consideration. 2735
An individual utilizing a machine that involves a single game, 2736
play, contest, competition, or tournament may be awarded 2737
redeemable vouchers or merchandise prizes based on the results of 2738
play. 2739~~

~~(b) Advance play for a single game, play, contest, 2740
competition, or tournament participation may be purchased. The 2741
cost of the contest, competition, or tournament participation may 2742
be greater than a single noncontest, competition, or tournament 2743
play. 2744~~

~~(c) To the extent that the machine is used in a contest, 2745
competition, or tournament, that contest, competition, or 2746
tournament has a defined starting and ending date and is open to 2747
participants in competition for scoring and ranking results toward 2748
the awarding of redeemable vouchers or merchandise prizes that are 2749
stated prior to the start of the contest, competition, or 2750
tournament. 2751~~

~~(4) For purposes of division (AAA)(1) of this section, the 2752
mere presence of a device, such as a pin setting, ball releasing, 2753
or scoring mechanism, that does not contribute to or affect the 2754
outcome of the play of the game does not make the device a 2755~~

skill based amusement machine.	2756
(BBB) "Merchandise prize" means any item of value, but shall	2757
not include any of the following:	2758
(1) Cash, gift cards, or any equivalent thereof;	2759
(2) Plays on games of chance, state lottery tickets, bingo,	2760
or instant bingo;	2761
(3) Firearms, tobacco, or alcoholic beverages; or	2762
(4) A redeemable voucher that is redeemable for any of the	2763
items listed in division (BBB)(1), (2), or (3) of this section.	2764
(CCC) "Redeemable voucher" means any ticket, token, coupon,	2765
receipt, or other noncash representation of value.	2766
<u>(1) The player or players have the ability to successfully</u>	2767
<u>complete the game task or objective on each play of the game.</u>	2768
<u>(2) The player or players know or are provided the</u>	2769
<u>opportunity to know the prize or reward of successfully completing</u>	2770
<u>the game task or objective before the start of the game or play.</u>	2771
(DDD)(BBB) "Pool not conducted for profit" means a scheme in	2772
which a participant gives a valuable consideration for a chance to	2773
win a prize and the total amount of consideration wagered is	2774
distributed to a participant or participants.	2775
(EEE)(CCC) "Sporting organization" means a hunting, fishing,	2776
or trapping organization, other than a college or high school	2777
fraternity or sorority, that is not organized for profit, that is	2778
affiliated with a state or national sporting organization,	2779
including but not limited to, the Ohio league of sportsmen, and	2780
that has been in continuous existence in this state for a period	2781
of three years.	2782
(FFF)(DDD) "Community action agency" has the same meaning as	2783
in section 122.66 of the Revised Code.	2784

<u>(EEE) "Durable bingo equipment" means the following:</u>	2785
<u>(1) A bingo ball, which is a ball imprinted with numbers and letters used in the selection process of a bingo game;</u>	2786
<u>(2) A bingo or flash board, which are display boards, usually electronic, that display numbers and letters after the numbers and letters are called;</u>	2787
<u>(2) A bingo or flash board, which are display boards, usually electronic, that display numbers and letters after the numbers and letters are called;</u>	2788
<u>(2) A bingo or flash board, which are display boards, usually electronic, that display numbers and letters after the numbers and letters are called;</u>	2789
<u>(2) A bingo or flash board, which are display boards, usually electronic, that display numbers and letters after the numbers and letters are called;</u>	2790
<u>(3) A bingo machine, which is a type of selection device with a receptacle, or hopper, for the unselected bingo balls, a blower for selecting the balls, and a ball tray that contains seventy-five holes in which to place the ball once it is called;</u>	2791
<u>(3) A bingo machine, which is a type of selection device with a receptacle, or hopper, for the unselected bingo balls, a blower for selecting the balls, and a ball tray that contains</u>	2792
<u>(3) A bingo machine, which is a type of selection device with a receptacle, or hopper, for the unselected bingo balls, a blower for selecting the balls, and a ball tray that contains</u>	2793
<u>(3) A bingo machine, which is a type of selection device with a receptacle, or hopper, for the unselected bingo balls, a blower for selecting the balls, and a ball tray that contains</u>	2794
<u>(4) A bingo blower, which is a forced-air device that mixes the bingo balls and dispenses them to the bingo game operator;</u>	2795
<u>(4) A bingo blower, which is a forced-air device that mixes the bingo balls and dispenses them to the bingo game operator;</u>	2796
<u>(5) Electronic bingo aids;</u>	2797
<u>(6) Audio-visual equipment, which is electronic equipment used to play bingo, such as a display monitor;</u>	2798
<u>(6) Audio-visual equipment, which is electronic equipment used to play bingo, such as a display monitor;</u>	2799
<u>(7) Instant bingo ticket dispensers.</u>	2800
<u>(FFF) "Lessor" means a person that provides the premises to a charitable organization for conducting bingo as described in division (S)(1) of section 2915.01 of the Revised Code for a rental amount in compliance with division (B)(1) of section 2915.09 of the Revised Code or a person that provides premises to a charitable instant bingo organization for conducting instant bingo other than at a bingo session.</u>	2801
<u>(FFF) "Lessor" means a person that provides the premises to a charitable organization for conducting bingo as described in</u>	2802
<u>(FFF) "Lessor" means a person that provides the premises to a charitable organization for conducting bingo as described in</u>	2803
<u>(FFF) "Lessor" means a person that provides the premises to a charitable organization for conducting bingo as described in</u>	2804
<u>(FFF) "Lessor" means a person that provides the premises to a charitable organization for conducting bingo as described in</u>	2805
<u>(FFF) "Lessor" means a person that provides the premises to a charitable organization for conducting bingo as described in</u>	2806
<u>(FFF) "Lessor" means a person that provides the premises to a charitable organization for conducting bingo as described in</u>	2807
<u>(GGG) "Permitted location" means a building leased by a county in Ohio under a lease pursuant to which charitable organizations have operated festivals weekly for the eighteen months immediately preceding the effective date of this section, at which games of chance were offered.</u>	2808
<u>(GGG) "Permitted location" means a building leased by a county in Ohio under a lease pursuant to which charitable</u>	2809
<u>(GGG) "Permitted location" means a building leased by a county in Ohio under a lease pursuant to which charitable</u>	2810
<u>(GGG) "Permitted location" means a building leased by a county in Ohio under a lease pursuant to which charitable</u>	2811
<u>(GGG) "Permitted location" means a building leased by a county in Ohio under a lease pursuant to which charitable</u>	2812
<u>(HHH) "Charity card room" means a facility at a permitted location that offers games of chance conducted by a charitable</u>	2813
<u>(HHH) "Charity card room" means a facility at a permitted location that offers games of chance conducted by a charitable</u>	2814

<u>organization.</u>	2815
Sec. 2915.02. (A) No person shall do any of the following:	2816
(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;	2817 2818
(2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;	2819 2820 2821
(3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;	2822 2823 2824 2825 2826
(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;	2827 2828
(5) With purpose to violate division (A)(1), (2), (3), or (4) of this section, acquire, possess, control, or operate any gambling device.	2829 2830 2831
(B) For purposes of division (A)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.	2832 2833 2834 2835 2836 2837 2838 2839 2840
(C) This section does not prohibit conduct in connection with gambling expressly permitted by law.	2841 2842
(D) This section does not apply to any of the following:	2843

(1) Games of chance, if all of the following apply:	2844
(a) The games of chance are not craps for money or roulette for money.	2845 2846
(b) The games of chance are conducted by a charitable organization that is, and has received from the internal revenue service a determination letter that is currently in effect, stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.	2847 2848 2849 2850 2851 2852
(c) The games of chance are conducted at festivals of the charitable organization that are conducted either for a period of four consecutive days or less and not more than twice a year or for a period of five consecutive days not more than once a year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.	2853 2854 2855 2856 2857 2858 2859 2860 2861 2862 2863 2864
A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in division (D)(1)(c) of this section if the veteran's or fraternal organization already has leased the premises four <u>twelve</u> times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in division (D)(1)(c) of this section, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under division (B)(1) of	2865 2866 2867 2868 2869 2870 2871 2872 2873 2874 2875

section 2915.09 of the Revised Code when it leases premises from 2876
another charitable organization to conduct bingo games. 2877

(d) All of the money or assets received from the games of 2878
chance after deduction only of prizes paid out during the conduct 2879
of the games of chance are used by, or given, donated, or 2880
otherwise transferred to, any organization that is described in 2881
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 2882
Revenue Code and is either a governmental unit or an organization 2883
that is tax exempt under subsection 501(a) and described in 2884
subsection 501(c)(3) of the Internal Revenue Code; 2885

(e) The games of chance are not conducted during, or within 2886
ten hours of, a bingo game conducted for amusement purposes only 2887
pursuant to section 2915.12 of the Revised Code. 2888

No person shall receive any commission, wage, salary, reward, 2889
tip, donation, gratuity, or other form of compensation, directly 2890
or indirectly, for operating or assisting in the operation of any 2891
game of chance. 2892

(2) Any tag fishing tournament operated under a permit issued 2893
under section 1533.92 of the Revised Code, as "tag fishing 2894
tournament" is defined in section 1531.01 of the Revised Code; 2895

(3) Bingo conducted by a charitable organization that holds a 2896
license issued under section 2915.08 of the Revised Code; 2897

(4) Casino gaming as defined by and conducted under Chapter 2898
3772. of the Revised Code. 2899

(E) Division (D) of this section shall not be construed to 2900
authorize the sale, lease, or other temporary or permanent 2901
transfer of the right to conduct games of chance, as granted by 2902
that division, by any charitable organization that is granted that 2903
right. 2904

(F) Whoever violates this section is guilty of gambling, a 2905

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

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

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

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

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

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

(ii) One thousand two hundred fifty dollars plus one-fourth	2936
per cent of the gross profit, if the total is more than fifty	2937
thousand dollars but less than two hundred fifty thousand one	2938
dollars;	2939
(iii) Two thousand two hundred fifty dollars plus one-half	2940
per cent of the gross profit, if the total is more than two	2941
hundred fifty thousand dollars but less than five hundred thousand	2942
one dollars;	2943
(iv) Three thousand five hundred dollars plus one per cent of	2944
the gross profit, if the total is more than five hundred thousand	2945
dollars but less than one million one dollars;	2946
(v) Five thousand dollars plus one per cent of the gross	2947
profit, if the total is one million one dollars or more;	2948
(c) A reduced license fee established by the attorney general	2949
pursuant to division (G) of this section.	2950
(d) For a license to conduct bingo for a charitable	2951
organization that prior to the effective date of this amendment	2952
<u>July 1, 2003</u> , has not been licensed under this chapter to conduct	2953
bingo, instant bingo at a bingo session, or instant bingo other	2954
than at a bingo session, a license fee established by rule by the	2955
attorney general in accordance with division (H) of this section.	2956
(2) The application shall be in the form prescribed by the	2957
attorney general, shall be signed and sworn to by the applicant,	2958
and shall contain all of the following:	2959
(a) The name and post-office address of the applicant;	2960
(b) A statement that the applicant is a charitable	2961
organization and that, <u>if applicable</u> , it has been in continuous	2962
existence as a charitable organization in this state for two years	2963
immediately preceding the making of the application or for five	2964
years in the case of a fraternal organization or a nonprofit	2965

medical organization; 2966

(c) The location at which the organization will conduct 2967
bingo, which location shall be within the county in which the 2968
principal place of business of the applicant is located, the days 2969
of the week and the times on each of those days when bingo will be 2970
conducted, whether the organization owns, leases, or subleases the 2971
premises, and a copy of the rental agreement if it leases or 2972
subleases the premises; 2973

(d) A statement of the applicant's previous history, record, 2974
and association that is sufficient to establish that the applicant 2975
is a charitable organization, and a copy of a determination letter 2976
that is issued by the Internal Revenue Service and states that the 2977
organization is tax exempt under subsection 501(a) and described 2978
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 2979
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 2980

(e) A statement as to whether the applicant has ever had any 2981
previous application refused, whether it previously has had a 2982
license revoked or suspended, and the reason stated by the 2983
attorney general for the refusal, revocation, or suspension; 2984

(f) A statement of the charitable purposes for which the net 2985
profit derived from bingo, other than instant bingo, will be used, 2986
and a statement of how the net profit derived from instant bingo 2987
will be distributed in accordance with section 2915.101 of the 2988
Revised Code; 2989

(g) Other necessary and reasonable information that the 2990
attorney general may require by rule adopted pursuant to section 2991
111.15 of the Revised Code; 2992

(h) If the applicant is a charitable trust as defined in 2993
section 109.23 of the Revised Code, a statement as to whether it 2994
has registered with the attorney general pursuant to section 2995
109.26 of the Revised Code or filed annual reports pursuant to 2996

section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

(i) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

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

(3) The attorney general, within thirty days after receiving a timely filed application from a charitable organization that has been issued a license under this section that has not expired and has not been revoked or suspended, shall send a temporary permit to the applicant specifying the date on which the application was filed with the attorney general and stating that, pursuant to

section 119.06 of the Revised Code, the applicant may continue to 3029
conduct bingo until a new license is granted or, if the 3030
application is rejected, until fifteen days after notice of the 3031
rejection is mailed to the applicant. The temporary permit does 3032
not affect the validity of the applicant's application and does 3033
not grant any rights to the applicant except those rights 3034
specifically granted in section 119.06 of the Revised Code. The 3035
issuance of a temporary permit by the attorney general pursuant to 3036
this division does not prohibit the attorney general from 3037
rejecting the applicant's application because of acts that the 3038
applicant committed, or actions that the applicant failed to take, 3039
before or after the issuance of the temporary permit. 3040

(4) Within thirty days after receiving an initial license 3041
application from a charitable organization to conduct bingo, 3042
instant bingo at a bingo session, or instant bingo other than at a 3043
bingo session, the attorney general shall conduct a preliminary 3044
review of the application and notify the applicant regarding any 3045
deficiencies. Once an application is deemed complete, or beginning 3046
on the thirtieth day after the application is filed, if the 3047
attorney general failed to notify the applicant of any 3048
deficiencies, the attorney general shall have an additional sixty 3049
days to conduct an investigation and either grant or deny the 3050
application based on findings established and communicated in 3051
accordance with divisions (B) and (E) of this section. As an 3052
option to granting or denying an initial license application, the 3053
attorney general may grant a temporary license and request 3054
additional time to conduct the investigation if the attorney 3055
general has cause to believe that additional time is necessary to 3056
complete the investigation and has notified the applicant in 3057
writing about the specific concerns raised during the 3058
investigation. 3059

(B)(1) The attorney general shall adopt rules to enforce 3060

sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised Code to ensure that bingo ~~or~~, instant bingo is, games of chance conducted for profit, and raffles are conducted in accordance with those sections and to maintain proper control over the conduct of bingo ~~or~~, instant bingo, games of chance conducted for profit, and raffles. The rules, except rules adopted pursuant to divisions (A)(2)(g) and (G) of this section, shall be adopted pursuant to Chapter 119. of the Revised Code. The attorney general shall license charitable organizations to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session in conformance with this chapter and with the licensing provisions of Chapter 119. of the Revised Code.

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

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

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

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

(d) Maintains or has maintained any incorrect or false information that is material to the granting of the license in the records required to be kept pursuant to divisions (A) and (C) of

section 2915.10 of the Revised Code, if applicable; 3092

(e) The attorney general has good cause to believe that the 3093
organization will not conduct bingo, instant bingo at a bingo 3094
session, or instant bingo other than at a bingo session in 3095
accordance with sections 2915.07 to 2915.13 of the Revised Code or 3096
with any rule adopted by the attorney general pursuant to this 3097
section. 3098

(3) For the purposes of division (B) of this section, any 3099
action of an officer, trustee, agent, representative, or bingo 3100
game operator of an organization is an action of the organization. 3101

(C) The attorney general may grant licenses to charitable 3102
organizations that are branches, lodges, or chapters of national 3103
charitable organizations. 3104

(D) The attorney general shall send notice in writing or 3105
provide notice on the attorney general's web site to the 3106
prosecuting attorney and sheriff of the county in which the 3107
organization will conduct bingo, instant bingo at a bingo session, 3108
or instant bingo other than at a bingo session, as stated in its 3109
application for a license or amended license, and to any other law 3110
enforcement agency in that county that so requests, of all of the 3111
following: 3112

(1) The issuance of the license; 3113

(2) The issuance of the amended license; 3114

(3) The rejection of an application for and refusal to grant 3115
a license; 3116

(4) The revocation of any license previously issued; 3117

(5) The suspension of any license previously issued. 3118

(E) A license issued by the attorney general shall set forth 3119
the information contained on the application of the charitable 3120
organization that the attorney general determines is relevant, 3121

including, but not limited to, the location at which the 3122
organization will conduct bingo, instant bingo at a bingo session, 3123
or instant bingo other than at a bingo session and the days of the 3124
week and the times on each of those days when bingo will be 3125
conducted. If the attorney general refuses to grant or revokes or 3126
suspends a license, the attorney general shall notify the 3127
applicant in writing and specifically identify the reason for the 3128
refusal, revocation, or suspension in narrative form and, if 3129
applicable, by identifying the section of the Revised Code 3130
violated. The failure of the attorney general to give the written 3131
notice of the reasons for the refusal, revocation, or suspension 3132
or a mistake in the written notice does not affect the validity of 3133
the attorney general's refusal to grant, or the revocation or 3134
suspension of, a license. If the attorney general fails to give 3135
the written notice or if there is a mistake in the written notice, 3136
the applicant may bring an action to compel the attorney general 3137
to comply with this division or to correct the mistake, but the 3138
attorney general's order refusing to grant, or revoking or 3139
suspending, a license shall not be enjoined during the pendency of 3140
the action. 3141

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

division, the attorney general shall issue the amended license in 3155
accordance with division (E) of this section, and the organization 3156
shall surrender its original license to the attorney general. The 3157
attorney general may refuse to grant an amended license according 3158
to the terms of division (B) of this section. 3159

(G) The attorney general, by rule adopted pursuant to section 3160
111.15 of the Revised Code, shall establish a schedule of reduced 3161
license fees for charitable organizations that desire to conduct 3162
bingo or instant bingo during fewer than twenty-six weeks in any 3163
calendar year. 3164

(H) The attorney general, by rule adopted pursuant to section 3165
111.15 of the Revised Code, shall establish license fees for the 3166
conduct of bingo, instant bingo at a bingo session, or instant 3167
bingo other than at a bingo session for charitable organizations 3168
that prior to ~~the effective date of this amendment~~ July 1, 2003, 3169
have not been licensed to conduct bingo, instant bingo at a bingo 3170
session, or instant bingo other than at a bingo session under this 3171
chapter. 3172

(I) The attorney general may enter into a written contract 3173
with any other state agency to delegate to that state agency the 3174
powers prescribed to the attorney general under Chapter 2915. of 3175
the Revised Code. 3176

(J) The attorney general, by rule adopted pursuant to section 3177
111.15 of the Revised Code, may adopt rules to determine the 3178
requirements for a charitable organization that is exempt from 3179
federal income taxation under subsection 501(a) and described in 3180
subsection 501(c)(3) of the Internal Revenue Code to be in good 3181
standing in the state. 3182

Sec. 2915.081. (A) No distributor shall sell, offer to sell, 3183
or otherwise provide or offer to provide bingo supplies to another 3184
person, or modify, convert, add to, or remove parts from bingo 3185

supplies to further their promotion or sale, for use in this state 3186
without having obtained a license from the attorney general under 3187
this section. 3188

(B) The attorney general may issue a distributor license to 3189
any person that meets the requirements of this section. The 3190
application for the license shall be on a form prescribed by the 3191
attorney general and be accompanied by the annual fee prescribed 3192
by this section. The license is valid for a period of one year, 3193
and the annual fee for the license is five thousand dollars. 3194

(C) The attorney general may refuse to issue a distributor 3195
license to any person to which any of the following applies, or to 3196
any person that has an officer, partner, or other person who has 3197
an ownership interest of ten per cent or more and to whom any of 3198
the following applies: 3199

(1) The person, officer, or partner has been convicted of a 3200
felony under the laws of this state, another state, or the United 3201
States. 3202

(2) The person, officer, or partner has been convicted of any 3203
gambling offense. 3204

(3) The person, officer, or partner has made an incorrect or 3205
false statement that is material to the granting of a license in 3206
an application submitted to the attorney general under this 3207
section or in a similar application submitted to a gambling 3208
licensing authority in another jurisdiction if the statement 3209
resulted in license revocation through administrative action in 3210
the other jurisdiction. 3211

(4) The person, officer, or partner has submitted any 3212
incorrect or false information relating to the application to the 3213
attorney general under this section, if the information is 3214
material to the granting of the license. 3215

(5) The person, officer, or partner has failed to correct any 3216
incorrect or false information that is material to the granting of 3217
the license in the records required to be maintained under 3218
division (E) of section 2915.10 of the Revised Code. 3219

(6) The person, officer, or partner has had a license related 3220
to gambling revoked or suspended under the laws of this state, 3221
another state, or the United States. 3222

(D) The attorney general shall not issue a distributor 3223
license to any person that is involved in the conduct of bingo on 3224
behalf of a charitable organization or that is a lessor of 3225
premises used for the conduct of bingo. This division does not 3226
prohibit a distributor from advising charitable organizations on 3227
the use and benefit of specific bingo supplies or prohibit a 3228
distributor from advising a customer on operational methods to 3229
improve bingo profitability. 3230

(E)(1) No distributor shall sell, offer to sell, or otherwise 3231
provide or offer to provide bingo supplies to any person, or 3232
modify, convert, add to, or remove parts from bingo supplies to 3233
further their promotion or sale, for use in this state except to 3234
or for the use of a charitable organization that has been issued a 3235
license under section 2915.08 of the Revised Code or to another 3236
distributor that has been issued a license under this section, or, 3237
in the case of durable bingo equipment, to a lessor that has been 3238
issued a license under section 2915.083 of the Revised Code. No 3239
distributor shall accept payment for the sale or other provision 3240
of bingo supplies other than by check or electronic fund transfer. 3241

(2) No distributor may donate, give, loan, lease, or 3242
otherwise provide any bingo supplies or equipment, or modify, 3243
convert, add to, or remove parts from bingo supplies to further 3244
their promotion or sale, to or for the use of a charitable 3245
organization for use in a bingo session conditioned on or in 3246
consideration for an exclusive right to provide bingo supplies to 3247

the charitable organization. A distributor may provide a licensed 3248
charitable organization with free samples of the distributor's 3249
products to be used as prizes or to be used for the purpose of 3250
sampling. 3251

(3) No distributor shall purchase bingo supplies for use in 3252
this state from any person except from a manufacturer issued a 3253
license under section 2915.082 of the Revised Code or from another 3254
distributor issued a license under this section. Subject to 3255
division (D) of section 2915.082 of the Revised Code, no 3256
distributor shall pay for purchased bingo supplies other than by 3257
check or electronic fund transfer. 3258

(4) No distributor shall participate in the conduct of bingo 3259
on behalf of a charitable organization or have any direct or 3260
indirect ownership interest in a premises used for the conduct of 3261
bingo. 3262

(5) No distributor shall knowingly solicit, offer, pay, or 3263
receive any kickback, bribe, or undocumented rebate, directly or 3264
indirectly, overtly or covertly, in cash or in kind, in return for 3265
providing bingo supplies to any person in this state. 3266

(F) The attorney general may suspend or revoke a distributor 3267
license for any of the reasons for which the attorney general may 3268
refuse to issue a distributor license specified in division (C) of 3269
this section or if the distributor holding the license violates 3270
any provision of this chapter or any rule adopted by the attorney 3271
general under this chapter. 3272

(G) Whoever violates division (A) or (E) of this section is 3273
guilty of illegally operating as a distributor. Except as 3274
otherwise provided in this division, illegally operating as a 3275
distributor is a misdemeanor of the first degree. If the offender 3276
previously has been convicted of a violation of division (A) or 3277
(E) of this section, illegally operating as a distributor is a 3278

felony of the fifth degree. 3279

Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, 3280
or otherwise provide or offer to provide bingo supplies for use in 3281
this state without having obtained a license from the attorney 3282
general under this section. 3283

(B) The attorney general may issue a manufacturer license to 3284
any person that meets the requirements of this section. The 3285
application for the license shall be on a form prescribed by the 3286
attorney general and be accompanied by the annual fee prescribed 3287
by this section. The license is valid for a period of one year, 3288
and the annual fee for the license is five thousand dollars. 3289

(C) The attorney general may refuse to issue a manufacturer 3290
license to any person to which any of the following applies, or to 3291
any person that has an officer, partner, or other person who has 3292
an ownership interest of ten per cent or more and to whom any of 3293
the following applies: 3294

(1) The person, officer, or partner has been convicted of a 3295
felony under the laws of this state, another state, or the United 3296
States. 3297

(2) The person, officer, or partner has been convicted of any 3298
gambling offense. 3299

(3) The person, officer, or partner has made an incorrect or 3300
false statement that is material to the granting of a license in 3301
an application submitted to the attorney general under this 3302
section or in a similar application submitted to a gambling 3303
licensing authority in another jurisdiction if the statement 3304
resulted in license revocation through administrative action in 3305
the other jurisdiction. 3306

(4) The person, officer, or partner has submitted any 3307
incorrect or false information relating to the application to the 3308

attorney general under this section, if the information is 3309
material to the granting of the license. 3310

(5) The person, officer, or partner has failed to correct any 3311
incorrect or false information that is material to the granting of 3312
the license in the records required to be maintained under 3313
division (F) of section 2915.10 of the Revised Code. 3314

(6) The person, officer, or partner has had a license related 3315
to gambling revoked or suspended under the laws of this state, 3316
another state, or the United States. 3317

(D)(1) No manufacturer shall sell, offer to sell, or 3318
otherwise provide or offer to provide bingo supplies to any person 3319
for use in this state except to a distributor that has been issued 3320
a license under section 2915.081 of the Revised Code. No 3321
manufacturer shall accept payment for the sale of bingo supplies 3322
other than by check or electronic fund transfer. 3323

(2) No manufacturer shall knowingly solicit, offer, pay, or 3324
receive any kickback, bribe, or undocumented rebate, directly or 3325
indirectly, overtly or covertly, in cash or in kind, in return for 3326
providing bingo supplies to any person in this state. 3327

(E)(1) The attorney general may suspend or revoke a 3328
manufacturer license for any of the reasons for which the attorney 3329
general may refuse to issue a manufacturer license specified in 3330
division (C) of this section or if the manufacturer holding the 3331
license violates any provision of this chapter or any rule adopted 3332
by the attorney general under this chapter. 3333

(2) The attorney general may perform an onsite inspection of 3334
a manufacturer of bingo supplies that is selling, offering to 3335
sell, or otherwise providing or offering to provide bingo supplies 3336
or that is applying for a license to sell, offer to sell, or 3337
otherwise provide or offer to provide bingo supplies in this 3338
state. 3339

(F) Whoever violates division (A) or (D) of this section is 3340
guilty of illegally operating as a manufacturer. Except as 3341
otherwise provided in this division, illegally operating as a 3342
manufacturer is a misdemeanor of the first degree. If the offender 3343
previously has been convicted of a violation of division (A) or 3344
(D) of this section, illegally operating as a manufacturer is a 3345
felony of the fifth degree. 3346

Sec. 2915.083. (A) No lessor shall purchase, obtain, possess, 3347
sell, offer to sell, lease, or otherwise provide or offer to 3348
provide durable bingo equipment to another person or lease or 3349
provide premises for the conduct of bingo as described in division 3350
(S)(1) of section 2915.01 of the Revised Code to more than one 3351
charitable organization without having obtained a license from the 3352
attorney general under this section. No license is needed for a 3353
lessor that does not purchase, obtain, possess, sell, offer to 3354
sell, lease, or otherwise provides or offers to provide durable 3355
bingo equipment or leases or provides premises for the conduct of 3356
bingo as described in division (S)(1) of section 2915.01 of the 3357
Revised Code to less than two charitable organizations. 3358

(B) The attorney general may issue a lessor license to any 3359
person that meets the requirements of this section. The 3360
application for the license shall be on a form prescribed by the 3361
attorney general and be accompanied by the annual fee prescribed 3362
by this section. The license is valid for a period of one year, 3363
and the annual fee for the license is five hundred dollars. 3364

(C) The attorney general may refuse to issue a lessor license 3365
to any person to which any of the following applies or to any 3366
person that has an officer, partner, or other person who has an 3367
ownership interest of ten per cent or more and to whom any of the 3368
following applies: 3369

(1) The person, officer, or partner is not a lessor as 3370

defined in section 2915.01 of the Revised Code. 3371

(2) The person, officer, or partner leases or has leased premises to a charitable organization to conduct bingo as defined in division (S)(1) of section 2915.01 of the Revised Code in excess of allowable rental amounts under division (B)(1) of section 2915.09 of the Revised Code. 3372
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(3) The person, officer, or partner provides or has provided bingo game operators, security personnel, concessions, bingo supplies other than durable bingo equipment, or any other type of service to a charitable organization conducting bingo on the premises. 3377
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(4) The person, officer, or partner provides or has provided durable bingo equipment to a charitable organization conducting bingo on the premises without first obtaining a license under this section. 3382
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(5) The person, officer, or partner has been convicted of a felony under the laws of this state, another state, or the United States. 3386
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(6) The person, officer, or partner has been convicted of any gambling offense. 3389
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(7) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction. 3391
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(8) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of a license. 3398
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(9) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (H) of section 2915.10 of the Revised Code. 3402
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(D) The attorney general shall not issue a lessor license to any person that is involved in the conduct of bingo on behalf of a charitable organization. This division does not prohibit a lessor from leasing the premises used for the conduct of bingo to a licensed charitable organization or from providing durable bingo equipment and training to a charitable organization's bingo game operators on the proper use and maintenance of durable bingo equipment. This division does not prohibit a lessor from repairing durable bingo equipment at any time, including during a bingo session. 3406
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(E)(1) No lessor shall sell, offer to sell, or otherwise provide or offer to provide durable bingo equipment to any person, except to and for the use of a charitable organization that has been issued a license under section 2915.08 of the Revised Code. No lessor shall accept payment for the sale, lease, or other provision of durable bingo equipment other than by check. 3416
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(2) No lessor shall purchase durable bingo equipment from any person except from a distributor issued a license under section 2915.081 of the Revised Code. No lessor shall pay for durable bingo equipment other than by check. 3422
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(3) No lessor shall participate in the conduct of bingo on behalf of a charitable organization. 3426
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(4) No lessor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return from providing durable bingo equipment to any person in this state. 3428
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(F) The attorney general may suspend or revoke a lessor license for any of the reasons for which the attorney general may refuse to issue a lessor license specified in division (C) of this section or if the lessor holding the license violates any provision of this chapter or any rule adopted by the attorney general under this chapter.

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

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

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

(2) Except as otherwise provided in division (A)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct a bingo session, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in division (LL) of section 2915.01 of the Revised Code, provided that the amount of the receipts so spent is not

more than is customary and reasonable for a similar purchase, 3464
lease, hiring, advertising, or expense. If the building in which 3465
bingo is conducted is owned by the charitable organization 3466
conducting bingo and the bingo conducted includes a form of bingo 3467
described in division (S)(1) of section 2915.01 of the Revised 3468
Code, the charitable organization may deduct from the total amount 3469
of the gross receipts from each session a sum equal to the lesser 3470
of six hundred dollars or forty-five per cent of the gross 3471
receipts from the bingo described in that division as 3472
consideration for the use of the premises. 3473

(3) Use, or give, donate, or otherwise transfer, all of the 3474
net profit derived from bingo, other than instant bingo, for a 3475
charitable purpose listed in its license application and described 3476
in division (Z) of section 2915.01 of the Revised Code, or 3477
distribute all of the net profit from the proceeds of the sale of 3478
instant bingo as stated in its license application and in 3479
accordance with section 2915.101 of the Revised Code. 3480

(B) No charitable organization that conducts a bingo game 3481
described in division (S)(1) of section 2915.01 of the Revised 3482
Code shall fail to do any of the following: 3483

(1) Conduct the bingo game on premises that are owned by the 3484
charitable organization, on premises that are owned by another 3485
charitable organization and leased from that charitable 3486
organization for a rental rate not in excess of the lesser of six 3487
hundred dollars per bingo session or forty-five per cent of the 3488
gross receipts of the bingo session, on premises that are leased 3489
from a person other than a charitable organization for a rental 3490
rate that is not more than is customary and reasonable for 3491
premises that are similar in location, size, and quality but not 3492
in excess of four hundred fifty dollars per bingo session, or on 3493
premises that are owned by a person other than a charitable 3494
organization, that are leased from that person by another 3495

charitable organization, and that are subleased from that other 3496
charitable organization by the charitable organization for a 3497
rental rate not in excess of four hundred fifty dollars per bingo 3498
session. In no case shall a charitable organization pay property 3499
taxes or assessments on premises that the charitable organization 3500
leases from another person to conduct bingo. If the charitable 3501
organization leases from a person other than a charitable 3502
organization the premises on which it conducts bingo sessions, the 3503
lessor of the premises shall provide ~~only~~ the premises to the 3504
organization and shall not provide the organization with bingo 3505
game operators, security personnel, concessions or concession 3506
operators, bingo supplies, or any other type of service ~~or~~ 3507
equipment, except in the case of a licensed lessor providing 3508
durable bingo equipment under section 2915.083 of the Revised 3509
Code. A charitable organization shall not lease or sublease 3510
premises that it owns or leases to more than one other charitable 3511
organization per calendar week for the purpose of conducting bingo 3512
sessions on the premises. A person that is not a charitable 3513
organization shall not lease premises that it owns, leases, or 3514
otherwise is empowered to lease to more than ~~one~~ three charitable 3515
~~organization~~ organizations per calendar week for conducting bingo 3516
sessions on the premises. In no case shall more than ~~two~~ nine 3517
bingo sessions be conducted on any premises in any calendar week. 3518

(2) Display its license conspicuously at the premises where 3519
the bingo session is conducted; 3520

(3) Conduct the bingo session in accordance with the 3521
definition of bingo set forth in division (S)(1) of section 3522
2915.01 of the Revised Code. 3523

(C) No charitable organization that conducts a bingo game 3524
described in division (S)(1) of section 2915.01 of the Revised 3525
Code shall do any of the following: 3526

(1) Pay any compensation to a bingo game operator for 3527

operating a bingo session that is conducted by the charitable 3528
organization or for preparing, selling, or serving food or 3529
beverages at the site of the bingo session, permit any auxiliary 3530
unit or society of the charitable organization to pay compensation 3531
to any bingo game operator who prepares, sells, or serves food or 3532
beverages at a bingo session conducted by the charitable 3533
organization, or permit any auxiliary unit or society of the 3534
charitable organization to prepare, sell, or serve food or 3535
beverages at a bingo session conducted by the charitable 3536
organization, if the auxiliary unit or society pays any 3537
compensation to the bingo game operators who prepare, sell, or 3538
serve the food or beverages; 3539

(2) Pay consulting fees to any person for any services 3540
performed in relation to the bingo session; 3541

(3) Pay concession fees to any person who provides 3542
refreshments to the participants in the bingo session; 3543

(4) Except as otherwise provided in division (C)(4) of this 3544
section, conduct more than ~~two~~ three bingo sessions in any 3545
seven-day period. A volunteer firefighter's organization or a 3546
volunteer rescue service organization that conducts not more than 3547
five bingo sessions in a calendar year may conduct more than ~~two~~ 3548
three bingo sessions in a seven-day period after notifying the 3549
attorney general when it will conduct the sessions. 3550

(5) Pay out more than ~~three~~ six thousand ~~five-hundred~~ dollars 3551
in prizes for bingo games described in division (S)(1) of section 3552
2915.01 of the Revised Code during any bingo session that is 3553
conducted by the charitable organization. "Prizes" does not 3554
include awards from the conduct of instant bingo. 3555

(6) Conduct a bingo session at any time during the ten-hour 3556
period between midnight and ten a.m., at any time during, or 3557
within ten hours of, a bingo game conducted for amusement only 3558

pursuant to section 2915.12 of the Revised Code, at any premises 3559
not specified on its license, or on any day of the week or during 3560
any time period not specified on its license. Division (A)(6) of 3561
this section does not prohibit the sale of instant bingo tickets 3562
beginning at nine a.m. for a bingo session that begins at ten a.m. 3563
If circumstances make it impractical for the charitable 3564
organization to conduct a bingo session at the premises, or on the 3565
day of the week or at the time, specified on its license or if a 3566
charitable organization wants to conduct bingo sessions on a day 3567
of the week or at a time other than the day or time specified on 3568
its license, the charitable organization may apply in writing to 3569
the attorney general for an amended license pursuant to division 3570
(F) of section 2915.08 of the Revised Code. A charitable 3571
organization may apply twice in each calendar year for an amended 3572
license to conduct bingo sessions on a day of the week or at a 3573
time other than the day or time specified on its license. If the 3574
amended license is granted, the organization may conduct bingo 3575
sessions at the premises, on the day of the week, and at the time 3576
specified on its amended license. 3577

(7) Permit any person whom the charitable organization knows, 3578
or should have known, is under the age of eighteen to work as a 3579
bingo game operator; 3580

(8) Permit any person whom the charitable organization knows, 3581
or should have known, has been convicted of a felony or gambling 3582
offense in any jurisdiction to be a bingo game operator; 3583

(9) Permit the lessor of the premises on which the bingo 3584
session is conducted, if the lessor is not a charitable 3585
organization, to provide the charitable organization with bingo 3586
game operators, security personnel, concessions, bingo supplies, 3587
or any other type of service ~~or equipment~~, except in the case of a 3588
licensed lessor providing durable bingo equipment under section 3589
2915.083 of the Revised Code; 3590

(10) Purchase or lease bingo supplies from any person except 3591
a distributor issued a license under section 2915.081 of the 3592
Revised Code, except a charitable organization may purchase or 3593
lease durable bingo equipment from a lessor licensed under section 3594
2915.083 of the Revised Code; 3595

(11)(a) Use or permit the use of electronic bingo aids except 3596
under the following circumstances: 3597

(i) For any single participant, not more than ninety bingo 3598
faces can be played using an electronic bingo aid or aids. 3599

(ii) The charitable organization shall provide a participant 3600
using an electronic bingo aid with corresponding paper bingo cards 3601
or sheets. 3602

(iii) The total price of bingo faces played with an 3603
electronic bingo aid shall be equal to the total price of the same 3604
number of bingo faces played with a paper bingo card or sheet sold 3605
at the same bingo session but without an electronic bingo aid. 3606

(iv) An electronic bingo aid cannot be part of an electronic 3607
network other than a network that includes only bingo aids and 3608
devices that are located on the premises at which the bingo is 3609
being conducted or be interactive with any device not located on 3610
the premises at which the bingo is being conducted. 3611

(v) An electronic bingo aid cannot be used to participate in 3612
bingo that is conducted at a location other than the location at 3613
which the bingo session is conducted and at which the electronic 3614
bingo aid is used. 3615

(vi) An electronic bingo aid cannot be used to provide for 3616
the input of numbers and letters announced by a bingo caller other 3617
than the bingo caller who physically calls the numbers and letters 3618
at the location at which the bingo session is conducted and at 3619
which the electronic bingo aid is used. 3620

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

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

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

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

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

(E) Notwithstanding division (B)(1) of this section, a

charitable organization that, prior to December 6, 1977, has 3652
entered into written agreements for the lease of premises it owns 3653
to another charitable organization or other charitable 3654
organizations for the conducting of bingo sessions so that more 3655
than two bingo sessions are conducted per calendar week on the 3656
premises, and a person that is not a charitable organization and 3657
that, prior to December 6, 1977, has entered into written 3658
agreements for the lease of premises it owns to charitable 3659
organizations for the conducting of more than two bingo sessions 3660
per calendar week on the premises, may continue to lease the 3661
premises to those charitable organizations, provided that no more 3662
than four sessions are conducted per calendar week, that the 3663
lessor organization or person has notified the attorney general in 3664
writing of the organizations that will conduct the sessions and 3665
the days of the week and the times of the day on which the 3666
sessions will be conducted, that the initial lease entered into 3667
with each organization that will conduct the sessions was filed 3668
with the attorney general prior to December 6, 1977, and that each 3669
organization that will conduct the sessions was issued a license 3670
to conduct bingo games by the attorney general prior to December 3671
6, 1977. 3672

(F) This section does not prohibit a bingo licensed 3673
charitable organization or a bingo game operator from giving any 3674
person an instant bingo ticket as a prize in place of a cash prize 3675
won by a participant in an instant bingo game. In no case shall an 3676
instant bingo ticket or card be sold or provided for a price 3677
different from the price printed on it by the manufacturer on 3678
either the instant bingo ticket or card or on the game flare. 3679

(G) Whoever violates division (A)(2) of this section is 3680
guilty of illegally conducting a bingo game, a felony of the 3681
fourth degree. Except as otherwise provided in this division, 3682
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 3683

(C)(1) to (12), or (D) of this section is guilty of a minor 3684
misdemeanor. If the offender previously has been convicted of a 3685
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 3686
to (11), or (D) of this section, a violation of division (A)(1) 3687
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 3688
misdemeanor of the first degree. Whoever violates division (C)(12) 3689
of this section is guilty of a misdemeanor of the first degree, if 3690
the offender previously has been convicted of a violation of 3691
division (C)(12) of this section, a felony of the fourth degree. 3692

Sec. 2915.091. (A) No charitable organization that conducts 3693
instant bingo shall do any of the following: 3694

(1) Fail to comply with the requirements of divisions (A)(1), 3695
(2), and (3) of section 2915.09 of the Revised Code; 3696

(2) Conduct instant bingo unless either of the following 3697
~~apply~~ applies: 3698

(a) That organization is, and has received from the internal 3699
revenue service a determination letter that is currently in effect 3700
stating that the organization is, exempt from federal income 3701
taxation under subsection 501(a), is described in subsection 3702
501(c)(3) of the Internal Revenue Code, is a charitable 3703
organization as defined in section 2915.01 of the Revised Code, is 3704
in good standing in the state pursuant to section 2915.08 of the 3705
Revised Code, and is in compliance with Chapter 1716. of the 3706
Revised Code; 3707

(b) That organization is, and has received from the internal 3708
revenue service a determination letter that is currently in effect 3709
stating that the organization is, exempt from federal income 3710
taxation under subsection 501(a), is described in subsection 3711
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 3712
organization described in subsection 501(c)(4) of the Internal 3713
Revenue Code, and conducts instant bingo under section 2915.13 of 3714

the Revised Code.	3715
(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to section 2915.08 of the Revised Code;	3716 3717 3718
(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;	3719 3720 3721 3722
(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under section 2915.081 of the Revised Code;	3723 3724 3725
(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;	3726 3727 3728
(7) Sell an instant bingo ticket or card to a person under eighteen years of age;	3729 3730
(8) Fail to keep unsold instant bingo tickets or cards for less than three years;	3731 3732
(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;	3733 3734 3735 3736 3737 3738 3739 3740 3741 3742 3743 3744

(10) Pay fees to any person for any services performed in relation to an instant bingo game;	3745 3746
(11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;	3747 3748
(12)(a) Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;	3749 3750 3751 3752 3753
(b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo tickets <u>ticket</u> as a prize <u>in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.</u>	3754 3755 3756 3757 3758 3759 3760 3761
(13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;	3762 3763 3764 3765
(14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under section 2915.081 of the Revised Code as reflected on an invoice issued by the distributor that contains all of the information required by division (E) of section 2915.10 of the Revised Code;	3766 3767 3768 3769 3770
(15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;	3771 3772 3773 3774
(16) Purchase, lease, or use instant bingo ticket dispensers	3775

to sell instant bingo tickets or cards;	3776
(17) Possess bingo supplies that were not obtained in accordance with sections 2915.01 to 2915.13 of the Revised Code.	3777 3778
(B)(1) A charitable organization may conduct instant bingo other than at a bingo session at not more than five separate locations. A charitable organization that is exempt from federal taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization or a fraternal organization is not limited in the number of separate locations the charitable organization may conduct instant bingo other than at a bingo session.	3779 3780 3781 3782 3783 3784 3785 3786
<u>(2) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.</u>	3787 3788 3789
(C) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the conduct of instant bingo by charitable organizations. Before those rules are adopted, the attorney general shall reference the recommended standards for opacity, randomization, minimum information, winner protection, color, and cutting for instant bingo tickets or cards, seal cards, and punch boards established by the North American gaming regulators association.	3790 3791 3792 3793 3794 3795 3796 3797
(D) Whoever violates division (A) of this section or a rule adopted under division (C) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or of such a rule, illegal instant bingo conduct is a felony of the fifth degree.	3798 3799 3800 3801 3802 3803 3804
Sec. 2915.093. (A) As used in this section, "retail income	3805

from all commercial activity" means the income that a person 3806
receives from the provision of goods, services, or activities that 3807
are provided at the location where instant bingo other than at a 3808
bingo session is conducted, including the sale of instant bingo 3809
tickets. A religious organization that is exempt from federal 3810
income taxation under subsection 501(a) and described in 3811
subsection 501(c)(3) of the Internal Revenue Code, at not more 3812
than one location at which it conducts its charitable programs, 3813
may include donations from its members and guests as retail 3814
income. 3815

(B) A charitable instant bingo organization may conduct 3816
instant bingo other than at a bingo session at not more than five 3817
separate locations. 3818

(C)(1) If a charitable instant bingo organization conducts 3819
instant bingo other than at a bingo session, the charitable 3820
instant bingo organization shall enter into a written contract 3821
with the owner or lessor of the location at which the instant 3822
bingo is conducted to allow the owner or lessor to assist in the 3823
conduct of instant bingo other than at a bingo session, identify 3824
each location where the instant bingo other than at a bingo 3825
session is being conducted, and identify the owner or lessor of 3826
each location. 3827

(2) A charitable instant bingo organization that conducts 3828
instant bingo other than at a bingo session is not required to 3829
enter into a written contract with the owner or lessor of the 3830
location at which the instant bingo is conducted, provided that 3831
the owner or lessor is not assisting in the conduct of the instant 3832
bingo other than at a bingo session and provided that the conduct 3833
of the instant bingo other than at a bingo session at that 3834
location is not more than five days per calendar year and not more 3835
than ten hours per day. 3836

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

(E) The owner or lessor of a location that enters into a contract pursuant to division (C) of this section shall pay the full gross profit to the charitable instant bingo organization by check, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets by check.

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

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

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

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

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

(G) Division (D) of this section does not apply to a

volunteer firefighter's organization that is exempt from federal 3868
income taxation under subsection 501(a) and described in 3869
subsection 501(c)(3) of the Internal Revenue Code, that conducts 3870
instant bingo other than at a bingo session on the premises where 3871
the organization conducts firefighter training, that has conducted 3872
instant bingo continuously for at least five years prior to July 3873
1, 2003, and that, during each of those five years, had gross 3874
receipts of at least one million five hundred thousand dollars. 3875

Sec. 2915.10. (A) No charitable organization that conducts 3876
bingo, instant bingo, or a game of chance ~~pursuant to division (D)~~ 3877
~~of section 2915.02 of the Revised Code~~ conducted for profit or a 3878
raffle shall fail to maintain the following records for at least 3879
three years from the date on which the bingo, instant bingo, or 3880
game of chance conducted for profit or raffle is conducted: 3881

(1) An itemized list of the gross receipts of each bingo 3882
session, each game of instant bingo by serial number, each raffle, 3883
each punch board game, and each game of chance conducted for 3884
profit, and an itemized list of the gross profits of each game of 3885
instant bingo by serial number; 3886

(2) An itemized list of all expenses, other than prizes, that 3887
are incurred in conducting bingo ~~or~~, instant bingo, a game of 3888
chance conducted for profit, or a raffle, the name of each person 3889
to whom the expenses are paid, and a receipt for all of the 3890
expenses; 3891

(3) A list of all prizes awarded during each bingo session, 3892
each raffle, each punch board game, and each game of chance 3893
conducted for profit by the charitable organization, the total 3894
prizes awarded from each game of instant bingo by serial number, 3895
and the name, address, and social security number of all persons 3896
who are winners of prizes of six hundred dollars or more in value; 3897

(4) An itemized list of the recipients of the net profit of 3898

~~the bingo, instant bingo, raffle, or game of chance conducted for~~ 3899
~~profit~~, including the name and address of each recipient to whom 3900
the money is distributed, and if the organization uses the net 3901
profit of bingo, ~~or the money or assets received from a game of~~ 3902
~~chance, net profit from the proceeds from the sale of instant~~ 3903
~~bingo, net profit from the proceeds of a game of chance conducted~~ 3904
~~for profit, or net profit from a raffle~~ for any charitable or 3905
other purpose set forth in division (Z) of section 2915.01, 3906
division (D) of section 2915.02, section 2915.092, or section 3907
2915.101 of the Revised Code, a list of each purpose and an 3908
itemized list of each expenditure for each purpose; 3909

(5) The number of persons who participate in any bingo 3910
session or game of chance conducted for profit that is conducted 3911
by the charitable organization; 3912

(6) A list of receipts from the sale of food and beverages by 3913
the charitable organization or one of its auxiliary units or 3914
societies, if the receipts were excluded from gross receipts under 3915
division (X) of section 2915.01 of the Revised Code; 3916

(7) An itemized list of all expenses incurred at each bingo 3917
session, each raffle, each punch board game, each game of chance 3918
conducted for profit, or each game of instant bingo conducted by 3919
the charitable organization in the sale of food and beverages by 3920
the charitable organization or by an auxiliary unit or society of 3921
the charitable organization, the name of each person to whom the 3922
expenses are paid, and a receipt for all of the expenses. 3923

(B) A charitable organization shall keep the records that it 3924
is required to maintain pursuant to division (A) of this section 3925
at its principal place of business in this state or at its 3926
headquarters in this state and shall notify the attorney general 3927
of the location at which those records are kept. 3928

(C) The gross profit from each bingo session or game 3929

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

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

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

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

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

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

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

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

provided. 3961

(G) A manufacturer shall maintain, for a period of three 3962
years after the date of its sale or other provision, a record of 3963
each instance of its selling or otherwise providing bingo supplies 3964
for use in this state. The record shall include all of the 3965
following for each instance: 3966

(1) The name and address of the distributor to whom the bingo 3967
supplies were sold or otherwise provided; 3968

(2) A description that clearly identifies the bingo supplies, 3969
including serial numbers; 3970

(3) Invoices that include the nonrepeating serial numbers of 3971
all paper bingo cards and sheets and all instant bingo deals sold 3972
or otherwise provided to each distributor. 3973

(H) A licensed lessor shall maintain, for a period of three 3974
years after the date of its purchase, sale, lease, or other 3975
provision of durable bingo equipment, a record of each instance of 3976
its purchasing or acquiring of durable bingo equipment and its 3977
selling, leasing, or otherwise providing to another person durable 3978
bingo equipment. The record shall include all of the following for 3979
each instance: 3980

(1) The name of the distributor from which the licensed 3981
lessor purchased the durable bingo equipment and the date of 3982
purchase; 3983

(2) The name and address of the charitable organization to 3984
which the durable bingo equipment was sold, leased, or otherwise 3985
provided; 3986

(3) A description that clearly identifies the durable bingo 3987
equipment; 3988

(4) Invoices, purchase agreements, contracts, or lease 3989
agreements of all durable bingo equipment sold, leased, or 3990

<u>otherwise provided to each charitable organization;</u>	3991
<u>(5) Invoices, purchase agreements, contracts, or lease</u>	3992
<u>agreements of all durable bingo equipment purchased, leased, or</u>	3993
<u>otherwise obtained from each distributor.</u>	3994
<u>(I)</u> The attorney general or any law enforcement agency may do	3995
all of the following:	3996
(1) Investigate any charitable organization or any officer,	3997
agent, trustee, member, <u>bingo game operator</u> , or employee of the	3998
organization;	3999
(2) Examine the accounts and records of the organization <u>or</u>	4000
<u>of any distributor, manufacturer, or lessor;</u>	4001
(3) Conduct inspections, audits, and observations of bingo	4002
<u>instant bingo, raffles, or games of chance conducted for profit;</u>	4003
(4) Conduct inspections of the premises where bingo or games	4004
of chance <u>conducted for profit</u> are conducted <u>and conduct</u>	4005
<u>inspections of any distributor, manufacturer, or lessor;</u>	4006
(5) Take any other necessary and reasonable action to	4007
determine if a violation of any provision of sections 2915.01 to	4008
2915.13 of the Revised Code has occurred and to determine whether	4009
section 2915.11 of the Revised Code has been complied with.	4010
If any law enforcement agency has reasonable grounds to	4011
believe that a charitable organization or an officer, agent,	4012
trustee, member, <u>bingo game operator</u> , or employee of the	4013
organization has violated any provision of this chapter, the law	4014
enforcement agency may proceed by action in the proper court to	4015
enforce this chapter, provided that the law enforcement agency	4016
shall give written notice to the attorney general when commencing	4017
an action as described in this division.	4018
(I) <u>(J)</u> No person shall destroy, alter, conceal, withhold, or	4019
deny access to any accounts or records of a charitable	4020

organization, distributor, manufacturer, or lessor that have been 4021
requested for examination, or obstruct, impede, or interfere with 4022
any inspection, audit, or observation of bingo ~~or, instant bingo,~~ 4023
a game of chance conducted for profit, or a raffle or premises 4024
where bingo ~~or, instant bingo,~~ a game of chance conducted for 4025
profit, or a raffle is conducted, or refuse to comply with any 4026
reasonable request of, or obstruct, impede, or interfere with any 4027
other reasonable action undertaken by, the attorney general or a 4028
law enforcement agency ~~pursuant to~~ under division ~~(H)~~(I) of this 4029
section. 4030

~~(J)~~(K) Whoever violates division (A) or ~~(I)~~(J) of this 4031
section is guilty of a misdemeanor of the first degree. 4032

Sec. 2915.101. Except as otherwise provided by law, a 4033
charitable organization that conducts instant bingo shall 4034
distribute the net profit from the proceeds of the sale of instant 4035
bingo as follows: 4036

(A)(1) If a veteran's organization, a fraternal organization, 4037
or a sporting organization conducted the instant bingo, the 4038
organization shall distribute the net profit from the proceeds of 4039
the sale of instant bingo, as follows: 4040

(a) For the first ~~one~~ two hundred fifty thousand dollars, or 4041
a greater amount prescribed by the attorney general to adjust for 4042
changes in prices as measured by the consumer price index as 4043
defined in section 325.18 of the Revised Code and other factors 4044
affecting the organization's expenses as defined in division (LL) 4045
of section 2915.01 of the Revised Code, or less of net profit from 4046
the proceeds of the sale of instant bingo generated in a calendar 4047
year: 4048

(i) At least twenty-five per cent shall be distributed to an 4049
organization described in division (Z)(1) of section 2915.01 of 4050
the Revised Code or to a department or agency of the federal 4051

government, the state, or any political subdivision. 4052

(ii) Not more than seventy-five per cent may be deducted and 4053
retained by the organization for reimbursement of or for the 4054
organization's expenses, as defined in division (LL) of section 4055
2915.01 of the Revised Code, in conducting the instant bingo game. 4056

(b) For any net profit from the proceeds of the sale of 4057
instant bingo of more than ~~one~~ two hundred fifty thousand dollars 4058
or an adjusted amount generated in a calendar year: 4059

(i) A minimum of fifty per cent shall be distributed to an 4060
organization described in division (Z)(1) of section 2915.01 of 4061
the Revised Code or to a department or agency of the federal 4062
government, the state, or any political subdivision. 4063

(ii) Five per cent may be distributed for the organization's 4064
own charitable purposes or to a community action agency. 4065

(iii) Forty-five per cent may be deducted and retained by the 4066
organization for reimbursement of or for the organization's 4067
expenses, as defined in division (LL) of section 2915.01 of the 4068
Revised Code, in conducting the instant bingo game. 4069

(2) If a veteran's organization, a fraternal organization, or 4070
a sporting organization does not distribute the full percentages 4071
specified in divisions (A)(1)(a) and (b) of this section for the 4072
purposes specified in those divisions, the organization shall 4073
distribute the balance of the net profit from the proceeds of the 4074
sale of instant bingo not distributed or retained for those 4075
purposes to an organization described in division (Z)(1) of 4076
section 2915.01 of the Revised Code. 4077

(B) If a charitable organization other than a veteran's 4078
organization, a fraternal organization, or a sporting organization 4079
conducted the instant bingo, the organization shall distribute one 4080
hundred per cent of the net profit from the proceeds of the sale 4081
of instant bingo to an organization described in division (Z)(1) 4082

of section 2915.01 of the Revised Code or to a department or 4083
agency of the federal government, the state, or any political 4084
subdivision. 4085

(C) Nothing in this section prohibits a veteran's 4086
organization, a fraternal organization, or a sporting organization 4087
from distributing any net profit from the proceeds of the sale of 4088
instant bingo to an organization that is described in subsection 4089
501(c)(3) of the Internal Revenue Code when the organization that 4090
is described in subsection 501(c)(3) of the Internal Revenue Code 4091
is one that makes donations to other organizations and permits 4092
donors to advise or direct such donations so long as the donations 4093
comply with requirements established in or pursuant to subsection 4094
501(c)(3) of the Internal Revenue Code. 4095

(D) All distributions required under this section shall be 4096
distributed within the same calendar year in which the net profit 4097
from the proceeds from the sale of instant bingo is generated. 4098

Sec. 2915.13. (A) A licensed veteran's organization, a 4099
fraternal organization, or a sporting organization ~~authorized to~~ 4100
~~conduct a bingo session pursuant to sections 2915.01 to 2915.12 of~~ 4101
~~the Revised Code that also qualifies as a charitable organization~~ 4102
may conduct instant bingo other than at a bingo session if all of 4103
the following apply: 4104

(1) The veteran's organization, fraternal organization, or 4105
sporting organization limits the sale of instant bingo to twelve 4106
hours during any day, provided that the sale does not begin 4107
earlier than ten a.m. and ends not later than two a.m. 4108

(2) The veteran's organization, fraternal organization, or 4109
sporting organization limits the sale of instant bingo to its own 4110
premises and to its own members and invited guests. 4111

(3) The veteran's organization, fraternal organization, or 4112

sporting organization is raising money for an organization that is 4113
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the 4114
Internal Revenue Code and is either a governmental unit or an 4115
organization that maintains its principal place of business in 4116
this state, that is exempt from federal income taxation under 4117
subsection 501(a) and described in subsection 501(c)(3) of the 4118
Internal Revenue Code, and that is in good standing in this state 4119
and executes a written contract with that organization as required 4120
in division (B) of this section. 4121

(B) If a veteran's organization, fraternal organization, or 4122
sporting organization authorized to conduct instant bingo pursuant 4123
to division (A) of this section is raising money for another 4124
organization that is described in subsection 509(a)(1), 509(a)(2), 4125
or 509(a)(3) of the Internal Revenue Code and is either a 4126
governmental unit or an organization that maintains its principal 4127
place of business in this state, that is exempt from federal 4128
income taxation under subsection 501(a) and described in 4129
subsection 501(c)(3) of the Internal Revenue Code, and that is in 4130
good standing in this state, the veteran's organization, fraternal 4131
organization, or sporting organization shall execute a written 4132
contract with the organization that is described in subsection 4133
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 4134
and is either a governmental unit or an organization that 4135
maintains its principal place of business in this state, that is 4136
exempt from federal income taxation under subsection 501(a) and 4137
described in subsection 501(c)(3) of the Internal Revenue Code, 4138
and that is in good standing in this state in order to conduct 4139
instant bingo. That contract shall include a statement of the 4140
percentage of the net proceeds that the veteran's, fraternal, or 4141
sporting organization will be distributing to the organization 4142
that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) 4143
of the Internal Revenue Code and is either a governmental unit or 4144
an organization that maintains its principal place of business in 4145

this state, that is exempt from federal income taxation under 4146
subsection 501(a) and described in subsection 501(c)(3) of the 4147
Internal Revenue Code, and that is in good standing in this state. 4148

(C)(1) If a veteran's organization, fraternal organization, 4149
or sporting organization authorized to conduct instant bingo 4150
pursuant to division (A) of this section has been issued a liquor 4151
permit under Chapter 4303. of the Revised Code, that permit may be 4152
subject to suspension, revocation, or cancellation if the 4153
veteran's organization, fraternal organization, or sporting 4154
organization violates a provision of this chapter. 4155

(2) No veteran's organization, fraternal organization, or 4156
sporting organization that enters into a written contract pursuant 4157
to division (B) of this section shall violate any provision of 4158
this chapter or permit, aid, or abet any other person in violating 4159
any provision of this chapter. 4160

(D) A veteran's organization, fraternal organization, or 4161
sporting organization shall give all required proceeds earned from 4162
the conduct of instant bingo to the organization with which the 4163
veteran's organization, fraternal organization, or sporting 4164
organization has entered into a written contract according to the 4165
requirements of section 2915.101 of the Revised Code. 4166

(E) Whoever violates this section is guilty of illegal 4167
instant bingo conduct. Except as otherwise provided in this 4168
division, illegal instant bingo conduct is a misdemeanor of the 4169
first degree. If the offender previously has been convicted of a 4170
violation of this section, illegal instant bingo conduct is a 4171
felony of the fifth degree. 4172

Sec. 2915.14. (A) The owner of a permitted location may 4173
establish a charity card room on the premises of the permitted 4174
location. The owner shall provide necessary game tables, chairs, 4175
surveillance, and other equipment in the charity card room. 4176

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

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

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

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

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

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

(E) For the purposes of division (D)(1)(c) of section 2915.02 of the Revised Code, a charitable organization may conduct games of chance at a permitted location and conducting those games of

chance in a charity card room is considered a festival if the 4208
charitable organization provides a display booth about the 4209
charitable organization in the charity card room at all times when 4210
it is conducting games of chance. 4211

Sec. 3517.1015. Each person licensed under Chapter 3772. of 4212
the Revised Code shall disclose quarterly to the secretary of 4213
state any contribution of one hundred dollars or more made to the 4214
holder of or any candidate for a statewide office, a member of the 4215
general assembly, a local government official of a jurisdiction 4216
where a casino facility is located, or to any ballot issue. 4217

Sec. 3769.081. The state racing commission shall administer 4218
the Ohio state racing commission fund. The commission shall use 4219
the money in the fund to support purses, breeding programs, race 4220
track operations, and commission operations. The commission, 4221
considering the relative importance of these purposes in light of 4222
prevailing circumstances in the horse racing industry, shall 4223
determine the percentage of the money in the fund that is to be 4224
applied to each of these purposes. 4225

Sec. 3772.01. As used in this chapter: 4226

(A) "Applicant" means any person who applies to the 4227
commission for a license under this chapter. 4228

(B) "Casino control commission fund" means the casino control 4229
commission fund described in Section 6(C)(3)(d) of Article XV, 4230
Ohio Constitution, the money in which shall be used to fund the 4231
commission and its related affairs. 4232

(C) "Casino facility" means a casino facility as defined in 4233
Section 6(C)(9) of Article XV, Ohio Constitution, and includes one 4234
or more locations, buildings, or rooms within the boundaries of 4235
the properties described in Section 6(C)(9) of Article XV, Ohio 4236

Constitution. 4237

(D) "Casino gaming" means any type of slot machine or table 4238
game wagering, using money, casino credit, or any representative 4239
of value, authorized in any of the states of Indiana, Michigan, 4240
Pennsylvania, and West Virginia as of January 1, 2009, and 4241
includes slot machine and table game wagering subsequently 4242
authorized by, but shall not be limited by, subsequent 4243
restrictions placed on such wagering in such states. "Casino 4244
gaming" does not include bingo, as authorized in Section 6 of 4245
Article XV, Ohio Constitution and conducted as of January 1, 2009, 4246
or horse racing where the pari-mutuel system of wagering is 4247
conducted, as authorized under the laws of this state as of 4248
January 1, 2009. 4249

(E) "Casino gaming employee" means any employee of a casino 4250
operator or management company, but not a key employee, and as 4251
further defined in section 3772.131 of the Revised Code. 4252

(F) "Casino operator" means any person, trust, corporation, 4253
partnership, limited partnership, association, limited liability 4254
company, or other business enterprise that directly holds an 4255
ownership or leasehold interest in a casino facility. "Casino 4256
operator" does not include an agency of the state, any political 4257
subdivision of the state, any person, trust, corporation, 4258
partnership, limited partnership, association, limited liability 4259
company, or other business enterprise that may have an interest in 4260
a casino facility, but who is legally or contractually restricted 4261
from conducting casino gaming. 4262

(G) "Central system" means a computer system that provides 4263
the following functions related to casino gaming equipment used in 4264
connection with casino gaming authorized under this chapter: 4265
security, auditing, data and information retrieval, and other 4266
purposes deemed necessary and authorized by the commission. 4267

<u>(H) "Commission" means the Ohio casino control commission.</u>	4268
<u>(I) "Economic development programs fund" consists of the</u>	4269
<u>proceeds from the upfront license fee to be paid by each initial</u>	4270
<u>licensed casino operator described in Section 6(C)(4) of Article</u>	4271
<u>XV, Ohio Constitution, the money in which shall be used to fund</u>	4272
<u>state economic development programs that support regional job</u>	4273
<u>training efforts to equip the workforce of this state with</u>	4274
<u>additional skills and to grow the economy.</u>	4275
<u>(J) "Gaming agent" means a peace officer employed by the</u>	4276
<u>commission that is vested with duties to enforce this chapter and</u>	4277
<u>conduct other investigations into the conduct of the casino gaming</u>	4278
<u>and the maintenance of the equipment that the commission considers</u>	4279
<u>necessary and proper and is in compliance with section 109.77 of</u>	4280
<u>the Revised Code.</u>	4281
<u>(K) "Gaming-related vendor" means any individual,</u>	4282
<u>partnership, corporation, association, trust, or any other group</u>	4283
<u>of individuals, however organized, who supplies any equipment,</u>	4284
<u>goods, or services to a casino operator or management company.</u>	4285
<u>(L) "Goods and services" does not include the following:</u>	4286
<u>utilities; taxes; financing costs, mortgages, loans, or other</u>	4287
<u>debt; medical insurance; fees and payments to a parent or</u>	4288
<u>affiliated company of a casino operator, other than fees and</u>	4289
<u>payments for goods and services supplied by nonaffiliated persons</u>	4290
<u>through an affiliated company for use or benefit of the casino</u>	4291
<u>operator; and rents for real property or payments constituting the</u>	4292
<u>price of an interest in real property as a result of a real estate</u>	4293
<u>transaction.</u>	4294
<u>(M) "Holding company" means any corporation, firm,</u>	4295
<u>partnership, limited partnership, limited liability company,</u>	4296
<u>trust, or other form of business organization not a natural person</u>	4297
<u>which directly owns, has the power or right to control, or holds</u>	4298

with power to vote, any part of an applicant, casino operator, 4299
management company, or gaming-related vendor license. 4300

(N) "Initial investment" includes costs related to 4301
engineering, architecture, design, site preparation, construction, 4302
infrastructure improvements, land acquisition, fixtures and 4303
equipment, initial inventory, insurance related to construction, 4304
working capital, and leasehold improvements. "Initial investment" 4305
does not include costs related to any state incentives. 4306

(O) "Institutional investor" means any of the following 4307
entities owning five per cent or less, or a percentage between 4308
five and ten per cent as approved by the commission through a 4309
waiver on a case-by-case basis, ownership interest in a casino 4310
facility, casino operator, management company, or holding company: 4311
a corporation, bank, insurance company, pension fund or pension 4312
fund trust, retirement fund, including funds administered by a 4313
public agency, employees' profit-sharing fund or employees' 4314
profit-sharing trust, any association engaged, as a substantial 4315
part of its business or operations, in purchasing or holding 4316
securities, or any trust in respect of which a bank is trustee or 4317
cotrustee, investment company registered under the "Investment 4318
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 4319
investment trust organized by banks under Part Nine of the Rules 4320
of the Comptroller of the Currency, closed-end investment trust, 4321
chartered or licensed life insurance company or property and 4322
casualty insurance company, investment advisor registered under 4323
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 4324
and such other persons as the commission may reasonably determine 4325
to qualify as an institutional investor for reasons consistent 4326
with this chapter. 4327

(P) "Key employee" means any executive, employee, or agent of 4328
a casino operator or management company licensee having the power 4329
to exercise significant influence over decisions concerning any 4330

part of the operation of such licensee, including: 4331

(1) An officer, director, trustee, or partner of a person 4332
that has applied for or holds a casino operator, management 4333
company, or gaming-related vendor license or of a holding company 4334
that has control of a person that has applied for or holds a 4335
casino operator, management company, or gaming-related vendor 4336
license; 4337

(2) A person that holds a direct ownership interest of more 4338
than five per cent in a person that has applied for or holds a 4339
casino operator, management company, or gaming-related vendor 4340
license or holding company that has control of a person that has 4341
applied for or holds a casino operator, management company, or 4342
gaming-related vendor license; 4343

(3) A managerial employee of a person that has applied for or 4344
holds a casino operator or gaming-related vendor license in Ohio, 4345
or a managerial employee of a holding company that has control of 4346
a person that has applied for or holds a casino operator or 4347
gaming-related vendor license in Ohio, who performs the function 4348
of principal executive officer, principal operating officer, 4349
principal accounting officer, or an equivalent officer or other 4350
person the commission determines to have the power to exercise 4351
significant influence over decisions concerning any part of the 4352
operation of such licensee. 4353

The commission shall determine whether an individual whose 4354
duties or status varies from those described in this division also 4355
is considered a key employee. 4356

(O) "Licensed casino operator" means a casino operator that 4357
has been issued a license by the commission and that has been 4358
certified annually by the commission to have paid all applicable 4359
fees, taxes, and debts to the state. 4360

(R) "Majority ownership interest" in a license or in a casino 4361

facility, as the case may be, means ownership of more than fifty 4362
per cent of such license or casino facility, as the case may be. 4363
For purposes of the foregoing, whether a majority ownership 4364
interest is held in a license or in a casino facility, as the case 4365
may be, shall be determined under the rules for constructive 4366
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 4367
in effect on January 1, 2009. 4368

(S) "Management company" means an organization retained by a 4369
casino operator to manage a casino facility and provide services 4370
such as accounting, general administration, maintenance, 4371
recruitment, and other operational services. 4372

(T) "Ohio law enforcement training fund" means the state law 4373
enforcement training fund described in Section 6(C)(3)(f) of 4374
Article XV, Ohio Constitution, the money in which shall be used to 4375
enhance public safety by providing additional training 4376
opportunities to the law enforcement community. 4377

(U) "Person" includes, but is not limited to, an individual 4378
or a combination of individuals; a sole proprietorship, a firm, a 4379
company, a joint venture, a partnership of any type, a joint-stock 4380
company, a corporation of any type, a corporate subsidiary of any 4381
type, a limited liability company, a business trust, or any other 4382
business entity or organization; an assignee; a receiver; a 4383
trustee in bankruptcy; an unincorporated association, club, 4384
society, or other unincorporated entity or organization; entities 4385
that are disregarded for federal income tax purposes; and any 4386
other nongovernmental, artificial, legal entity that is capable of 4387
engaging in business. 4388

(V) "Problem casino gambling and addictions fund" means the 4389
state problem gambling and addictions fund described in Section 4390
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 4391
shall be used for treatment of problem gambling and substance 4392
abuse, and for related research. 4393

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

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

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

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

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

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

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

- (2) Each commission member shall be a resident of Ohio. 4424
- (3) At least one commission member shall be experienced in law enforcement and criminal investigation. 4425
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- (4) At least one commission member shall be a certified public accountant experienced in accounting and auditing. 4427
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- (5) At least one commission member shall be an attorney admitted to the practice of law in Ohio. 4429
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- (6) At least one commission member shall be a resident of a county where one of the casino facilities is located. 4431
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- (7) Not more than four commission members shall be of the same political party. 4433
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- (8) No commission member shall have any affiliation with an Ohio casino operator or facility. 4435
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- (C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party. 4437
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- (D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A vacancy in the commission membership shall be 4445
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filled in the same manner as the original appointment. 4454

(E) The governor shall select one member to serve as 4455
chairperson and the commission members shall select one member 4456
from a different party than the chairperson to serve as 4457
vice-chairperson. The governor may remove and replace the 4458
chairperson at any time. No such member shall serve as chairperson 4459
for more than six successive years. The vice-chairperson shall 4460
assume the duties of the chairperson in the absence of the 4461
chairperson. The chairperson and vice-chairperson shall perform 4462
but shall not be limited to additional duties as are prescribed by 4463
commission rule. 4464

(F) A commission member is not required to devote the 4465
member's full time to membership on the commission. Each member of 4466
the commission shall receive compensation of sixty thousand 4467
dollars per year, payable in monthly installments for the first 4468
four years of the commission's existence. Each member shall 4469
receive the member's actual and necessary expenses incurred in the 4470
discharge of the member's official duties. 4471

(G) The governor shall not appoint an individual to the 4472
commission, and an individual shall not serve on the commission, 4473
if the individual has been convicted of or pleaded guilty or no 4474
contest to a disqualifying offense as defined in section 3772.07 4475
of the Revised Code. Members coming under indictment or bill of 4476
information of a disqualifying offense shall resign from the 4477
commission immediately upon indictment. 4478

(H) At least five commission members shall be present for the 4479
commission to meet. The concurrence of four members is necessary 4480
for the commission to take any action. All members shall vote on 4481
the adoption of rules, and the approval of, and the suspension or 4482
revocation of, the licenses of casino operators or management 4483
companies, unless a member has a written leave of absence filed 4484
with and approved by the chairperson. 4485

(I) A commission member may be removed or suspended from office in accordance with section 3.04 of the Revised Code. 4486
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(J) Each commission member, before entering upon the discharge of the member's official duties, shall make an oath to uphold the Ohio Constitution and laws of the state of Ohio and shall give a bond, payable by the commission, to the treasurer of state, in the sum of ten thousand dollars with sufficient sureties to be approved by the treasurer of state, which bond shall be filed with the secretary of state. 4488
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(K) The commission shall hold one regular meeting each month and shall convene other meetings at the request of the chairperson or a majority of the members. A member who fails to attend at least three-fifths of the regular and special meetings of the commission during any two-year period forfeits membership on the commission. All meetings of the commission shall be open meetings under section 121.22 of the Revised Code except as otherwise allowed by law. 4495
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Sec. 3772.03. (A) To ensure the integrity of casino gaming, the commission shall have authority to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors. The commission also shall have jurisdiction over all persons participating in casino gaming authorized by Section 6(C) of Article XV, Ohio Constitution, and this chapter. 4503
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(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. 4511
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(C) Within six months of the effective date of this section, 4516

the commission shall adopt initial rules as are necessary for 4517
completing the functions stated in division (A) of this section 4518
and for addressing the subjects enumerated in division (D) of this 4519
section. 4520

(D) The commission shall adopt, and as advisable and 4521
necessary shall amend or repeal, rules that include all of the 4522
following: 4523

(1) The prevention of practices detrimental to the public 4524
interest, and providing for the best interests of casino gaming; 4525

(2) Prescribing the method of applying, and the form of 4526
application, that an applicant for a license under this chapter 4527
must follow as otherwise described in this chapter; 4528

(3) Prescribing the information to be furnished by an 4529
applicant or licensee as described in section 3772.11 of the 4530
Revised Code; 4531

(4) Describing the duties of an independent testing 4532
laboratory certified under section 3772.31 of the Revised Code and 4533
the relationship between the commission, the laboratory, the 4534
gaming-related vendor, and the casino operator; 4535

(5) The minimum amount of insurance that must be maintained 4536
by a casino operator, management company, holding company, or 4537
gaming-related vendor; 4538

(6) The approval process for a significant change in 4539
ownership or transfer of control of a licensee as provided in 4540
section 3772.091 of the Revised Code; 4541

(7) The design of gaming supplies, devices, and equipment to 4542
be distributed by gaming-related vendors; 4543

(8) Identifying the casino gaming that is permitted, 4544
identifying the gaming supplies, devices, and equipment, that are 4545
permitted, defining the area in which the permitted casino gaming 4546

may be conducted, and specifying the method of operation according 4547
to which the permitted casino gaming is to be conducted as 4548
provided in section 3772.20 of the Revised Code; 4549

(9) Tournament play in any casino facility; 4550

(10) Establishing and implementing a voluntary exclusion 4551
program that provides all of the following: 4552

(a) Except as provided by commission rule, a person who 4553
participates in the program shall agree to refrain from entering a 4554
casino facility. 4555

(b) The name of a person participating in the program shall 4556
be included on a list of persons excluded from all casino 4557
facilities. 4558

(c) Except as provided by commission rule, no person who 4559
participates in the program shall petition the commission for 4560
admittance into a casino facility. 4561

(d) The list of persons participating in the program and the 4562
personal information of those persons shall be confidential and 4563
shall only be disseminated by the commission to a casino operator 4564
and the agents and employees of the casino operator for purposes 4565
of enforcement and to other entities, upon request of the 4566
participant and agreement by the commission. 4567

(e) A casino operator shall make all reasonable attempts as 4568
determined by the commission to cease all direct marketing efforts 4569
to a person participating in the program. 4570

(f) A casino operator shall not cash the check of a person 4571
participating in the program or extend credit to the person in any 4572
manner. However, the program shall not exclude a casino operator 4573
from seeking the payment of a debt accrued by a person before 4574
participating in the program. 4575

(g) Any and all locations at which a person may register as a 4576

participant in the program shall be published. 4577

(11) Requiring the commission to adopt standards regarding 4578
the marketing materials of a licensed casino operator, including 4579
allowing the commission to prohibit marketing materials that are 4580
contrary to the adopted standards; 4581

(12) Requiring that the records, including financial 4582
statements, of any casino operator, management company, holding 4583
company, and gaming-related vendor be maintained in the manner 4584
prescribed by the commission and made available for inspection 4585
upon demand by the commission, but shall be subject to section 4586
3772.16 of the Revised Code; 4587

(13) Permitting a licensed casino operator, management 4588
company, key employee, or casino gaming employee to question a 4589
person suspected of violating this chapter, immediately after 4590
which the licensed casino operator, management company, key 4591
employee, or casino gaming employee shall notify the commission of 4592
such questioning; 4593

(14) The chips, tokens, tickets, electronic cards, or similar 4594
objects that may be purchased by means of an agreement under which 4595
credit is extended to a wagerer by a casino operator; 4596

(15) Establishing standards for provisional key employee 4597
licenses for a person who is required to be licensed as a key 4598
employee and is in exigent circumstances and provisional licenses 4599
for casino gaming employees and gaming-related vendors. A 4600
provisional license shall be valid not longer than three months. A 4601
provisional license may be renewed one time, at the commission's 4602
discretion, for an additional three months. 4603

(16) Establishing approval procedures for third-party 4604
engineering or accounting firms, as described in section 3772.09 4605
of the Revised Code; 4606

(17) Prescribing the manner in which winnings, compensation 4607

from casino gaming, and gross revenue must be computed and 4608
reported by a licensee as described in Chapter 5753. of the 4609
Revised Code; 4610

(18) Prescribing conditions under which a licensee's license 4611
may be suspended or revoked as described in section 3772.04 of the 4612
Revised Code; 4613

(19) Prescribing the manner and procedure of all hearings to 4614
be conducted by the commission or by any hearing examiner; 4615

(20) Prescribing technical standards and requirements that 4616
are to be met by security and surveillance equipment that is used 4617
at and standards and requirements to be met by personnel who are 4618
employed at casino facilities, and standards and requirements for 4619
the provision of security at and surveillance of casino 4620
facilities; 4621

(21) Prescribing requirements for a casino operator to 4622
provide unarmed security services at a casino facility by licensed 4623
casino employees, and the training that shall be completed by 4624
these employees; 4625

(22) Prescribing standards according to which casino 4626
operators shall keep accounts and standards according to which 4627
casino accounts shall be audited, and establish means of assisting 4628
the tax commissioner in levying and collecting the gross casino 4629
revenue tax levied under section 5753.02 of the Revised Code; 4630

(23) Defining penalties for violation of commission rules and 4631
a process for imposing such penalties subject to the approval of 4632
the joint committee on gaming and wagering; 4633

(24) Regulating the conduct and playing of all skill-based 4634
amusement machines, as defined in section 2915.01 of the Revised 4635
Code, in this state, including setting payouts, establishing game 4636
parameters for the methods and media allowable, including all 4637
internet-based playing, establishing licensing procedures, 4638

establishing technical standards, criteria, fees for entities and 4639
locations, and permissible methods for the procurement of 4640
skill-based amusement machines; 4641

(25) Establishing standards for decertifying contractors that 4642
violate statutes or rules of this state or the federal government; 4643

(26) Establishing standards for the repair of casino gaming 4644
equipment; 4645

(27) Providing for any other thing necessary and proper for 4646
successful and efficient regulation of casino gaming under this 4647
chapter. 4648

(E) The commission shall employ and assign gaming agents as 4649
necessary to assist the commission in carrying out the duties of 4650
this chapter. In order to maintain employment as a gaming agent, 4651
the gaming agent shall successfully complete all continuing 4652
training programs required by the commission and shall not have 4653
been convicted of or pleaded guilty or no contest to a 4654
disqualifying offense as defined in section 3772.07 of the Revised 4655
Code. 4656

(F) The commission and its gaming agents shall have authority 4657
with regard to the detection and investigation of, the seizure of 4658
evidence allegedly relating to, and the apprehension and arrest of 4659
persons allegedly committing gaming offenses, and shall have 4660
access to casino facilities to carry out the requirements of this 4661
chapter. 4662

(G) The commission may eject or exclude or authorize the 4663
ejection or exclusion of and a gaming agent may eject a person 4664
from a casino facility for any of the following reasons: 4665

(1) The person's name is on the list of persons voluntarily 4666
excluding themselves from all casinos in a program established 4667
according to rules adopted by the commission; 4668

(2) The person violates or conspires to violate this chapter 4669
or a rule adopted thereunder; or 4670

(3) The commission determines that the person's conduct or 4671
reputation is such that the person's presence within a casino 4672
facility may call into question the honesty and integrity of the 4673
casino gaming operations or interfere with the orderly conduct of 4674
the casino gaming operations. 4675

(H) A person, other than a person participating in a 4676
voluntary exclusion program, may petition the commission for a 4677
public hearing on the person's ejection or exclusion under this 4678
chapter. 4679

(I) A casino operator or management company shall have the 4680
same authority to eject or exclude a person from the management 4681
company's casino facilities as authorized in division (G) of this 4682
section. The licensee shall immediately notify the commission of 4683
an ejection or exclusion. 4684

(J) The commission shall submit a written annual report with 4685
the governor, president and minority leader of the senate, and 4686
speaker and minority leader of the house of representatives before 4687
the first day of September each year. The annual report shall 4688
include a statement describing the receipts and disbursements of 4689
the commission, relevant financial data regarding casino gaming, 4690
including gross revenues and disbursements made under this 4691
chapter, actions taken by the commission, and any additional 4692
information that the commission considers useful or that the 4693
governor, president or minority leader of the senate, or speaker 4694
or minority leader of the house of representatives requests. 4695

Sec. 3772.031. (A) The general assembly finds that the 4696
exclusion or ejection of certain persons from casino facilities is 4697
necessary to effectuate the intents and purposes of this chapter 4698
and to maintain strict and effective regulation of casino gaming. 4699

The commission, by rule, shall provide for a list of persons who 4700
are to be excluded or ejected from a casino facility. Persons 4701
included on the exclusion list shall be identified by name and 4702
physical description. The commission shall publish the exclusion 4703
list on its web site, and shall transmit a copy of the exclusion 4704
list periodically to casino operators, as it is initially issued 4705
and thereafter as it is revised from time to time. A casino 4706
operator shall take steps necessary to ensure that all its key 4707
employees and casino gaming employees are aware of and understand 4708
the exclusion list and its function, and that all its key 4709
employees and casino gaming employees are kept aware of the 4710
content of the exclusion list as it is issued and thereafter 4711
revised from time to time. 4712

(B) The exclusion list may include any person whose presence 4713
in a casino facility is determined by the commission to pose a 4714
threat to the interests of the state, to achieving the intents and 4715
purposes of this chapter, or to the strict and effective 4716
regulation of casino gaming. In determining whether to include a 4717
person on the exclusion list, the commission may consider: 4718

(1) Any prior conviction of a crime that is a felony under 4719
the laws of this state, another state, or the United States, a 4720
crime involving moral turpitude, or a violation of the gaming laws 4721
of this state, another state, or the United States; and 4722

(2) A violation, or a conspiracy to violate, any provision of 4723
this chapter that consists of: 4724

(a) A failure to disclose an interest in a gaming facility 4725
for which the person must obtain a license; 4726

(b) Purposeful evasion of taxes or fees; 4727

(c) A notorious or unsavory reputation that would adversely 4728
affect public confidence and trust that casino gaming is free from 4729
criminal or corruptive elements; or 4730

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility. 4731
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(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state; 4734
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(4) If the person's conduct or reputation is such that the person's presence within a casino facility may call into question the honesty and integrity of the casino gaming operations or interfere with the orderly conduct of the casino gaming operations; 4737
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(5) If the person is a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state; 4742
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(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state; 4745
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(7) If the commission has suspended the person's gaming privileges; 4749
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(8) If the commission has revoked the person's licenses related to this chapter; 4751
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(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility; 4753
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(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility. 4755
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Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on the exclusion list. 4757
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(C) The commission shall notify a person of the commission's intent to include such person on the exclusion list. The notice 4759
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shall be provided by personal service, by certified mail to the 4761
person's last known address, or, if service cannot be accomplished 4762
by personal service or certified mail, by publication daily for 4763
two weeks in a newspaper of general circulation within the county 4764
in which the person resides and in a newspaper of general 4765
circulation within each county in which a casino facility is 4766
located. 4767

(D) A person who receives notice of intent to include the 4768
person on the exclusion list is entitled to an adjudication 4769
hearing under Chapter 119. of the Revised Code, except as provided 4770
in this section, in which the person may demonstrate why the 4771
person should not be included on the exclusion list. The person 4772
shall request such an adjudication hearing not later than thirty 4773
days after the person receives the notice by personal service or 4774
certified mail, or not later than thirty days after the last 4775
newspaper publication of the notice. If the adjudication hearing 4776
or any appeal under Chapter 119. of the Revised Code results in an 4777
order that the person should not be included on the exclusion 4778
list, the commission shall publish a revised exclusion list that 4779
does not include the person. The commission also shall notify 4780
casino operators that the person has been removed from the 4781
exclusion list. A casino operator shall take all steps necessary 4782
to ensure its key employees and casino gaming employees are made 4783
aware that the person has been removed from the exclusion list. 4784

(E) This section does not apply to the voluntary exclusion 4785
list created as part of the voluntary exclusion program. 4786

Sec. 3772.032. (A) The permanent joint committee on gaming 4787
and wagering is established. The committee consists of six 4788
members. The speaker of the house of representatives shall appoint 4789
to the committee three members of the house of representatives and 4790
the president of the senate shall appoint to the committee three 4791

members of the senate. Not more than two members appointed from 4792
each chamber may be members of the same political party. The 4793
chairperson shall be from the opposite party as the chairperson of 4794
the joint committee on agency rule review. If the chairperson is 4795
to be from the house of representatives, the speaker of the house 4796
of representatives shall designate a member as the chairperson and 4797
the president of the senate shall designate a member as the 4798
vice-chairperson. If the chairperson is to be from the senate, the 4799
president of the senate shall designate a member as the 4800
chairperson and the speaker of the house of representatives shall 4801
designate a member as the vice-chairperson. 4802

(B) The committee shall: 4803

(1) Review all constitutional amendments, laws, and rules 4804
governing the operation and administration of casino gaming and 4805
all authorized gaming and wagering activities and recommend to the 4806
general assembly and commission any changes it may find desirable 4807
with respect to the language, structure, and organization of those 4808
amendments, laws, or rules; 4809

(2) Make an annual report to the governor and to the general 4810
assembly with respect of the operation and administration of 4811
casino gaming; 4812

(3) Approve all changes of fees and penalties as provided in 4813
this chapter and rules adopted thereunder; and 4814

(4) Study all proposed changes to the constitution and laws 4815
of this state and to the rules adopted by the commission governing 4816
the operation and administration of casino gaming, and report to 4817
the general assembly on their adequacy and desirability as a 4818
matter of public policy. 4819

(C) Any study, or any expense incurred, in furtherance of the 4820
committee's objectives shall be paid for from, or out of, the 4821
casino control commission fund or other appropriation provided by 4822

law. The members shall receive no additional compensation, but 4823
shall be reimbursed for actual and necessary expenses incurred in 4824
the performance of their official duties. 4825

Sec. 3772.033. In carrying out the responsibilities vested in 4826
the commission by this chapter, the commission may do all the 4827
following and may designate any such responsibilities to the 4828
executive director, to the commission's employees, or to the 4829
gaming agents: 4830

(A) Inspect and examine all premises where casino gaming is 4831
conducted or gaming supplies, devices, or equipment are 4832
manufactured, sold, or distributed; 4833

(B) Inspect all gaming supplies, devices, and equipment in or 4834
about a casino facility; 4835

(C) Summarily impound and seize and remove from the casino 4836
facility premises gaming supplies, devices, and equipment for the 4837
purpose of examination and inspection; 4838

(D) Determine any facts, or any conditions, practices, or 4839
other matters, as the commission considers necessary or proper to 4840
aid in the enforcement of this chapter or of a rule adopted 4841
thereunder; 4842

(E) Audit gaming operations, including those that have ceased 4843
operation; 4844

(F) Investigate, for the purpose of prosecution, any 4845
suspected violation of this chapter or rules adopted thereunder; 4846

(G) Investigate as appropriate to aid the commission and to 4847
seek the executive director's advice in adopting rules; 4848

(H) Secure information as is necessary to provide a basis for 4849
recommending legislation for the improvement of this chapter; 4850

(I) Make, execute, and otherwise effectuate all contracts and 4851

other agreements, including contracts for necessary purchases of 4852
goods and services. The commission shall ensure use of Ohio 4853
products or services in compliance with sections 125.09 and 125.11 4854
of the Revised Code and all rules adopted thereunder. 4855

(J) Employ the services of persons the commission considers 4856
necessary for the purposes of consultation or investigation, and 4857
fix the salaries of, or contract for the services of, legal, 4858
accounting, technical, operational, and other personnel and 4859
consultants; 4860

(K) Secure, by agreement, information and services as the 4861
commission considers necessary from any state agency or other unit 4862
of state government; 4863

(L) Acquire furnishings, equipment, supplies, stationery, 4864
books, and all other things the commission considers necessary or 4865
desirable to successfully and efficiently carry out the 4866
commission's duties and functions; and 4867

(M) Perform all other things the commission considers 4868
necessary to effectuate the intents and purposes of this chapter. 4869
This section shall not prohibit the commission from imposing 4870
administrative discipline, including fines and suspension or 4871
revocation of licenses, on licensees under this chapter if the 4872
licensee is found to be in violation of the commission's rules. 4873

Sec. 3772.034. Absent gross negligence, a casino operator, 4874
management company, holding company, gaming-related vendor, the 4875
state, and employees of those entities are entitled to immunity 4876
from any type of civil liability if a person participating in the 4877
voluntary exclusion program enters a casino facility. 4878

Sec. 3772.04. (A)(1) If, as the result of an investigation, 4879
the commission concludes that a license or finding required by 4880
this chapter should be limited, conditioned, or restricted, or 4881

suspended or revoked, the commission shall conduct an adjudication 4882
under Chapter 119. of the Revised Code. 4883

(2) The commission shall appoint a hearing examiner to 4884
conduct the hearing in the adjudication. A party to the 4885
adjudication may file written objections to the hearing examiner's 4886
report and recommendations not later than the thirtieth day after 4887
they are served upon the party or the party's attorney or other 4888
representative of record. The commission shall not take up the 4889
hearing examiner's report and recommendations earlier than the 4890
thirtieth day after the hearing examiner's report and 4891
recommendations were submitted to the commission. 4892

(3) If the commission finds that a person has violated this 4893
chapter or a rule adopted thereunder, the commission may issue an 4894
order: 4895

(a) Limiting, conditioning, or restricting, or suspending or 4896
revoking, a license issued under this chapter; 4897

(b) Limiting, conditioning, or restricting, or suspending or 4898
revoking, a finding made under this chapter; 4899

(c) Requiring a casino facility to exclude a licensee from 4900
the casino facility or requiring a casino facility not to pay to 4901
the licensee any remuneration for services or any share of 4902
profits, income, or accruals on the licensee's investment in the 4903
casino facility; or 4904

(d) Fining a licensee or other person according to the 4905
penalties adopted by the commission. 4906

(4) An order may be judicially reviewed under section 119.12 4907
of the Revised Code. 4908

(B) For the purpose of conducting any study or investigation, 4909
the commission may direct that public hearings be held at a time 4910
and place, prescribed by the commission, in accordance with 4911

section 121.22 of the Revised Code. The commission shall give 4912
notice of all public hearings in such manner as will give actual 4913
notice to all interested parties. 4914

(C) In the discharge of any duties imposed by this chapter, 4915
the commission may require that testimony be given under oath and 4916
administer such oath, issue subpoenas compelling the attendance of 4917
witnesses and the production of any papers, books, and accounts, 4918
and cause the deposition of any witness. In the event of the 4919
refusal of any person without good cause to comply with the terms 4920
of a subpoena issued by the commission or refusal to testify on 4921
matters about which the person may lawfully be questioned, the 4922
prosecuting attorney of the county in which such person resides, 4923
upon the petition of the commission, may bring a proceeding for 4924
contempt against such person in the court of common pleas of that 4925
county. 4926

(D) When conducting a public hearing, the commission shall 4927
not limit the number of speakers who may testify. However, the 4928
commission may set reasonable time limits on the length of an 4929
individual's testimony or the total amount of time allotted to 4930
proponents and opponents of an issue before the commission. 4931

(E) An administrative law judge appointed by the commission 4932
may conduct a hearing under this chapter and recommend findings of 4933
fact and decisions to the commission. 4934

(F) The commission may rely, in whole or in part, upon 4935
investigations, conclusions, or findings of other casino gaming 4936
commissions or other government regulatory bodies in connection 4937
with licensing, investigations, or other matters relating to an 4938
applicant or licensee under this chapter. 4939

Sec. 3772.05. To carry out the provisions of this chapter and 4940
other enforcement provisions provided for under the laws of this 4941
state, the tax commissioner, the Ohio ethics commission, the 4942

inspector general, and the commission, and their respective 4943
employees, may demand access to and inspect, examine, photocopy, 4944
and audit all books, accounts, records, and memoranda of any 4945
person that is not protected by privilege and that is subject to 4946
the provisions of this chapter, and may examine under oath any 4947
officer, agent, or employee of that person. 4948

Sec. 3772.051. Upon cessation of gaming operations, a former 4949
licensee shall furnish, upon the demand of the commission, books, 4950
papers, and other records as necessary for the commission to audit 4951
the ceased gaming operation. A former licensee shall maintain all 4952
books, papers, and other records for a period of three years after 4953
the cessation of gaming operations. However, if a civil action or 4954
criminal proceeding relating to the former licensee is pending, or 4955
if an administrative adjudication or judicial review of an 4956
administrative adjudication relating to the former licensee is 4957
pending, the former licensee shall maintain all books, papers, and 4958
other records until the matter has been finally determined. 4959

If a person disobeys a subpoena or subpoena duces tecum, or 4960
refuses to testify as directed by a subpoena, the commission shall 4961
request the prosecutor of the county in which the person resides 4962
to apply to the court of common pleas for an order compelling the 4963
person to attend or to produce tangible evidence, or to testify, 4964
as directed by the subpoena or subpoena duces tecum. The court 4965
shall treat the application as if it were disobedience to comply 4966
with a subpoena or subpoena duces tecum issued by the court or a 4967
refusal to testify in the court. 4968

Sec. 3772.06. (A)(1) The commission shall appoint an 4969
executive director who shall serve at the pleasure of the 4970
commission. The executive director is in the unclassified service, 4971
shall devote full time to the duties of the office, and shall hold 4972

no other office or employment. The executive director shall, by 4973
experience and training, possess management skills that equip the 4974
executive director to administer an enterprise of the nature of 4975
the commission. The executive director shall not have a pecuniary 4976
interest in any business organization that holds a license under 4977
this chapter, or that does business with any person licensed under 4978
this chapter. A member of the general assembly, a person who holds 4979
an elective office, or an office holder of a political party is 4980
ineligible to be appointed executive director at the same time as 4981
being such a member or holding such an office. The executive 4982
director shall receive an annual salary in accordance with pay 4983
range 48 of section 124.152 of the Revised Code. 4984

(2) The executive director, before entering upon the 4985
discharge of the executive director's official duties, shall give, 4986
and thereafter shall maintain, bond in the amount of twenty-five 4987
thousand dollars, payable to the state, conditioned upon the 4988
executive director's faithful and proper performance of the 4989
executive director's official duties. The bond shall be issued by 4990
a surety authorized to do business in this state and shall be 4991
filed with the secretary of state. The bond may be an individual 4992
bond or a schedule or blanket bond. 4993

(B)(1) The executive director or a deputy designated in 4994
writing by the executive director shall attend all meetings of the 4995
commission and shall act as its secretary. The executive director 4996
shall keep a record of all commission proceedings and shall keep 4997
the commission's records, files, and documents at the commission's 4998
principal office. 4999

(2) The executive director shall be the chief executive 5000
officer and shall be responsible for keeping all commission 5001
records and supervising and administering casino gaming in 5002
accordance with this chapter, and enforcing all commission rules 5003

adopted under this chapter. 5004

(3) The executive director shall hire staff, including an 5005
assistant director or deputy directors, as necessary to assist the 5006
executive director in the executive director's duties under this 5007
chapter. In appointing employees, the executive director is 5008
subject to section 3772.061 of the Revised Code. The executive 5009
director may employ employees as necessary, unless the commission 5010
determines otherwise. Except as otherwise provided in this 5011
chapter, all costs of administration incurred by the executive 5012
director and the executive director's employees shall be paid out 5013
of the casino control commission fund. 5014

(C) A state agency or other unit of state government shall 5015
cooperate with the commission, and shall provide the commission 5016
with information and services the commission considers necessary 5017
to carry out the commission's duties and functions under this 5018
chapter. 5019

(D) The executive director shall confer at least once each 5020
month with the commission, at which time the executive director 5021
shall advise it regarding the operation and administration of the 5022
commission and casino gaming. The executive director shall make 5023
available at the request of the commission all documents, files, 5024
and other records pertaining to the operation and administration 5025
of the commission and casino gaming. The executive director shall 5026
prepare and make available to the commission each month a complete 5027
and accurate accounting of gross casino gaming revenues, and all 5028
other relevant financial information, including an accounting of 5029
all transfers made from the casino control commission fund. 5030

Sec. 3772.061. The executive director of the commission shall 5031
appoint the number of professional, technical, and clerical 5032
employees that is necessary, in the executive director's 5033
reasonable opinion, for conducting internal audits, as an internal 5034

auditing department, of the commission. The professional and 5035
technical employees so appointed shall be qualified by education, 5036
licensing (if relevant), and experience to perform the internal 5037
audit function successfully and efficiently. These employees, 5038
together with clerical employees necessary for their support, 5039
shall be assigned only to the internal audit function and not to 5040
any other function of the commission. 5041

The internal auditing department, at reasonable intervals and 5042
as necessary, shall conduct internal audits of the commission. The 5043
internal audits shall audit the accounts and transactions of the 5044
commission, ascertain the condition of funds used by the 5045
commission, and make an inventory of the funds and of the assets 5046
under the control of the commission. The report of an internal 5047
audit shall be signed by the employee who was principally 5048
responsible for conducting the internal audit. A copy of the 5049
signed report shall be forwarded to the commission and to the 5050
auditor of state. The report is not a public record that is open 5051
to public inspection and copying until it has been forwarded as 5052
required by the preceding sentence. 5053

Sec. 3772.062. The executive director of the commission shall 5054
enter into an agreement with the department of alcohol and drug 5055
addiction services under which the department provides a program 5056
of gambling and addiction services on behalf of the commission. 5057
5058

Sec. 3772.07. The following appointing or licensing 5059
authorities shall obtain a criminal records check of the person 5060
who is to be appointed or licensed: 5061

(A) The governor, before appointing an individual as a member 5062
of the commission; 5063

(B) The commission, before appointing an individual as 5064

executive director or a gaming agent; 5065

(C) The commission, before issuing a license for a key 5066
employee or casino gaming employee, and before issuing a license 5067
for each investor, except an institutional investor, for a casino 5068
operator, management company, holding company, or gaming-related 5069
vendor; 5070

(D) The executive director, before appointing an individual 5071
as a professional, technical, or clerical employee of the 5072
commission. 5073

Thereafter, such an appointing or licensing authority shall 5074
obtain a criminal records check of the same individual at 5075
three-year intervals. 5076

The appointing or licensing authority shall provide to each 5077
person of whom a criminal records check is required a copy of the 5078
form and the standard fingerprint impression sheet prescribed 5079
under divisions (C)(1) and (2) of section 109.572 of the Revised 5080
Code. The person shall complete the form and impression sheet and 5081
return them to the appointing or licensing authority. If a person 5082
fails to complete and return the form and impression sheet within 5083
a reasonable time, the person is ineligible to be appointed or 5084
licensed or to continue in the appointment or licensure. 5085

The appointing or licensing authority shall forward the 5086
completed form and impression sheet to the superintendent of the 5087
bureau of criminal identification and investigation. The 5088
appointing or licensing authority shall request the superintendent 5089
also to obtain information from the federal bureau of 5090
investigation, including fingerprint-based checks of the national 5091
crime information databases, and from other states and the federal 5092
government under the national crime prevention and privacy compact 5093
as part of the criminal records check. 5094

The commission shall pay the fee the bureau of criminal 5095

identification and investigation charges for all criminal records 5096
checks conducted under this section. An applicant for a casino 5097
operator, management company, holding company, or gaming-related 5098
vendor license shall reimburse the commission for the amount of 5099
the fee paid on the applicant's behalf. An applicant for a key 5100
employee or casino gaming employee license shall reimburse the 5101
commission for the amount of the fee paid on the applicant's 5102
behalf, unless the applicant is applying at the request of a 5103
casino operator or management company, in which case the casino 5104
operator or management company shall reimburse the commission. 5105

The appointing or licensing authority shall review the 5106
results of a criminal records check. The appointing or licensing 5107
authority shall not appoint or license or retain the appointment 5108
or licensure of a person a criminal records check discloses has 5109
been convicted of or has pleaded guilty or no contest to a 5110
disqualifying offense. A "disqualifying offense" means any 5111
gambling offense, any theft offense, any offense having an element 5112
of fraud or misrepresentation, any offense having an element of 5113
moral turpitude, and any felony not otherwise included in the 5114
foregoing list, except as otherwise provided in section 3772.10 of 5115
the Revised Code. 5116

The report of a criminal records check is not a public record 5117
that is open to public inspection and copying. The commission 5118
shall not make the report available to any person other than the 5119
person who was the subject of the criminal records check; an 5120
appointing or licensing authority; a member, the executive 5121
director, or an employee of the commission; or any court or 5122
agency, including a hearing examiner, in a judicial or 5123
administrative proceeding in which the criminal records check is 5124
relevant. 5125

Sec. 3772.08. (A) Casino gaming shall be conducted only by 5126

licensed casino operators of the four casino facilities or by a 5127
licensed management company retained by a licensed casino 5128
operator. 5129

(B) A licensed casino operator, licensed management company, 5130
or another person may provide nongaming amenities at the casino 5131
facility. 5132

(C) No licensed casino operator shall offer keno at a casino 5133
facility other than keno authorized by the state lottery 5134
commission. 5135

Sec. 3772.081. A casino facility may be opened in phases and 5136
may have gaming areas in one or more locations, buildings, or 5137
rooms that are connected by walkways or by nongaming amenities 5138
that together constitute a single casino facility within the 5139
boundaries of the properties described in Section 6(C)(9) of 5140
Article XV, Ohio Constitution. 5141

Sec. 3772.09. (A) No casino operator, management company, 5142
holding company, gaming-related vendor, key employee, or casino 5143
gaming employee shall conduct or participate in conducting casino 5144
gaming without first obtaining a license from the commission. 5145

(B) Before a licensed casino operator may conduct casino 5146
gaming at a casino facility, a licensed casino operator shall 5147
engage a third-party engineering or accounting firm to certify 5148
expenses of its initial investment, as required by section 3772.27 5149
of the Revised Code, and provide documentation to the commission. 5150
The third-party engineering or accounting firm shall be approved 5151
by the commission and shall certify expenses in accordance with 5152
rules adopted by the commission under section 3772.03 of the 5153
Revised Code. The commission may request the department of 5154
administrative services to assist the commission in carrying out 5155
its duties under this section. 5156

Sec. 3772.091. (A) No license issued under this chapter is 5157
transferable. New majority ownership interest or control shall 5158
require a new license. The commission may reopen a licensing 5159
investigation at any time. A significant change in or transfer of 5160
control, as determined by the commission, shall require the filing 5161
of an application for a new license and submission of a license 5162
fee with the commission before any such change or transfer of 5163
control is approved. A change in or transfer of control to an 5164
immediate family member is not considered a significant change 5165
under this section. 5166

(B) As used in this section, "control" means either of the 5167
following: 5168

(1) Either: 5169

(a) Holding fifty per cent or more of the outstanding voting 5170
securities of a licensee; or 5171

(b) For an unincorporated licensee, having the right to fifty 5172
per cent or more of the profits of the licensee, or having the 5173
right in the event of dissolution to fifty per cent or more of the 5174
assets of the licensee. 5175

(2) Having the contractual power presently to designate fifty 5176
per cent or more of the directors of a for-profit or 5177
not-for-profit corporation, or in the case of trusts described in 5178
paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such 5179
a trust. 5180

Sec. 3772.10. (A) In determining whether to grant or maintain 5181
the privilege of a casino operator, management company, holding 5182
company, key employee, casino gaming employee, or gaming-related 5183
vendor license, the Ohio casino control commission shall consider 5184
all of the following, as applicable: 5185

(1) The reputation, experience, and financial integrity of 5186

the applicant, its holding company, if applicable, and any other person that directly controls the applicant; 5187
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(2) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance; 5189
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(3) The past and present compliance of the applicant and its affiliates or affiliated companies with casino-related licensing requirements in this state or any other jurisdiction, including whether the applicant has a history of noncompliance with the casino licensing requirements of any jurisdiction; 5191
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(4) If the applicant has been indicted, convicted, pleaded guilty or no contest, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations; 5196
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(5) If the applicant has filed, or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt; 5200
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(6) If the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years; 5204
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(7) If the applicant is or has been a defendant in litigation involving its business practices; 5208
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(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state; 5210
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(9) If the applicant meets other standards for the issuance of a license that the commission adopts by rule, which shall not be arbitrary, capricious, or contradictory to the expressed provisions of this chapter. 5212
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(B) All applicants for a license under this chapter shall 5216

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. 5217
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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: 5225
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(1) Except as otherwise provided, the applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code. For an offense other than a gambling offense, an applicant for a casino gaming employee license may prove to the commission, by clear and convincing evidence, that the applicant's activities and employment record for at least ten years after the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will commit such an offense again. For a misdemeanor gambling offense or misdemeanor sex offense, an applicant may prove to the commission, by clear and convincing evidence, that the applicant's activities and employment record for at least ten years after the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will commit such an offense again. 5229
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(2) The applicant has submitted an application for license under this chapter that contains false information. 5245
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(3) The applicant is a commission member. 5247

(4) The applicant owns an ownership interest that is unlawful 5248
under this chapter, unless waived by the commission. 5249

(5) The applicant violates specific rules adopted by the 5250
commission related to denial of licensure. 5251

(6) The applicant is a member of or employed by a gaming 5252
regulatory body of a governmental unit in this state, another 5253
state, or the federal government, or is employed by a governmental 5254
unit of this state. This division does not prohibit a casino 5255
operator from hiring special duty law enforcement officers if the 5256
officers are not specifically involved in gaming-related 5257
regulatory functions. 5258

(7) The commission otherwise determines the applicant is 5259
ineligible for the license. 5260

(D)(1) The commission shall investigate the qualifications of 5261
each applicant under this chapter before any license is issued and 5262
before any finding with regard to acts or transactions for which 5263
commission approval is required is made. The commission shall 5264
continue to observe the conduct of all licensees and all other 5265
persons having a material involvement directly or indirectly with 5266
a casino operator, management company, or holding company to 5267
ensure that licenses are not issued to or held by, or that there 5268
is not any material involvement with a casino operator, management 5269
company, or holding company by, an unqualified, disqualified, or 5270
unsuitable person or a person whose operations are conducted in an 5271
unsuitable manner or in unsuitable or prohibited places or 5272
locations. 5273

(2) The executive director may recommend to the commission 5274
that it deny any application, or limit, condition, or restrict, or 5275
suspend or revoke, any license or finding, or impose any fine upon 5276
any licensee or other person according to this chapter and the 5277
rules adopted thereunder. 5278

(3) A license issued under this chapter is a revocable privilege. No licensee has a vested right in or under any license issued under this chapter. The initial determination of the commission to deny, or to limit, condition, or restrict, a license may be appealed under section 2505.03 of the Revised Code. 5279
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(E)(1) An institutional investor otherwise required to be found suitable or qualified under this chapter and the rules adopted under this chapter shall be presumed suitable or qualified upon submitting documentation sufficient to establish qualifications as an institutional investor and upon certifying all of the following: 5284
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(a) The institutional investor owns, holds, or controls publicly traded securities issued by a licensee or holding, intermediate, or parent company of a licensee or in the ordinary course of business for investment purposes only. 5290
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(b) The institutional investor does not exercise influence over the affairs of the issuer of such securities nor over any licensed subsidiary of the issuer of such securities. 5294
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(c) The institutional investor does not intend to exercise influence over the affairs of the issuer of such securities, nor over any licensed subsidiary of the issuer of such securities, in the future, and that it agrees to notify the commission in writing within thirty days if such intent changes. 5297
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(2) The exercise of voting privileges with regard to publicly traded securities shall not be deemed to constitute the exercise of influence over the affairs of a licensee. 5302
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(3) The commission shall rescind the presumption of suitability for an institutional investor at any time if the institutional investor exercises or intends to exercise influence or control over the affairs of the licensee. 5305
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(4) This division shall not be construed to preclude the 5309

commission from investigating the suitability or qualifications of 5310
an institutional investor if the commission becomes aware of facts 5311
or information that may result in the institutional investor being 5312
found unsuitable or disqualified. 5313

(F) Information provided on the application shall be used as 5314
a basis for a thorough background investigation of each applicant. 5315
A false or incomplete application is cause for denial of a license 5316
by the commission. All applicants and licensees shall consent to 5317
inspections, searches, and seizures and to the disclosure to the 5318
commission and its agents of confidential records, including tax 5319
records, held by any federal, state, or local agency, credit 5320
bureau, or financial institution and to provide handwriting 5321
exemplars, photographs, fingerprints, and information as 5322
authorized in this chapter and in rules adopted by the commission. 5323

Sec. 3772.11. (A) A person may apply to the commission for a 5324
casino operator, management company, or holding company license to 5325
conduct casino gaming at a casino facility as provided in this 5326
chapter. The application shall be made under oath on forms 5327
provided by the commission and shall contain information as 5328
prescribed by rule, including, but not limited to, all of the 5329
following: 5330

(1) The name, business address, business telephone number, 5331
social security number, and, where applicable, the federal tax 5332
identification number of any applicant; 5333

(2) The identity of every person having a greater than five 5334
per cent direct or indirect interest in the applicant casino 5335
facility for which the license is sought for publicly traded 5336
companies or greater than one per cent for privately held 5337
companies; 5338

(3) An identification of any business, including the state of 5339
incorporation or registration if applicable, in which an 5340

applicant, or the spouse or children of an applicant, has an 5341
equity interest of more than five per cent; 5342

(4) The name of any casino operator, management company, 5343
holding company, and gaming-related vendor in which the applicant 5344
has an equity interest of at least five per cent; 5345

(5) If an applicant has ever applied for or has been granted 5346
any gaming license or certificate issued by a licensing authority 5347
in Ohio or any other jurisdiction that has been denied, 5348
restricted, suspended, revoked, or not renewed and a statement 5349
describing the facts and circumstances concerning the application, 5350
denial, restriction, suspension, revocation, or nonrenewal, 5351
including the licensing authority, the date each action was taken, 5352
and the reason for each action; 5353

(6) If an applicant has ever filed or had filed against it a 5354
civil or administrative action or proceeding in bankruptcy, 5355
including the date of filing, the name and location of the court, 5356
the case caption, the docket number, and the disposition; 5357

(7) The name and business telephone number of any attorney 5358
representing an applicant in matters before the commission; 5359

(8) Information concerning the amount, type of tax, the 5360
taxing agency, and times involved, if the applicant has filed or 5361
been served with a complaint or notice filed with a public body 5362
concerning a delinquency in the payment of or a dispute over a 5363
filing concerning the payment of a tax required under federal, 5364
state, or local law; 5365

(9) A description of any proposed casino gaming operation and 5366
related casino enterprises, including the type of casino facility, 5367
location, expected economic benefit to the community, anticipated 5368
or actual number of employees, any statement from an applicant 5369
regarding compliance with federal and state affirmative action 5370
guidelines, projected or actual admissions, projected or actual 5371

<u>gross receipts, and scientific market research;</u>	5372
<u>(10) Financial information in the manner and form prescribed by the commission;</u>	5373
<u>(11) If an applicant has directly made a political contribution, loan, donation, or other payment of one hundred dollars or more to a statewide office holder, a member of the general assembly, a local government official elected in a jurisdiction where a casino facility is located, or a ballot issue not more than one year before the date the applicant filed the application and all information relating to the contribution, loan, donation, or other payment;</u>	5375
<u>(12) Any criminal conviction; and</u>	5376
<u>(13) Other information required by the commission under rules adopted by the commission.</u>	5377
<u>(B) Any holding company or management company, its directors, executive officers, and any shareholder who holds more than five per cent ownership interest of a holding company or management company shall be required to submit the same information as required by an applicant under this section.</u>	5378
<u>Sec. 3772.111. In determining whether to grant a casino operator license, the commission shall also consider:</u>	5379
<u>(A) The facilities or proposed facilities for the conduct of casino gaming;</u>	5380
<u>(B) The prospective total revenue to be collected by the state from the conduct of casino gaming;</u>	5381
<u>(C) The extent to which the applicant exceeds or meets other standards adopted by the commission.</u>	5382
<u>Sec. 3772.12. (A) A person may apply for a gaming-related vendor license. All applications shall be made under oath.</u>	5383
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(B) A person who holds a gaming-related vendor's license is 5401
authorized to sell or lease, and to contract to sell or lease, 5402
equipment and supplies to any licensee involved in the ownership 5403
or management of a casino facility. 5404

(C) Gambling supplies and equipment shall not be distributed 5405
unless supplies and equipment conform to standards adopted in 5406
rules adopted by the commission. 5407

Sec. 3772.121. (A) The commission may issue a gaming-related 5408
vendor's license under this chapter to an applicant who has: 5409

(1) Applied for the gaming-related vendor's license; 5410

(2) Paid a nonrefundable license fee as described in section 5411
3772.17 of the Revised Code, which shall cover all actual costs 5412
generated by each licensee and all background checks; 5413

(3) Submitted two sets of the applicant's fingerprints; and 5414

(4) Been determined by the commission as eligible for a 5415
gaming-related vendor's license. 5416

(B) A gaming-related vendor shall furnish to the commission a 5417
list of all equipment, devices, and supplies offered for sale or 5418
lease in connection with casino games authorized under this 5419
chapter. 5420

(C) A gaming-related vendor's equipment, devices, or supplies 5421
that are used by a person in an unauthorized casino gaming 5422
operation shall be forfeited to the state. 5423

Sec. 3772.13. (A) No person may be employed as a key employee 5424
unless the person is the holder of a valid key employee license 5425
issued by the commission. 5426

(B) Each applicant shall, before the issuance of any key 5427
employee license, produce information, documentation, and 5428
assurances as are required by this chapter and rules adopted 5429

thereunder. In addition, each applicant shall, in writing, 5430
authorize the examination of all bank accounts and records as may 5431
be deemed necessary by the commission. 5432

(C) To be eligible for a key employee license, the applicant 5433
shall be at least twenty-one years of age and shall meet the 5434
criteria set forth by rule by the commission. 5435

(D) Each application for a key employee license shall be on a 5436
form prescribed by the commission and shall contain all 5437
information required by the commission. The applicant shall set 5438
forth in the application if the applicant has been issued prior 5439
gambling-related licenses; if the applicant has been licensed in 5440
any other state under any other name, and, if so, the name under 5441
which the license was issued and the applicant's age at the time 5442
the license was issued; any criminal conviction the applicant has 5443
had; and if a permit or license issued to the applicant in any 5444
other state has been suspended, restricted, or revoked, and, if 5445
so, the cause and the duration of each action. 5446

(E) Each applicant shall submit with each application, on a 5447
form provided by the commission, two sets of fingerprints and a 5448
photograph. The commission shall charge each applicant an 5449
application fee set by the commission to cover all actual costs 5450
generated by each licensee and all background checks under this 5451
section and section 3772.07 of the Revised Code. 5452

(F)(1) The casino operator, management company, or holding 5453
company by whom a person is employed as a key employee shall 5454
terminate the person's employment in any capacity requiring a 5455
license under this chapter and shall not in any manner permit the 5456
person to exercise a significant influence over the operation of a 5457
casino facility if: 5458

(a) The person does not apply for and receive a key employee 5459
license within six months of being issued a provisional license, 5460

as established under commission rule, and the commission finds 5461
that recalcitrance unsuitable. 5462

(b) The person's application for a key employee license is 5463
denied by the commission. 5464

(c) The person's key employee license is revoked by the 5465
commission. 5466

The commission shall notify the casino operator, management 5467
company, or holding company who employs such a person by certified 5468
mail of any such finding, denial, or revocation. 5469

(2) A casino operator, management company, or holding company 5470
shall not pay to a person whose employment is terminated under 5471
division (F)(1) of this section, any remuneration for any services 5472
performed in any capacity in which the person is required to be 5473
licensed, except for amounts due for services rendered before 5474
notice was received under that division. A contract or other 5475
agreement for personal services or for the conduct of any casino 5476
gaming at a casino facility between a casino operator, management 5477
company, or holding company and a person whose employment is 5478
terminated under division (F)(1) of this section may be terminated 5479
by the casino operator, management company, or holding company 5480
without further liability on the part of the casino operator, 5481
management company, or holding company. Any such contract or other 5482
agreement is deemed to include a term authorizing its termination 5483
without further liability on the part of the casino operator, 5484
management company, or holding company upon receiving notice under 5485
division (F)(1) of this section. That a contract or other 5486
agreement does not expressly include such a term is not a defense 5487
in any action brought to terminate the contract or other 5488
agreement, and is not grounds for relief in any action brought 5489
questioning termination of the contract or other agreement. 5490

(3) A casino operator, management company, or holding 5491

company, without having obtained the prior approval of the 5492
commission, shall not enter into any contract or other agreement 5493
with a person who has been found unsuitable, who has been denied a 5494
license, or whose license has been revoked under division (F)(1) 5495
of this section, or with any business enterprise under the control 5496
of such a person, after the date on which the casino operator, 5497
management company, or holding company receives notice under that 5498
division. 5499

Sec. 3772.131. (A) All casino gaming employees are required 5500
to have a casino gaming employee license. "Casino gaming employee" 5501
means the following and their supervisors: 5502

(1) Individuals involved in operating a casino gaming pit, 5503
including dealers, skills, clerks, hosts, and junket 5504
representatives; 5505

(2) Individuals involved in handling money, including 5506
cashiers, change persons, count teams, and coin wrappers; 5507

(3) Individuals involved in operating casino games; 5508

(4) Individuals involved in operating and maintaining slot 5509
machines, including mechanics, floor persons, and change and 5510
payoff persons; 5511

(5) Individuals involved in security, including guards and 5512
game observers; 5513

(6) Individuals with duties similar to those described in 5514
divisions (A)(1) to (5) of this section or other persons as the 5515
commission determines. "Casino gaming employee" does not include 5516
an individual whose duties are related solely to nongaming 5517
activities such as entertainment, hotel operation, maintenance, or 5518
preparing or serving food and beverages. 5519

(B) The commission may issue a casino gaming employee license 5520
to an applicant after it has determined that the applicant is 5521

eligible for a license under rules adopted by the commission and 5522
paid any applicable fee. All applications shall be made under 5523
oath. 5524

(C) To be eligible for a casino gaming employee license, an 5525
applicant shall be at least twenty-one years of age. 5526

(D) Each application for a casino gaming employee license 5527
shall be on a form prescribed by the commission and shall contain 5528
all information required by the commission. The applicant shall 5529
set forth in the application if the applicant has been issued 5530
prior gambling-related licenses; if the applicant has been 5531
licensed in any other state under any other name, and, if so, the 5532
name under which the license was issued and the applicant's age at 5533
the time the license was issued; any criminal conviction the 5534
applicant has had; and if a permit or license issued to the 5535
applicant in any other state has been suspended, restricted, or 5536
revoked, and, if so, the cause and the duration of each action. 5537

(E) Each applicant shall submit with each application, on a 5538
form provided by the commission, two sets of the applicant's 5539
fingerprints and a photograph. The commission shall charge each 5540
applicant an application fee to cover all actual costs generated 5541
by each licensee and all background checks. 5542

Sec. 3772.14. (A) After notice and opportunity for an 5543
adjudication conducted under Chapter 119. of the Revised Code, the 5544
commission may suspend, revoke, or refuse to issue or renew a 5545
license in accordance with rules adopted by the commission and the 5546
commission may reopen a licensing hearing at any time. 5547

(B) Without in any manner limiting the authority of the 5548
commission to impose the level and type of discipline it may 5549
consider appropriate, the commission may take into consideration: 5550

(1) If the licensee knew or reasonably should have known that 5551

<u>the action complained of was a violation of any law, regulation,</u>	5552
<u>or condition on the licensee's license;</u>	5553
<u>(2) If the licensee has previously been disciplined by the</u>	5554
<u>commission;</u>	5555
<u>(3) If the licensee has previously been subject to discipline</u>	5556
<u>by the commission concerning the violation of any law, regulation,</u>	5557
<u>or condition of the licensee's license;</u>	5558
<u>(4) If the licensee reasonably relied upon professional</u>	5559
<u>advice from a lawyer, doctor, accountant, or other recognized</u>	5560
<u>professional that was relevant to the action resulting in the</u>	5561
<u>violation;</u>	5562
<u>(5) If the licensee or licensee's employer had a reasonably</u>	5563
<u>constituted and functioning compliance program;</u>	5564
<u>(6) If the imposition of a condition requiring the licensee</u>	5565
<u>to establish and implement a written self-enforcement and</u>	5566
<u>compliance program would assist in ensuring the licensee's future</u>	5567
<u>compliance with all statutes, regulations, and conditions of the</u>	5568
<u>license;</u>	5569
<u>(7) If the licensee realized a pecuniary gain from the</u>	5570
<u>violation;</u>	5571
<u>(8) If the amount of any fine or other penalty imposed would</u>	5572
<u>result in disgorgement of any gains unlawfully realized by the</u>	5573
<u>licensee;</u>	5574
<u>(9) If the violation was caused by an officer or employee of</u>	5575
<u>the licensee, the level of authority of the individual who caused</u>	5576
<u>the violation;</u>	5577
<u>(10) If the individual who caused the violation acted within</u>	5578
<u>the scope of the individual's authority as granted by the</u>	5579
<u>licensee;</u>	5580
<u>(11) The adequacy of any training programs offered by the</u>	5581

<u>licensee or licensee's employer that were relevant to the activity</u>	5582
<u>which resulted in the violation;</u>	5583
<u>(12) If the licensee's action substantially deviated from</u>	5584
<u>industry standards and customs;</u>	5585
<u>(13) The extent to which the licensee cooperated with the</u>	5586
<u>commission during the investigation of the violation;</u>	5587
<u>(14) If the licensee has initiated remedial measures to</u>	5588
<u>prevent similar violations;</u>	5589
<u>(15) The magnitude of penalties imposed on other licensees</u>	5590
<u>for similar violations;</u>	5591
<u>(16) The proportionality of the penalty in relation to the</u>	5592
<u>misconduct;</u>	5593
<u>(17) The extent to which the amount of any fine imposed would</u>	5594
<u>punish the licensee for the conduct and deter future violations;</u>	5595
<u>(18) Any mitigating factors offered by the licensee; and</u>	5596
<u>(19) Any other factors the commission in its sole and</u>	5597
<u>absolute discretion may consider relevant.</u>	5598
<u>Sec. 3772.15. (A) Unless a license issued under this chapter</u>	5599
<u>is suspended, expires, or is revoked, the license shall be renewed</u>	5600
<u>for not more than three years, as determined by commission rule,</u>	5601
<u>after a determination by the commission that the licensee is in</u>	5602
<u>compliance with this chapter and rules authorized by this chapter</u>	5603
<u>and after the licensee pays a fee.</u>	5604
<u>(B) A licensee shall undergo a complete investigation at</u>	5605
<u>least every three years, as determined by commission rule, to</u>	5606
<u>determine that the licensee remains in compliance with this</u>	5607
<u>chapter.</u>	5608
<u>(C) Notwithstanding division (B) of this section, the</u>	5609
<u>commission may investigate a licensee at any time the commission</u>	5610

determines it is necessary to ensure that the licensee remains in 5611
compliance with this section. 5612

(D) The holder of a license shall bear the cost of an 5613
investigation, except key employees and casino gaming employees 5614
who are employed by a casino operator, in which case the casino 5615
operator shall pay the investigation cost. 5616

Sec. 3772.16. (A) Any information concerning the following 5617
submitted, collected, or gathered as part of an application to the 5618
commission for a license under this chapter is confidential and 5619
not subject to disclosure as a record under section 149.43 of the 5620
Revised Code: 5621

(1) A minor child of an applicant; 5622

(2) The social security number of an applicant or the spouse 5623
of an applicant; 5624

(3) The home telephone number of an applicant or the spouse 5625
or children of an applicant; 5626

(4) An applicant's birth certificate; 5627

(5) The driver's license number of an applicant or the 5628
applicant's spouse; 5629

(6) The name or address of a previous spouse of the 5630
applicant; 5631

(7) The date of birth of the spouse of an applicant; 5632

(8) The place of birth of the spouse of an applicant; 5633

(9) The personal financial information and records of an 5634
applicant or the spouse or minor child of an applicant, including 5635
tax returns and information, and records of criminal proceedings; 5636

(10) Any information concerning a victim of domestic 5637
violence, sexual assault, or stalking; 5638

<u>(11) The electronic mail address of the spouse or family member of the applicant;</u>	5639
	5640
<u>(12) An applicant's home addresses; and</u>	5641
<u>(13) Any trade secret.</u>	5642
<u>(B) Notwithstanding any other law, upon written request from a person, the commission shall provide the following information to the person except as provided in this chapter:</u>	5643
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	5645
<u>(1) The information provided under this chapter concerning a licensee or an applicant;</u>	5646
	5647
<u>(2) The amount of the wagering tax and admission tax paid daily to the state by a licensed applicant or an operating agent; and</u>	5648
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<u>(3) A copy of a letter providing the reasons for the denial of an applicant's license or an operating agent's contract and a copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application, but with confidential information redacted if that information is the reason for the denial or refusal to withdraw.</u>	5651
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<u>(C) Except as provided in divisions (C) and (D) of this section, in addition to information that is confidential under division (A) of this section, all information maintained by the commission concerning an individual who holds, held, or has applied for a license under this chapter:</u>	5657
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<u>(1) Is confidential for purposes of this chapter and not subject to disclosure under section 149.43 of the Revised Code; and</u>	5662
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<u>(2) May be released by the commission only for law enforcement purposes or to a state or local public agency, which shall keep such information confidential.</u>	5665
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	5667
<u>(D) The individual's name, the individual's place of</u>	5668

employment, the individual's job title, and the individual's 5669
gaming experience that is provided for an individual who holds, 5670
held, or has applied for a license under this chapter is not 5671
confidential. The reason for denial or revocation of a license or 5672
for disciplinary action against the individual and information 5673
submitted by the individual for a felony waiver request is not 5674
confidential. 5675

(E) An individual who holds, held, or has applied for a 5676
license under this chapter may waive the confidentiality 5677
requirements of division (A) of this section. 5678

Sec. 3772.17. (A) The upfront license fee to obtain a license 5679
as a casino operator shall be fifty million dollars per casino 5680
facility, which shall be deposited into the economic development 5681
programs fund, which is created in the state treasury. New casino 5682
operator, management company, and holding company license and 5683
renewal license fees shall be set by rule, subject to the approval 5684
of the joint committee on gaming and wagering. 5685

(B) The fee to obtain an application for a casino operator, 5686
management company, or holding company license shall be two 5687
million dollars per application. The application fee shall be 5688
deposited into the casino control commission fund. The application 5689
fee is nonrefundable. 5690

(C) The license fees for a gaming-related vendor shall be set 5691
by rule, subject to the approval of the joint committee on gaming 5692
and wagering. Additionally, the commission may assess an applicant 5693
a reasonable fee in the amount necessary to process a 5694
gaming-related vendor license application. 5695

(D) The license fees for a key employee shall be set by rule, 5696
subject to the approval of the joint committee on gaming and 5697
wagering. Additionally, the commission may assess an applicant a 5698
reasonable fee in the amount necessary to process a key employee 5699

license application. If the license is being sought at the request 5700
of a casino operator, such fees shall be paid by the casino 5701
operator. 5702

(E) The license fees for a casino gaming employee shall be 5703
set by rule, subject to the approval of the joint committee on 5704
gaming and wagering. If the license is being sought at the request 5705
of a casino operator, the fee shall be paid by the casino 5706
operator. 5707

Sec. 3772.18. (A) Each casino operator, management company, 5708
and holding company involved in the application and ownership or 5709
management of a casino facility shall provide to the commission as 5710
applicable: 5711

(1) An annual balance sheet; 5712

(2) An annual income statement; 5713

(3) An annual audited financial statement; 5714

(4) A list of the stockholders or other persons having at 5715
least a five per cent ownership interest in the casino operator, 5716
management company, or holding company and any other information 5717
the commission considers necessary for the effective 5718
administration of this chapter; 5719

(5) The applicant's plan and process to provide employment 5720
opportunities; 5721

(6) The applicant's plan and process to purchase goods and 5722
services from Ohio; 5723

(7) Notification of any material changes to the applicant's 5724
or licensee's stockholders must be provided to the commission 5725
within sixty days of the change. Notification of any refinancing 5726
and debt issuance shall be in accordance with rules adopted by the 5727
commission under Chapter 119. of the Revised Code; and 5728

<u>(8) An applicant's compulsive and problem gambling plan. A</u>	5729
<u>casino operator shall submit an annual summary of its compulsive</u>	5730
<u>and problem gambling plan to the commission. The plan at a minimum</u>	5731
<u>shall contain the following elements:</u>	5732
<u>(a) The goals of the plan and procedures and timetables to</u>	5733
<u>implement the plan;</u>	5734
<u>(b) The identification of the individual who will be</u>	5735
<u>responsible for the implementation and maintenance of the plan;</u>	5736
<u>(c) Policies and procedures including the following:</u>	5737
<u>(i) The commitment of the casino operator to train</u>	5738
<u>appropriate employees;</u>	5739
<u>(ii) The duties and responsibilities of the employees</u>	5740
<u>designated to implement or participate in the plan;</u>	5741
<u>(iii) The responsibility of patrons with respect to</u>	5742
<u>responsible gambling;</u>	5743
<u>(iv) Procedures for providing information to individuals</u>	5744
<u>regarding community, public and private treatment services,</u>	5745
<u>gamblers anonymous programs, and similar treatment or addiction</u>	5746
<u>therapy programs designed to prevent, treat, or monitor compulsive</u>	5747
<u>and problem gamblers and to counsel family members;</u>	5748
<u>(v) The provision of printed material to educate patrons</u>	5749
<u>about compulsive and problem gambling and to inform them about</u>	5750
<u>treatment services available to compulsive and problem gamblers</u>	5751
<u>and their families;</u>	5752
<u>(vi) The employee training program;</u>	5753
<u>(vii) Procedures to prevent underage gambling;</u>	5754
<u>(viii) Procedures to prevent intoxicated patrons from</u>	5755
<u>gambling;</u>	5756
<u>(ix) The plan for posting signs within the casino facility</u>	5757

containing gambling treatment information. 5758

(9) An annual plan for and report of construction and operations that reasonably meet or exceed approved diversity goals during casino facility construction and in casino gaming operations and a process by which the commission shall determine if a casino operator is, in good faith, reasonably meeting or exceeding its goals as a condition of obtaining and maintaining a license to operate a casino facility. Annual plans shall include good faith efforts to meet goals in the following: supplier diversity; workplace diversity; diversity in community outreach; and diversity in provision of professional services. 5759
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(B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under division (A) of this section. The department of administrative services may certify to the commission whether or not those plans and goals have been met. 5769
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(C) Preference shall be given to each of the following to train employees for casino-related employment opportunities: 5774
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(1) State institutions of higher education as defined in section 3345.011 of the Revised Code; 5776
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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; 5778
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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. 5781
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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 5784
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two tracks at which horse racing where the pari-mutuel system of 5788
wagering is conducted at any one time, of which not more than one 5789
shall be a track for thoroughbred horses. 5790

Sec. 3772.20. (A) A maximum of five thousand slot machines 5791
may be operated at a casino facility. Each casino operator for 5792
each casino facility shall determine the total number of slot 5793
machines in their facility, up to a maximum of five thousand slot 5794
machines that may be operated at such casino facility. There shall 5795
be no limit on the number of table games allowed at each casino 5796
facility. 5797

(B) Any slot machine game or table game currently authorized 5798
in, and any future slot machine or table game authorized in, the 5799
states of Indiana, Michigan, Pennsylvania, and West Virginia may 5800
be conducted at casino facilities in this state at the discretion 5801
of a licensed casino operator but only after being approved, upon 5802
application by a licensed casino operator, by the commission. 5803

(C) Minimum and maximum wagers on casino gaming shall be 5804
determined by casino operators, subject to the commission's 5805
approval. 5806

(D) No slot machine shall be set to pay out less than the 5807
theoretical payout percentage, which shall be not less than 5808
eighty-five per cent, as specifically approved by the commission. 5809
The commission shall adopt rules that define the theoretical 5810
payout percentage of a slot machine based on the total value of 5811
the jackpots expected to be paid by a slot machine divided by the 5812
total value of slot machine wagers expected to be made on that 5813
slot machine during the same portion of the game cycle. 5814

Sec. 3772.21. (A) Casino gaming equipment and supplies 5815
customarily used in conducting casino gaming shall be purchased or 5816
leased only from gaming-related vendors licensed under this 5817

chapter. A management company owning casino gaming devices, 5818
supplies, and equipment shall be licensed as a gaming-related 5819
vendor under this chapter. 5820

(B) Annually, a gaming-related vendor shall furnish to the 5821
commission a list of all equipment, devices, and supplies offered 5822
for sale or lease in connection with casino gaming authorized 5823
under this chapter. 5824

(C) A gaming-related vendor shall keep books and records for 5825
the furnishing of equipment, devices, and supplies to gaming 5826
operations separate from books and records of any other business 5827
operated by the gaming-related vendor. A gaming-related vendor 5828
shall file a quarterly return with the commission listing all 5829
sales and leases. A gaming-related vendor shall permanently affix 5830
the gaming-related vendor's name to all of the gaming-related 5831
vendor's equipment, devices, and supplies for casino gaming 5832
operations. 5833

(D) A gaming-related vendor's equipment, devices, or supplies 5834
that are used by a person in an unauthorized casino gaming 5835
operation shall be forfeited to the commission. 5836

(E) Gaming equipment, devices, and supplies that are provided 5837
by a gaming-related vendor may be repaired by the casino facility 5838
or removed for repair from the casino facility to a facility owned 5839
by a casino operator or management company. 5840

(F) Any gambling equipment, devices, and supplies provided by 5841
any licensed gaming-related vendor may be either repaired in the 5842
casino or removed from the casino to an area or facility owned by 5843
a casino operator or management company. 5844

Sec. 3772.22. (A) All casino facility operations shall use a 5845
cashless wagering system whereby all wagerers' money is converted 5846
to chips, tokens, tickets, electronic cards, or other instruments 5847

of value at the request of the wagerer that may only be used for 5848
wagering at a casino facility. Wagering shall not be conducted 5849
with money or other negotiable currency. 5850

(B) Wagers may be received only from a person present at a 5851
casino facility. A wagerer present at a casino facility shall not 5852
place or attempt to place a wager on behalf of an individual who 5853
is not present at the casino facility. 5854

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 5855
are used to make wagers shall be purchased from the casino 5856
operator or management company while at a casino facility that has 5857
been approved by the commission. Chips, tokens, tickets, 5858
electronic cards, or similar objects may be used while at the 5859
casino facility only for the purpose of making wagers on casino 5860
games. 5861

(B) Casino operators and management companies shall not do 5862
any of the following: 5863

(1) Obtain a license to operate a check-cashing business 5864
under sections 1315.01 to 1315.30 of the Revised Code; 5865

(2) Obtain a license to provide loans under sections 1321.01 5866
to 1321.19 of the Revised Code; 5867

(3) Obtain a license to provide loans under sections 1321.35 5868
to 1321.48 of the Revised Code. 5869

(C) Casino operators and management companies may do both of 5870
the following: 5871

(1) Cash checks for casino patrons; 5872

(2) Provide promotional credits to their patrons. Promotional 5873
credits played by slot machine and table game patrons have no 5874
value attributed to their use for purposes of calculating gross 5875
casino revenue. Promotional credits shall be subject to oversight 5876

and approval by the commission. 5877

Sec. 3772.24. (A) An employee of a casino facility who is 5878
between eighteen and twenty-one years of age may be present in the 5879
area of a casino facility where casino gaming is being conducted, 5880
as long as the employee's duties are related solely to nongaming 5881
activities. An individual who is less than twenty-one years of age 5882
may enter a designated area of a casino facility where casino 5883
gaming is being conducted, as established by the commission, to 5884
pass to another area where casino gaming is not being conducted. 5885
An individual who is less than twenty-one years of age shall not 5886
make a wager under this chapter. 5887

(B) Casino operators shall notify the commission of the days 5888
and hours during which casino gaming will be conducted. 5889

Sec. 3772.25. The following are not subject to, or limited 5890
by, the requirements of this chapter or Section 6(C) of Article 5891
XV, Ohio Constitution: 5892

(A) Charitable gaming authorized by Chapter 2915. of the 5893
Revised Code; 5894

(B) Charitable bingo authorized by Section 6 of Article XV, 5895
Ohio Constitution, and as authorized by Chapter 2915. of the 5896
Revised Code; 5897

(C) Lottery games as authorized by Section 6 of Article XV, 5898
Ohio Constitution; and 5899

(D) Pari-mutuel wagering authorized by Chapter 3769. of the 5900
Revised Code. 5901

Sec. 3772.26. (A) Each of the four casino facilities shall be 5902
subject to all applicable state laws and local ordinances related 5903
to health and building codes, or any related requirements and 5904
provisions. Notwithstanding the foregoing, no local zoning, land 5905

use laws, subdivision regulations or similar provisions shall 5906
prohibit the development or operation of the four casino 5907
facilities, or casino gaming set forth herein, provided that no 5908
casino facility shall be located in a district zoned exclusively 5909
residential as of January 1, 2009. 5910

(B) No municipal corporation or other political subdivision 5911
in which a casino facility is located shall be required to provide 5912
or improve infrastructure, appropriate property, or otherwise take 5913
any affirmative legislative or administrative action to assist 5914
development or operation of a casino facility, regardless of the 5915
source of funding but if such action is essential to the 5916
development or operation of a casino facility, the municipal 5917
corporation or other political subdivision may charge the casino 5918
operator for any costs incurred for such action. 5919

Sec. 3772.27. Each initial licensed casino operator of each 5920
of the four casino facilities shall make an initial investment of 5921
at least two hundred fifty million dollars for the development of 5922
each casino facility. 5923

Sec. 3772.28. (A) A casino operator shall not enter into a 5924
debt transaction without the approval of the commission. The 5925
casino operator shall submit, in writing, a request for approval 5926
of a debt transaction that contains at least the following 5927
information: 5928

(1) The names and addresses of all parties to the debt 5929
transaction; 5930

(2) The amount of the funds involved; 5931

(3) The type of debt transaction; 5932

(4) The source of the funds to be obtained; 5933

(5) All sources of collateral; 5934

<u>(6) The purpose of the debt transaction;</u>	5935
<u>(7) The terms of the debt transaction;</u>	5936
<u>(8) Any other information deemed necessary by the commission.</u>	5937
<u>(B) As used in this section, "debt transaction" means a</u>	5938
<u>transaction by a casino operator concerning a casino facility</u>	5939
<u>totaling five hundred thousand dollars or more in which a casino</u>	5940
<u>operator acquires debt, including bank financing, private debt</u>	5941
<u>offerings, and any other transaction that results in the</u>	5942
<u>encumbrance of assets.</u>	5943
<u>Sec. 3772.29. All shipments of gaming supplies, devices, and</u>	5944
<u>equipment, including slot machines, into this state are exempt</u>	5945
<u>from section (2) of "An Act to Prohibit Transportation of Gambling</u>	5946
<u>Devices in Interstate and Foreign Commerce," 64 Stat. 1134, 15</u>	5947
<u>U.S.C. 1171-1177.</u>	5948
<u>Sec. 3772.30. (A) If any person violates this chapter or a</u>	5949
<u>rule adopted thereunder, the attorney general has a cause of</u>	5950
<u>action to restrain the violation. Such an action is a civil</u>	5951
<u>action, governed by the Rules of Civil Procedure. Upon receiving a</u>	5952
<u>request from the commission or the executive director, the</u>	5953
<u>attorney general shall commence and prosecute such an action to</u>	5954
<u>completion. The court shall give priority to such an action over</u>	5955
<u>all other civil actions. Such an action does not preclude an</u>	5956
<u>administrative or criminal proceeding on the same facts.</u>	5957
<u>(B) The attorney general may enter into agreements with any</u>	5958
<u>state or local law enforcement agency to carry out its duties.</u>	5959
<u>(C) A sheriff, chief of police, and prosecuting attorney</u>	5960
<u>shall furnish to the commission, on prescribed forms, all</u>	5961
<u>information obtained during the course of any substantial</u>	5962
<u>investigation or prosecution if it appears a violation of this</u>	5963
<u>chapter has occurred. Any such information is not a public record,</u>	5964

as defined in section 149.43 of the Revised Code, until such 5965
information would otherwise become a public record. 5966

Sec. 3772.31. (A) The commission, by and through the 5967
executive director of the commission and as required under section 5968
125.05 of the Revised Code, may enter into contracts necessary to 5969
ensure the proper operation and reporting of all casino gaming 5970
authorized under this chapter. The commission may determine it to 5971
be necessary and adopt rules to authorize a central system. The 5972
system shall be operated by or under the commission's control. 5973

(B) The commission shall certify independent testing 5974
laboratories to scientifically test and technically evaluate all 5975
slot machines, mechanical, electromechanical, or electronic table 5976
games, slot accounting systems, and other electronic gaming 5977
equipment for compliance with this chapter. The certified 5978
independent testing laboratories shall be accredited by a national 5979
accreditation body and certified in at least twenty-five 5980
jurisdictions in the United States. The commission shall certify 5981
an independent testing laboratory if it is competent and qualified 5982
to scientifically test and evaluate electronic gaming equipment 5983
for compliance with this chapter and to otherwise perform the 5984
functions assigned to an independent testing laboratory under this 5985
chapter. An independent testing laboratory shall not be owned or 5986
controlled by, or have any interest in, a gaming-related vendor of 5987
electronic gaming equipment. The commission shall prepare a list 5988
of certified independent testing laboratories from which 5989
independent testing laboratories shall be chosen for all purposes 5990
under this chapter. 5991

Sec. 3772.32. (A) As used in this section, "conservator" 5992
means a person appointed by a court of common pleas as a fiduciary 5993
to temporarily manage and control a casino facility. 5994

(B) The commission shall adopt rules under Chapter 119. of the Revised Code relating to the administration of a casino facility by a conservator. 5995
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(C) The commission may petition the court of common pleas of the county in which the casino facility is located for appointment by the court of a conservator to manage and control the casino facility if any of the following occurs: 5998
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(1) The commission revokes the casino operator's license. 6002

(2) The commission declines to renew the casino operator's license. 6003
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(3) The commission suspends a casino operator's license for more than one hundred twenty days. 6005
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(4) A proposed buyer is denied a casino operator's license, and the licensed casino operator is unable or unwilling to retain ownership or control of the casino facility. 6007
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(5) A licensed casino operator agrees in writing to relinquish control of a casino facility to a conservator. 6010
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(6) A natural disaster or bankruptcy halts operations at a casino facility. 6012
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This division does not apply if the casino facility for which a casino license has been issued has not been in operation and open to the public. 6014
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(D)(1) The petition shall contain the names of two or more persons who the commission believes are suitable and qualified to manage and control the casino facility and are available for appointment as a conservator. 6017
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(2) Upon receipt of the petition, the court shall appoint as conservator of the casino facility a person who is named in the petition. The court shall immediately notify the commission of the appointment. Upon receipt of notice from the court, the commission 6021
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shall immediately notify the casino operator and the conservator. 6025

(3) The court that appoints the conservator shall set 6026
reasonable compensation, out of the revenue of the casino 6027
facility, for the services, costs, and expenses of the conservator 6028
and for any other persons whom the conservator may engage to aid 6029
the conservator in performing the conservator's duties. 6030

(E) A conservator is subject to Chapter 3772. of the Revised 6031
Code and any rules adopted under that chapter as if the 6032
conservator were a licensed casino operator. 6033

(F) A conservator shall be deemed to be a licensed casino 6034
operator and may perform all acts that the conservator is required 6035
or permitted to perform without approval or other action. 6036

(G) The conservator shall take immediately into possession 6037
all property of the casino facility, including its money, 6038
accounts, books, records, and evidences of debts owed to the 6039
casino operator, and shall continue the business of the casino 6040
facility. 6041

(H) A conservator shall file with the commission reports on 6042
the administration of the casino facility in such form and at such 6043
intervals as the commission may prescribe. 6044

(I)(1) If at any time the court finds that a conservator is 6045
not qualified or available to serve as conservator, the court 6046
shall request from the commission the names of two or more persons 6047
who the commission believes are suitable and qualified to manage 6048
and control a casino facility and are available to serve as a 6049
conservator. 6050

(2) The commission may, at any time after the appointment of 6051
a conservator, petition the court for the removal of the 6052
conservator and the appointment of a new conservator or for the 6053
termination of the conservator. 6054

(J) A conservator shall, before assuming the conservator's duties, execute and file a bond for the faithful performance of the conservator's duties payable to the commission with such surety or sureties and in such form as the commission approves and in such amount as the commission prescribes. 6055
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(K) The commission shall require that the former casino operator purchase liability insurance, in an amount determined by the commission, to protect a conservator from liability for any acts or omissions of the conservator occurring during the duration of the conservatorship that are reasonably related to, and within the scope of, the conservator's duties. 6060
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(L)(1) The former licensed casino operator has one hundred eighty days after the date on which the conservator is appointed to sell the casino facility to another person who satisfies the requirements of this chapter for obtaining a casino operator's license and is approved by the commission. 6066
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(2) If the person is unable to sell the casino facility in the time required by division (L)(1) of this section, the conservator may take any action necessary to sell the casino facility to another person who satisfies the requirements of this chapter for obtaining a casino operator's license and is approved by the commission. 6071
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(M) The commission shall direct the court of common pleas to discontinue a conservatorship when any of the following occurs: 6077
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(1) The commission determines that the cause for which the conservatorship was instituted no longer exists. 6079
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(2) The former casino operator or the conservator has with the approval of the commission, consummated the sale, assignment, conveyance, or other disposition of the casino facility. 6081
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(N) Upon the discontinuation of the conservatorship and with the approval of the commission, the conservator shall take steps 6084
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as may be necessary to affect an orderly transfer of the property 6086
of the former casino operator. 6087

Sec. 3772.99. (A) The commission shall levy and collect 6088
penalties for noncriminal violations of this chapter. Moneys 6089
collected from such penalty levies shall be credited to the 6090
general revenue fund. 6091

(B) If a licensed casino operator, management company, 6092
holding company, gaming-related vendor, or key employee violates 6093
this chapter or engages in a fraudulent act, the commission may 6094
suspend or revoke the license and may do either or both of the 6095
following: 6096

(1) Suspend, revoke, or restrict the casino gaming operations 6097
of a casino operator; 6098

(2) Require the removal of a management company, key 6099
employee, or discontinuance of services from a gaming-related 6100
vendor. 6101

(C) The commission shall impose civil penalties against a 6102
person who violates this chapter under the penalties adopted by 6103
commission rule and approved by the joint committee on gaming and 6104
wagering. 6105

(D) A person who knowingly or intentionally does any of the 6106
following commits a misdemeanor of the first degree on the first 6107
offense and a felony of the fifth degree for a subsequent offense: 6108

(1) Makes a false statement on an application submitted under 6109
this chapter; 6110

(2) Permits a person less than twenty-one years of age to 6111
make a wager; 6112

(3) Aids, induces, or causes a person less than twenty-one 6113
years of age who is not an employee of the casino gaming operation 6114
to enter or attempt to enter a casino; 6115

(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code; 6116
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(5) Wagers or accepts a wager at a location other than a casino facility; 6119
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(6) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment; 6121
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(7) Gives to another person an item of value, as determined by the commission, in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine. 6123
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(E) A person who knowingly or intentionally does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. 6128
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(1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management company, holding company, or gaming-related vendor, including their officers and employees, under an agreement to influence or with the intent to influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a casino game or an official action of a commission member; 6134
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(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a casino, including an officer or employee of a casino operator, management company, or gaming-related vendor, under an agreement to influence or with the intent to influence the actions of the person to 6142
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affect or attempt to affect the outcome of a casino game or an 6147
official action of a commission member; 6148

(3) Uses or possesses with the intent to use a device to 6149
assist in projecting the outcome of the game, keeping track of the 6150
cards played, analyzing the probability of the occurrence of an 6151
event relating to the casino game, or analyzing the strategy for 6152
playing or betting to be used in the game, except as permitted by 6153
the commission; 6154

(4) Cheats at a casino game; 6155

(5) Manufactures, sells, or distributes any cards, chips, 6156
dice, game, or device that is intended to be used to violate this 6157
chapter; 6158

(6) Alters or misrepresents the outcome of a casino game on 6159
which wagers have been made after the outcome is made sure but 6160
before the outcome is revealed to the players; 6161

(7) Places a wager on the outcome of a casino game after 6162
acquiring knowledge that is not available to all players and 6163
concerns the outcome of the casino game that is the subject of the 6164
wager; 6165

(8) Aids a person in acquiring the knowledge described in 6166
division (E)(7) of this section for the purpose of placing a wager 6167
contingent on the outcome of a casino game; 6168

(9) Claims, collects, takes, or attempts to claim, collect, 6169
or take money or anything of value in or from a casino game with 6170
the intent to defraud or without having made a wager contingent on 6171
winning a casino game; 6172

(10) Claims, collects, or takes an amount of money or thing 6173
of value of greater value than the amount won in a casino game; 6174

(11) Uses or possesses counterfeit chips or tokens in or for 6175
use in a casino game; 6176

(12) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this chapter;

(14) Operates a casino gaming operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter.

(F) The possession of more than one of the devices described in division (E)(11), (12), or (13) of this section creates a rebuttable presumption that the possessor intended to use the devices for cheating.

(G) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

Sec. 3793.02. (A) The department of alcohol and drug addiction services shall promote, assist in developing, and coordinate or conduct programs of education and research for the prevention of alcohol and drug addiction, the prevention of gambling addiction, the treatment, including intervention, of alcoholics and persons who abuse drugs of abuse, including anabolic steroids, and the treatment, including intervention, of persons with gambling addictions. Programs established by the department shall include abstinence-based prevention and treatment programs.

(B) In addition to the other duties prescribed by this

chapter, the department shall do all of the following: 6207

(1) Promote and coordinate efforts in the provision of 6208
alcohol and drug addiction services and of gambling addiction 6209
services by other state agencies, as defined in section 1.60 of 6210
the Revised Code; courts; hospitals; clinics; physicians in 6211
private practice; public health authorities; boards of alcohol, 6212
drug addiction, and mental health services; alcohol and drug 6213
addiction programs; law enforcement agencies; gambling addiction 6214
programs; and related groups; 6215

(2) Provide for education and training in prevention, 6216
diagnosis, treatment, and control of alcohol and drug addiction 6217
and of gambling addiction for medical students, physicians, 6218
nurses, social workers, professional counselors, psychologists, 6219
and other persons who provide alcohol and drug addiction services 6220
or gambling addiction services; 6221

(3) Provide training and consultation for persons who 6222
supervise alcohol and drug addiction programs and facilities or 6223
gambling addiction programs and facilities; 6224

(4) Develop measures for evaluating the effectiveness of 6225
alcohol and drug addiction services, including services that use 6226
methadone treatment, and of gambling addiction services, and for 6227
increasing the accountability of alcohol and drug addiction 6228
programs and of gambling addiction programs; 6229

(5) Provide to each court of record, and biennially update, a 6230
list of the treatment and education programs within that court's 6231
jurisdiction that the court may require an offender, sentenced 6232
pursuant to section 4511.19 of the Revised Code, to attend; 6233

(6) Make the warning sign described in sections 3313.752, 6234
3345.41, and 3707.50 of the Revised Code available on the 6235
department's internet web site; 6236

(7) Provide a program of gambling addiction services on 6237

behalf of the state lottery commission, pursuant to an agreement 6238
entered into with the director of the commission under division 6239
(K) of section 3770.02 of the Revised Code, and provide a program 6240
of gambling and addiction services on behalf of the Ohio casino 6241
control commission, under an agreement entered into with the 6242
executive director of the commission under section 3772.062 of the 6243
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 6244
Constitution, the department may enter into agreements with county 6245
alcohol, drug addiction, and mental health service districts, 6246
including with such districts of counties in which a casino 6247
facility is not located, and nonprofit organizations to provide 6248
gambling and addiction services and substance abuse services, and 6249
with state institutions of higher education to perform related 6250
research. 6251

(C) The department may accept and administer grants from 6252
public or private sources for carrying out any of the duties 6253
enumerated in this section. 6254

(D) Pursuant to Chapter 119. of the Revised Code, the 6255
department shall adopt a rule defining the term "intervention" as 6256
it is used in this chapter in connection with alcohol and drug 6257
addiction services and in connection with gambling addiction 6258
services. The department may adopt other rules as necessary to 6259
implement the requirements of this chapter. 6260

Sec. 3793.032. The director of alcohol and drug addiction 6261
services shall administer the problem casino gambling and 6262
addictions fund. The director shall use the money in the fund to 6263
support programs that provide gambling addiction services, alcohol 6264
and drug addiction programs that provide alcohol and drug 6265
addiction services, other programs that relate to gambling 6266
addiction and substance abuse, and research that relates to 6267
gambling addiction and substance abuse. Money in the fund also may 6268

be used by the director to provide any of these addiction services 6269
or programs through toll-free call centers located in this state. 6270
Any services provided under programs supported by money in the 6271
fund under this section shall be services that are certified by 6272
the department of alcohol and drug addiction services or provided 6273
by counselors who are certified by the department. 6274

The director shall prepare an annual report describing the 6275
use of the fund for these purposes. The director shall submit the 6276
report to the Ohio casino control commission, the speaker and 6277
minority leader of the house of representatives, the president and 6278
minority leader of the senate, and the governor. 6279

Sec. 4301.355. (A) If a petition is filed under section 6280
4301.333 of the Revised Code for the submission of the question or 6281
questions set forth in this section, it shall be held in the 6282
precinct as ordered by the board of elections under that section. 6283
The expense of holding the election shall be charged to the 6284
municipal corporation or township of which the precinct is a part. 6285

(B) At the election, one or more of the following questions, 6286
as designated in a valid petition, shall be submitted to the 6287
electors of the precinct: 6288

(1) "Shall the sale of (insert beer, wine and 6289
mixed beverages, or spirituous liquor) be permitted by 6290
(insert name of applicant, liquor permit holder, or liquor agency 6291
store, including trade or fictitious name under which applicant 6292
for, or holder of, liquor permit or liquor agency store either 6293
intends to do, or does, business at the particular location), an 6294
..... (insert "applicant for" or "holder of" or "operator 6295
of") a (insert class name of liquor permit or permits 6296
followed by the words "liquor permit(s)" or, if appropriate, the 6297
words "liquor agency store for the State of Ohio"), who is engaged 6298

in the business of (insert general nature of the 6299
business in which applicant or liquor permit holder is engaged or 6300
will be engaged in at the particular location, as described in the 6301
petition) at (insert address of the particular location 6302
within the precinct as set forth in the petition) in this 6303
precinct?" 6304

(2) "Shall the sale of (insert beer, wine and 6305
mixed beverages, or spirituous liquor) be permitted for sale on 6306
Sunday between the hours of (insert "ten a.m. and 6307
midnight" or " eleven a.m. and midnight") by (insert 6308
name of applicant, liquor permit holder, or liquor agency store, 6309
including trade or fictitious name under which applicant for, or 6310
holder of, liquor permit or liquor agency store either intends to 6311
do, or does, business at the particular location), an 6312
(insert "applicant for a D-6 liquor permit," "holder of a D-6 6313
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 6314
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 6315
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 6316
liquor permit," if only the approval of beer sales is sought, or 6317
"liquor agency store") who is engaged in the business of 6318
..... (insert general nature of the business in which 6319
applicant or liquor permit holder is engaged or will be engaged in 6320
at the particular location, as described in the petition) at 6321
..... (insert address of the particular location within the 6322
precinct) in this precinct?" 6323

(C) The board of elections shall furnish printed ballots at 6324
the election as provided under section 3505.06 of the Revised 6325
Code, except that a separate ballot shall be used for the election 6326
under this section. The question set forth in this section shall 6327
be printed on each ballot, and the board shall insert in the 6328
question appropriate words to complete it. Votes shall be cast as 6329
provided under section 3505.06 of the Revised Code. 6330

Sec. 4301.62. (A) As used in this section: 6331

(1) "Chauffeured limousine" means a vehicle registered under 6332
section 4503.24 of the Revised Code. 6333

(2) "Street," "highway," and "motor vehicle" have the same 6334
meanings as in section 4511.01 of the Revised Code. 6335

(B) No person shall have in the person's possession an opened 6336
container of beer or intoxicating liquor in any of the following 6337
circumstances: 6338

(1) In a state liquor store; 6339

(2) Except as provided in division (C) of this section, on 6340
the premises of the holder of any permit issued by the division of 6341
liquor control; 6342

(3) In any other public place; 6343

(4) Except as provided in division (D) or (E) of this 6344
section, while operating or being a passenger in or on a motor 6345
vehicle on any street, highway, or other public or private 6346
property open to the public for purposes of vehicular travel or 6347
parking; 6348

(5) Except as provided in division (D) or (E) of this 6349
section, while being in or on a stationary motor vehicle on any 6350
street, highway, or other public or private property open to the 6351
public for purposes of vehicular travel or parking. 6352

(C)(1) A person may have in the person's possession an opened 6353
container of any of the following: 6354

(a) Beer or intoxicating liquor that has been lawfully 6355
purchased for consumption on the premises where bought from the 6356
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 6357
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 6358
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 6359

F-8 permit;	6360
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;	6361 6362 6363
(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;	6364 6365 6366
(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission.	6367 6368 6369
(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.	6370 6371 6372 6373 6374 6375 6376 6377 6378 6379
(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.	6380 6381 6382 6383 6384 6385 6386 6387 6388
(b) As used in division (C)(3)(a) of this section:	6389
(i) "Orchestral performance" means a concert comprised of a	6390

group of not fewer than forty musicians playing various musical 6391
instruments. 6392

(ii) "Outdoor performing arts center" means an outdoor 6393
performing arts center that is located on not less than eight 6394
hundred acres of land and that is open for performances from the 6395
first day of April to the last day of October of each year. 6396

(4) A person may have in the person's possession an opened or 6397
unopened container of beer or intoxicating liquor at an outdoor 6398
location at which the person is attending an orchestral 6399
performance as defined in division (C)(3)(b)(i) of this section if 6400
the person with supervision and control over the performance 6401
grants permission for the possession and consumption of beer or 6402
intoxicating liquor in certain predesignated areas of that outdoor 6403
location. 6404

(D) This section does not apply to a person who pays all or a 6405
portion of the fee imposed for the use of a chauffeured limousine 6406
pursuant to a prearranged contract, or the guest of the person, 6407
when all of the following apply: 6408

(1) The person or guest is a passenger in the limousine. 6409

(2) The person or guest is located in the limousine, but is 6410
not occupying a seat in the front compartment of the limousine 6411
where the operator of the limousine is located. 6412

(3) The limousine is located on any street, highway, or other 6413
public or private property open to the public for purposes of 6414
vehicular travel or parking. 6415

(E) An opened bottle of wine that was purchased from the 6416
holder of a permit that authorizes the sale of wine for 6417
consumption on the premises where sold is not an opened container 6418
for the purposes of this section if both of the following apply: 6419

(1) The opened bottle of wine is securely resealed by the 6420

permit holder or an employee of the permit holder before the 6421
bottle is removed from the premises. The bottle shall be secured 6422
in such a manner that it is visibly apparent if the bottle has 6423
been subsequently opened or tampered with. 6424

(2) The opened bottle of wine that is resealed in accordance 6425
with division (E)(1) of this section is stored in the trunk of a 6426
motor vehicle or, if the motor vehicle does not have a trunk, 6427
behind the last upright seat or in an area not normally occupied 6428
by the driver or passengers and not easily accessible by the 6429
driver. 6430

Sec. 4303.181. (A) Permit D-5a may be issued either to the 6431
owner or operator of a hotel or motel that is required to be 6432
licensed under section 3731.03 of the Revised Code, that contains 6433
at least fifty rooms for registered transient guests or is owned 6434
by a state institution of higher education as defined in section 6435
3345.011 of the Revised Code or a private college or university, 6436
and that qualifies under the other requirements of this section, 6437
or to the owner or operator of a restaurant specified under this 6438
section, to sell beer and any intoxicating liquor at retail, only 6439
by the individual drink in glass and from the container, for 6440
consumption on the premises where sold, and to registered guests 6441
in their rooms, which may be sold by means of a controlled access 6442
alcohol and beverage cabinet in accordance with division (B) of 6443
section 4301.21 of the Revised Code; and to sell the same products 6444
in the same manner and amounts not for consumption on the premises 6445
as may be sold by holders of D-1 and D-2 permits. The premises of 6446
the hotel or motel shall include a retail food establishment or a 6447
food service operation licensed pursuant to Chapter 3717. of the 6448
Revised Code that operates as a restaurant for purposes of this 6449
chapter and that is affiliated with the hotel or motel and within 6450
or contiguous to the hotel or motel, and that serves food within 6451
the hotel or motel, but the principal business of the owner or 6452

operator of the hotel or motel shall be the accommodation of 6453
transient guests. In addition to the privileges authorized in this 6454
division, the holder of a D-5a permit may exercise the same 6455
privileges as the holder of a D-5 permit. 6456

The owner or operator of a hotel, motel, or restaurant who 6457
qualified for and held a D-5a permit on August 4, 1976, may, if 6458
the owner or operator held another permit before holding a D-5a 6459
permit, either retain a D-5a permit or apply for the permit 6460
formerly held, and the division of liquor control shall issue the 6461
permit for which the owner or operator applies and formerly held, 6462
notwithstanding any quota. 6463

A D-5a permit shall not be transferred to another location. 6464
No quota restriction shall be placed on the number of D-5a permits 6465
that may be issued. 6466

The fee for this permit is two thousand three hundred 6467
forty-four dollars. 6468

(B) Permit D-5b may be issued to the owner, operator, tenant, 6469
lessee, or occupant of an enclosed shopping center to sell beer 6470
and intoxicating liquor at retail, only by the individual drink in 6471
glass and from the container, for consumption on the premises 6472
where sold; and to sell the same products in the same manner and 6473
amount not for consumption on the premises as may be sold by 6474
holders of D-1 and D-2 permits. In addition to the privileges 6475
authorized in this division, the holder of a D-5b permit may 6476
exercise the same privileges as a holder of a D-5 permit. 6477

A D-5b permit shall not be transferred to another location. 6478

One D-5b permit may be issued at an enclosed shopping center 6479
containing at least two hundred twenty-five thousand, but less 6480
than four hundred thousand, square feet of floor area. 6481

Two D-5b permits may be issued at an enclosed shopping center 6482
containing at least four hundred thousand square feet of floor 6483

area. No more than one D-5b permit may be issued at an enclosed 6484
shopping center for each additional two hundred thousand square 6485
feet of floor area or fraction of that floor area, up to a maximum 6486
of five D-5b permits for each enclosed shopping center. The number 6487
of D-5b permits that may be issued at an enclosed shopping center 6488
shall be determined by subtracting the number of D-3 and D-5 6489
permits issued in the enclosed shopping center from the number of 6490
D-5b permits that otherwise may be issued at the enclosed shopping 6491
center under the formulas provided in this division. Except as 6492
provided in this section, no quota shall be placed on the number 6493
of D-5b permits that may be issued. Notwithstanding any quota 6494
provided in this section, the holder of any D-5b permit first 6495
issued in accordance with this section is entitled to its renewal 6496
in accordance with section 4303.271 of the Revised Code. 6497

The holder of a D-5b permit issued before April 4, 1984, 6498
whose tenancy is terminated for a cause other than nonpayment of 6499
rent, may return the D-5b permit to the division of liquor 6500
control, and the division shall cancel that permit. Upon 6501
cancellation of that permit and upon the permit holder's payment 6502
of taxes, contributions, premiums, assessments, and other debts 6503
owing or accrued upon the date of cancellation to this state and 6504
its political subdivisions and a filing with the division of a 6505
certification of that payment, the division shall issue to that 6506
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 6507
that person requests. The division shall issue the D-5 permit, or 6508
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 6509
D-3, or D-5 permits currently issued in the municipal corporation 6510
or in the unincorporated area of the township where that person's 6511
proposed premises is located equals or exceeds the maximum number 6512
of such permits that can be issued in that municipal corporation 6513
or in the unincorporated area of that township under the 6514
population quota restrictions contained in section 4303.29 of the 6515
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 6516

be transferred to another location. If a D-5b permit is canceled 6517
under the provisions of this paragraph, the number of D-5b permits 6518
that may be issued at the enclosed shopping center for which the 6519
D-5b permit was issued, under the formula provided in this 6520
division, shall be reduced by one if the enclosed shopping center 6521
was entitled to more than one D-5b permit under the formula. 6522

The fee for this permit is two thousand three hundred 6523
forty-four dollars. 6524

(C) Permit D-5c may be issued to the owner or operator of a 6525
retail food establishment or a food service operation licensed 6526
pursuant to Chapter 3717. of the Revised Code that operates as a 6527
restaurant for purposes of this chapter and that qualifies under 6528
the other requirements of this section to sell beer and any 6529
intoxicating liquor at retail, only by the individual drink in 6530
glass and from the container, for consumption on the premises 6531
where sold, and to sell the same products in the same manner and 6532
amounts not for consumption on the premises as may be sold by 6533
holders of D-1 and D-2 permits. In addition to the privileges 6534
authorized in this division, the holder of a D-5c permit may 6535
exercise the same privileges as the holder of a D-5 permit. 6536

To qualify for a D-5c permit, the owner or operator of a 6537
retail food establishment or a food service operation licensed 6538
pursuant to Chapter 3717. of the Revised Code that operates as a 6539
restaurant for purposes of this chapter, shall have operated the 6540
restaurant at the proposed premises for not less than twenty-four 6541
consecutive months immediately preceding the filing of the 6542
application for the permit, have applied for a D-5 permit no later 6543
than December 31, 1988, and appear on the division's quota waiting 6544
list for not less than six months immediately preceding the filing 6545
of the application for the permit. In addition to these 6546
requirements, the proposed D-5c permit premises shall be located 6547
within a municipal corporation and further within an election 6548

precinct that, at the time of the application, has no more than 6549
twenty-five per cent of its total land area zoned for residential 6550
use. 6551

A D-5c permit shall not be transferred to another location. 6552
No quota restriction shall be placed on the number of such permits 6553
that may be issued. 6554

Any person who has held a D-5c permit for at least two years 6555
may apply for a D-5 permit, and the division of liquor control 6556
shall issue the D-5 permit notwithstanding the quota restrictions 6557
contained in section 4303.29 of the Revised Code or in any rule of 6558
the liquor control commission. 6559

The fee for this permit is one thousand five hundred 6560
sixty-three dollars. 6561

(D) Permit D-5d may be issued to the owner or operator of a 6562
retail food establishment or a food service operation licensed 6563
pursuant to Chapter 3717. of the Revised Code that operates as a 6564
restaurant for purposes of this chapter and that is located at an 6565
airport operated by a board of county commissioners pursuant to 6566
section 307.20 of the Revised Code, at an airport operated by a 6567
port authority pursuant to Chapter 4582. of the Revised Code, or 6568
at an airport operated by a regional airport authority pursuant to 6569
Chapter 308. of the Revised Code. The holder of a D-5d permit may 6570
sell beer and any intoxicating liquor at retail, only by the 6571
individual drink in glass and from the container, for consumption 6572
on the premises where sold, and may sell the same products in the 6573
same manner and amounts not for consumption on the premises where 6574
sold as may be sold by the holders of D-1 and D-2 permits. In 6575
addition to the privileges authorized in this division, the holder 6576
of a D-5d permit may exercise the same privileges as the holder of 6577
a D-5 permit. 6578

A D-5d permit shall not be transferred to another location. 6579

No quota restrictions shall be placed on the number of such 6580
permits that may be issued. 6581

The fee for this permit is two thousand three hundred 6582
forty-four dollars. 6583

(E) Permit D-5e may be issued to any nonprofit organization 6584
that is exempt from federal income taxation under the "Internal 6585
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 6586
amended, or that is a charitable organization under any chapter of 6587
the Revised Code, and that owns or operates a riverboat that meets 6588
all of the following: 6589

(1) Is permanently docked at one location; 6590

(2) Is designated as an historical riverboat by the Ohio 6591
historical society; 6592

(3) Contains not less than fifteen hundred square feet of 6593
floor area; 6594

(4) Has a seating capacity of fifty or more persons. 6595

The holder of a D-5e permit may sell beer and intoxicating 6596
liquor at retail, only by the individual drink in glass and from 6597
the container, for consumption on the premises where sold. 6598

A D-5e permit shall not be transferred to another location. 6599
No quota restriction shall be placed on the number of such permits 6600
that may be issued. The population quota restrictions contained in 6601
section 4303.29 of the Revised Code or in any rule of the liquor 6602
control commission shall not apply to this division, and the 6603
division shall issue a D-5e permit to any applicant who meets the 6604
requirements of this division. However, the division shall not 6605
issue a D-5e permit if the permit premises or proposed permit 6606
premises are located within an area in which the sale of 6607
spirituous liquor by the glass is prohibited. 6608

The fee for this permit is one thousand two hundred nineteen 6609

dollars. 6610

(F) Permit D-5f may be issued to the owner or operator of a 6611
retail food establishment or a food service operation licensed 6612
under Chapter 3717. of the Revised Code that operates as a 6613
restaurant for purposes of this chapter and that meets all of the 6614
following: 6615

(1) It contains not less than twenty-five hundred square feet 6616
of floor area. 6617

(2) It is located on or in, or immediately adjacent to, the 6618
shoreline of, a navigable river. 6619

(3) It provides docking space for twenty-five boats. 6620

(4) It provides entertainment and recreation, provided that 6621
not less than fifty per cent of the business on the permit 6622
premises shall be preparing and serving meals for a consideration. 6623

In addition, each application for a D-5f permit shall be 6624
accompanied by a certification from the local legislative 6625
authority that the issuance of the D-5f permit is not inconsistent 6626
with that political subdivision's comprehensive development plan 6627
or other economic development goal as officially established by 6628
the local legislative authority. 6629

The holder of a D-5f permit may sell beer and intoxicating 6630
liquor at retail, only by the individual drink in glass and from 6631
the container, for consumption on the premises where sold. 6632

A D-5f permit shall not be transferred to another location. 6633

The division of liquor control shall not issue a D-5f permit 6634
if the permit premises or proposed permit premises are located 6635
within an area in which the sale of spirituous liquor by the glass 6636
is prohibited. 6637

A fee for this permit is two thousand three hundred 6638
forty-four dollars. 6639

As used in this division, "navigable river" means a river 6640
that is also a "navigable water" as defined in the "Federal Power 6641
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 6642

(G) Permit D-5g may be issued to a nonprofit corporation that 6643
is either the owner or the operator of a national professional 6644
sports museum. The holder of a D-5g permit may sell beer and any 6645
intoxicating liquor at retail, only by the individual drink in 6646
glass and from the container, for consumption on the premises 6647
where sold. The holder of a D-5g permit shall sell no beer or 6648
intoxicating liquor for consumption on the premises where sold 6649
after one a.m. A D-5g permit shall not be transferred to another 6650
location. No quota restrictions shall be placed on the number of 6651
D-5g permits that may be issued. The fee for this permit is one 6652
thousand eight hundred seventy-five dollars. 6653

(H)(1) Permit D-5h may be issued to any nonprofit 6654
organization that is exempt from federal income taxation under the 6655
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6656
501(c)(3), as amended, that owns or operates any of the following: 6657

(a) A fine arts museum, provided that the nonprofit 6658
organization has no less than one thousand five hundred bona fide 6659
members possessing full membership privileges; 6660

(b) A community arts center. As used in division (H)(1)(b) of 6661
this section, "community arts center" means a facility that 6662
provides arts programming to the community in more than one arts 6663
discipline, including, but not limited to, exhibits of works of 6664
art and performances by both professional and amateur artists. 6665

(c) A community theater, provided that the nonprofit 6666
organization is a member of the Ohio arts council and the American 6667
community theatre association and has been in existence for not 6668
less than ten years. As used in division (H)(1)(c) of this 6669
section, "community theater" means a facility that contains at 6670

least one hundred fifty seats and has a primary function of 6671
presenting live theatrical performances and providing recreational 6672
opportunities to the community. 6673

(2) The holder of a D-5h permit may sell beer and any 6674
intoxicating liquor at retail, only by the individual drink in 6675
glass and from the container, for consumption on the premises 6676
where sold. The holder of a D-5h permit shall sell no beer or 6677
intoxicating liquor for consumption on the premises where sold 6678
after one a.m. A D-5h permit shall not be transferred to another 6679
location. No quota restrictions shall be placed on the number of 6680
D-5h permits that may be issued. 6681

(3) The fee for a D-5h permit is one thousand eight hundred 6682
seventy-five dollars. 6683

(I) Permit D-5i may be issued to the owner or operator of a 6684
retail food establishment or a food service operation licensed 6685
under Chapter 3717. of the Revised Code that operates as a 6686
restaurant for purposes of this chapter and that meets all of the 6687
following requirements: 6688

(1) It is located in a municipal corporation or a township 6689
with a population of one hundred thousand or less. 6690

(2) It has inside seating capacity for at least one hundred 6691
forty persons. 6692

(3) It has at least four thousand square feet of floor area. 6693

(4) It offers full-course meals, appetizers, and sandwiches. 6694

(5) Its receipts from beer and liquor sales, excluding wine 6695
sales, do not exceed twenty-five per cent of its total gross 6696
receipts. 6697

(6) It has at least one of the following characteristics: 6698

(a) The value of its real and personal property exceeds seven 6699
hundred twenty-five thousand dollars. 6700

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i 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, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit.

A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (I)(1) to (6) of this section. No quota restrictions shall be placed on the number of D-5i permits that may be issued. The fee for the D-5i permit is two thousand three hundred forty-four dollars.

(J)(1) Permit D-5j may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to 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 and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5j permit may exercise the same privileges, and shall

observe the same hours of operation, as the holder of a D-5 6733
permit. 6734

(2) The D-5j permit shall be issued only within a community 6735
entertainment district that is designated under section 4301.80 of 6736
the Revised Code and that meets one of the following 6737
qualifications: 6738

(a) It is located in a municipal corporation with a 6739
population of at least one hundred thousand. 6740

(b) It is located in a municipal corporation with a 6741
population of at least twenty thousand, and either of the 6742
following applies: 6743

(i) It contains an amusement park the rides of which have 6744
been issued a permit by the department of agriculture under 6745
Chapter 1711. of the Revised Code. 6746

(ii) Not less than fifty million dollars will be invested in 6747
development and construction in the community entertainment 6748
district's area located in the municipal corporation. 6749

(c) It is located in a township with a population of at least 6750
forty thousand. 6751

(d) It is located in a municipal corporation with a 6752
population of at least ten thousand, and not less than seventy 6753
million dollars will be invested in development and construction 6754
in the community entertainment district's area located in the 6755
municipal corporation. 6756

(e) It is located in a municipal corporation with a 6757
population of at least five thousand, and not less than one 6758
hundred million dollars will be invested in development and 6759
construction in the community entertainment district's area 6760
located in the municipal corporation. 6761

(3) The location of a D-5j permit may be transferred only 6762

within the geographic boundaries of the community entertainment 6763
district in which it was issued and shall not be transferred 6764
outside the geographic boundaries of that district. 6765

(4) Not more than one D-5j permit shall be issued within each 6766
community entertainment district for each five acres of land 6767
located within the district. Not more than fifteen D-5j permits 6768
may be issued within a single community entertainment district. 6769
Except as otherwise provided in division (J)(4) of this section, 6770
no quota restrictions shall be placed upon the number of D-5j 6771
permits that may be issued. 6772

(5) The fee for a D-5j permit is two thousand three hundred 6773
forty-four dollars. 6774

(K)(1) Permit D-5k may be issued to any nonprofit 6775
organization that is exempt from federal income taxation under the 6776
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6777
501(c)(3), as amended, that is the owner or operator of a 6778
botanical garden recognized by the American association of 6779
botanical gardens and arboreta, and that has not less than 6780
twenty-five hundred bona fide members. 6781

(2) The holder of a D-5k permit may sell beer and any 6782
intoxicating liquor at retail, only by the individual drink in 6783
glass and from the container, on the premises where sold. 6784

(3) The holder of a D-5k permit shall sell no beer or 6785
intoxicating liquor for consumption on the premises where sold 6786
after one a.m. 6787

(4) A D-5k permit shall not be transferred to another 6788
location. 6789

(5) No quota restrictions shall be placed on the number of 6790
D-5k permits that may be issued. 6791

(6) The fee for the D-5k permit is one thousand eight hundred 6792

seventy-five dollars. 6793

(L)(1) Permit D-51 may be issued to the owner or the operator 6794
of a retail food establishment or a food service operation 6795
licensed under Chapter 3717. of the Revised Code to sell beer and 6796
intoxicating liquor at retail, only by the individual drink in 6797
glass and from the container, for consumption on the premises 6798
where sold and to sell beer and intoxicating liquor in the same 6799
manner and amounts not for consumption on the premises where sold 6800
as may be sold by the holders of D-1 and D-2 permits. The holder 6801
of a D-51 permit may exercise the same privileges, and shall 6802
observe the same hours of operation, as the holder of a D-5 6803
permit. 6804

(2) The D-51 permit shall be issued only to a premises that 6805
has gross annual receipts from the sale of food and meals that 6806
constitute not less than seventy-five per cent of its total gross 6807
annual receipts, that is located within a revitalization district 6808
that is designated under section 4301.81 of the Revised Code, that 6809
is located in a municipal corporation or township in which the 6810
number of D-5 permits issued equals or exceeds the number of those 6811
permits that may be issued in that municipal corporation or 6812
township under section 4303.29 of the Revised Code, and that is 6813
located in a county with a population of one hundred twenty-five 6814
thousand or less according to the population estimates certified 6815
by the department of development for calendar year 2006. 6816

(3) The location of a D-51 permit may be transferred only 6817
within the geographic boundaries of the revitalization district in 6818
which it was issued and shall not be transferred outside the 6819
geographic boundaries of that district. 6820

(4) Not more than one D-51 permit shall be issued within each 6821
revitalization district for each five acres of land located within 6822
the district. Not more than five D-51 permits may be issued within 6823
a single revitalization district. Except as otherwise provided in 6824

division (L)(4) of this section, no quota restrictions shall be placed upon the number of D-5l permits that may be issued.

(5) The fee for a D-5l permit is two thousand three hundred forty-four dollars.

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5m permit may exercise the same privileges as the holder of a D-5 permit.

A D-5m permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5m permits that may be issued. The fee for a permit D-5m is two thousand three hundred forty-four dollars.

(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer, intoxicating liquor, wine, and mixed beverages at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n permit may exercise the same privileges as the holder of a D-5 permit. A D-5n permit shall not be transferred to another

location. Only one D-5n permit may be issued per casino facility 6857
and not more than four D-5n permits shall be issued in this state. 6858
The fee for a permit D-5n shall be five thousand dollars. The 6859
holder of a D-5n permit may conduct casino gaming on the permit 6860
premises notwithstanding any provision of the Revised Code or 6861
Administrative Code. 6862

(O) Permit D-5o may be issued to the owner or operator of a 6863
retail food establishment or a food service operation licensed 6864
under Chapter 3717. of the Revised Code that operates as a 6865
restaurant for purposes of this chapter and that is located within 6866
a casino facility for which a D-5n permit has been issued. The 6867
holder of a D-5o permit may sell beer and any intoxicating liquor 6868
at retail, only by the glass and from the container, for 6869
consumption on the premises where sold, and may sell the same 6870
products in the same manner and amounts not for consumption on the 6871
premises where sold as may be sold by the holders of D-1 and D-2 6872
permits. In addition to the privileges authorized by this 6873
division, the holder of a D-5o permit may exercise the same 6874
privileges as the holder of a D-5 permit. A D-5o permit shall not 6875
be transferred to another location. No quota restrictions shall be 6876
placed on the number of such permits that may be issued. The fee 6877
for this permit is five thousand dollars. 6878

Sec. 4303.182. (A) Except as otherwise provided in divisions 6879
(B) to (J) of this section, permit D-6 shall be issued to the 6880
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 6881
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 6882
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 6883
that permit as follows: 6884

(1) Between the hours of ten a.m. and midnight on Sunday if 6885
sale during those hours has been approved under question (C)(1), 6886
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 6887

under question (B)(2) of section 4301.355 of the Revised Code, or 6888
under section 4301.356 of the Revised Code and has been authorized 6889
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6890
Revised Code, under the restrictions of that authorization; 6891

(2) Between the hours of eleven a.m. and midnight on Sunday, 6892
if sale during those hours has been approved on or after the 6893
effective date of this amendment under question (B)(1), (2), or 6894
(3) of section 4301.351 or 4301.354 of the Revised Code, under 6895
question (B)(2) of section 4301.355 of the Revised Code, or under 6896
section 4301.356 of the Revised Code and has been authorized under 6897
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 6898
Code, under the restrictions of that authorization; 6899

(3) Between the hours of eleven a.m. and midnight on Sunday 6900
if sale between the hours of one p.m. and midnight was approved 6901
before the effective date of this amendment under question (B)(1), 6902
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 6903
under question (B)(2) of section 4301.355 of the Revised Code, or 6904
under section 4301.356 of the Revised Code and has been authorized 6905
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6906
Revised Code, under the other restrictions of that authorization. 6907

(B) Permit D-6 shall be issued to the holder of any permit, 6908
including a D-4a and D-5d permit, authorizing the sale of 6909
intoxicating liquor issued for a premises located at any publicly 6910
owned airport, as defined in section 4563.01 of the Revised Code, 6911
at which commercial airline companies operate regularly scheduled 6912
flights on which space is available to the public, to allow sale 6913
under such permit between the hours of ten a.m. and midnight on 6914
Sunday, whether or not that sale has been authorized under section 6915
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6916

(C) Permit D-6 shall be issued to the holder of a D-5a 6917
permit, and to the holder of a D-3 or D-3a permit who is the owner 6918
or operator of a hotel or motel that is required to be licensed 6919

under section 3731.03 of the Revised Code, that contains at least 6920
fifty rooms for registered transient guests, and that has on its 6921
premises a retail food establishment or a food service operation 6922
licensed pursuant to Chapter 3717. of the Revised Code that 6923
operates as a restaurant for purposes of this chapter and is 6924
affiliated with the hotel or motel and within or contiguous to the 6925
hotel or motel and serving food within the hotel or motel, to 6926
allow sale under such permit between the hours of ten a.m. and 6927
midnight on Sunday, whether or not that sale has been authorized 6928
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6929
Revised Code. 6930

(D) The holder of a D-6 permit that is issued to a sports 6931
facility may make sales under the permit between the hours of 6932
eleven a.m. and midnight on any Sunday on which a professional 6933
baseball, basketball, football, hockey, or soccer game is being 6934
played at the sports facility. As used in this division, "sports 6935
facility" means a stadium or arena that has a seating capacity of 6936
at least four thousand and that is owned or leased by a 6937
professional baseball, basketball, football, hockey, or soccer 6938
franchise or any combination of those franchises. 6939

(E) Permit D-6 shall be issued to the holder of any permit 6940
that authorizes the sale of beer or intoxicating liquor and that 6941
is issued to a premises located in or at the Ohio historical 6942
society area or the state fairgrounds, as defined in division (B) 6943
of section 4301.40 of the Revised Code, to allow sale under that 6944
permit between the hours of ten a.m. and midnight on Sunday, 6945
whether or not that sale has been authorized under section 6946
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6947

(F) Permit D-6 shall be issued to the holder of any permit 6948
that authorizes the sale of intoxicating liquor and that is issued 6949
to an outdoor performing arts center to allow sale under that 6950
permit between the hours of one p.m. and midnight on Sunday, 6951

whether or not that sale has been authorized under section 6952
4301.361 of the Revised Code. A D-6 permit issued under this 6953
division is subject to the results of an election, held after the 6954
D-6 permit is issued, on question (B)(4) as set forth in section 6955
4301.351 of the Revised Code. Following the end of the period 6956
during which an election may be held on question (B)(4) as set 6957
forth in that section, sales of intoxicating liquor may continue 6958
at an outdoor performing arts center under a D-6 permit issued 6959
under this division, unless an election on that question is held 6960
during the permitted period and a majority of the voters voting in 6961
the precinct on that question vote "no." 6962

As used in this division, "outdoor performing arts center" 6963
means an outdoor performing arts center that is located on not 6964
less than eight hundred acres of land and that is open for 6965
performances from the first day of April to the last day of 6966
October of each year. 6967

(G) Permit D-6 shall be issued to the holder of any permit 6968
that authorizes the sale of beer or intoxicating liquor and that 6969
is issued to a golf course owned by the state, a conservancy 6970
district, a park district created under Chapter 1545. of the 6971
Revised Code, or another political subdivision to allow sale under 6972
that permit between the hours of ten a.m. and midnight on Sunday, 6973
whether or not that sale has been authorized under section 6974
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6975

(H) Permit D-6 shall be issued to the holder of a D-5g permit 6976
to allow sale under that permit between the hours of ten a.m. and 6977
midnight on Sunday, whether or not that sale has been authorized 6978
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6979
Revised Code. 6980

(I) Permit D-6 shall be issued to the holder of any D permit 6981
for a premises that is licensed under Chapter 3717. of the Revised 6982
Code and that is located at a ski area to allow sale under the D-6 6983

permit between the hours of ten a.m. and midnight on Sunday, 6984
whether or not that sale has been authorized under section 6985
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6986

As used in this division, "ski area" means a ski area as 6987
defined in section 4169.01 of the Revised Code, provided that the 6988
passenger tramway operator at that area is registered under 6989
section 4169.03 of the Revised Code. 6990

(J) Permit D-6 shall be issued to the holder of any permit 6991
that is described in division (A) of this section for a permit 6992
premises that is located in a community entertainment district, as 6993
defined in section 4301.80 of the Revised Code, that was approved 6994
by the legislative authority of a municipal corporation under that 6995
section between October 1 and October 15, 2005, to allow sale 6996
under the permit between the hours of ten a.m. and midnight on 6997
Sunday, whether or not that sale has been authorized under section 6998
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6999

(K) If the restriction to licensed premises where the sale of 7000
food and other goods and services exceeds fifty per cent of the 7001
total gross receipts of the permit holder at the premises is 7002
applicable, the division of liquor control may accept an affidavit 7003
from the permit holder to show the proportion of the permit 7004
holder's gross receipts derived from the sale of food and other 7005
goods and services. If the liquor control commission determines 7006
that affidavit to have been false, it shall revoke the permits of 7007
the permit holder at the premises concerned. 7008

(L) The fee for the D-6 permit is five hundred dollars when 7009
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 7010
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 7011
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee 7012
for the D-6 permit is four hundred dollars when it is issued to 7013
the holder of a C-2 permit. 7014

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 7015
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 7016
D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be exercised at not 7017
more than two fixed counters, commonly known as bars, in rooms or 7018
places on the permit premises, where beer, mixed beverages, wine, 7019
or spirituous liquor is sold to the public for consumption on the 7020
premises. For each additional fixed counter on the permit premises 7021
where those beverages are sold for consumption on the premises, 7022
the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, 7023
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 7024
D-5l, D-5m, D-5n, D-5o, or D-6 permit. 7025

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 7026
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 7027
or D-6 permit shall be granted, upon application to the division 7028
of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 7029
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 7030
D-5n, D-5o, or D-6 permit for each additional fixed counter on the 7031
permit premises at which beer, mixed beverages, wine, or 7032
spirituous liquor is sold for consumption on the premises, 7033
provided the application is made in the same manner as an 7034
application for an original permit. The application shall be 7035
identified with DUPLICATE printed on the permit application form 7036
furnished by the department, in boldface type. The application 7037
shall identify by name, or otherwise amply describe, the room or 7038
place on the premises where the duplicate permit is to be 7039
operative. Each duplicate permit shall be issued only to the same 7040
individual, firm, or corporation as that of the original permit 7041
and shall be an exact duplicate in size and word content as the 7042
original permit, except that it shall show on it the name or other 7043
ample identification of the room, or place, for which it is issued 7044
and shall have DUPLICATE printed on it in boldface type. A 7045
duplicate permit shall bear the same number as the original 7046

permit. The fee for a duplicate permit is: D-1, one hundred 7047
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 7048
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 7049
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 7050
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 7051
dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; 7052
D-6, one hundred dollars when issued to the holder of a D-4a 7053
permit; and in all other cases one hundred dollars or an amount 7054
which is twenty per cent of the fees payable for the A-1-A, D-2, 7055
D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, 7056
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, and D-6 permits issued to the 7057
same premises, whichever is higher. Application for a duplicate 7058
permit may be filed any time during the life of an original 7059
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 7060
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 7061
D-5n, D-5o, or D-6 permit shall be paid in accordance with section 7062
4303.24 of the Revised Code. 7063

Sec. 5502.03. (A) There is hereby created in the department 7064
of public safety a division of homeland security. 7065

(B) The division shall do all of the following: 7066

(1) Coordinate all homeland security activities of all state 7067
agencies and be the liaison between state agencies and local 7068
entities for the purposes of communicating homeland security 7069
funding and policy initiatives; 7070

(2) Collect, analyze, maintain, and disseminate information 7071
to support local, state, and federal law enforcement agencies, 7072
other government agencies, and private organizations in detecting, 7073
deterring, preventing, preparing for, responding to, and 7074
recovering from threatened or actual terrorist events. This 7075
information is not a public record pursuant to section 149.43 of 7076
the Revised Code. 7077

(3) Coordinate efforts of state and local governments and private organizations to enhance the security and protection of critical infrastructure, including casino facilities, and key assets in this state;

(4) Develop and coordinate policies, protocols, and strategies that may be used to prevent, detect, prepare for, respond to, and recover from terrorist acts or threats;

(5) Develop, update, and coordinate the implementation of an Ohio homeland security strategic plan that will guide state and local governments in the achievement of homeland security in this state.

(C) The director of public safety shall appoint an executive director, who shall be head of the division of homeland security and who regularly shall advise the governor and the director on matters pertaining to homeland security. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements.

(D) Except as otherwise provided by law, nothing in this section shall be construed to give the director of public safety or the executive director of the division of homeland security authority over the incident management structure or responsibilities of local emergency response personnel.

(E) There is hereby created in the state treasury the homeland security fund. The fund shall consist of sixty cents of each fee collected under sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised Code as specified in those sections, plus on and after October 1, 2009, sixty cents of each fee collected under sections 4505.14 and 4519.63 of the Revised Code as

specified in those sections. The fund shall be used to pay the 7109
expenses of administering the law relative to the powers and 7110
duties of the executive director of the division of homeland 7111
security, except that the director of budget and management may 7112
transfer excess money from the homeland security fund to the state 7113
highway safety fund if the director of public safety determines 7114
that the amount of money in the homeland security fund exceeds the 7115
amount required to cover such costs incurred by the division of 7116
homeland security and requests the director of budget and 7117
management to make the transfer. 7118

Sec. 5703.052. (A) There is hereby created in the state 7119
treasury the tax refund fund, from which refunds shall be paid for 7120
taxes illegally or erroneously assessed or collected, or for any 7121
other reason overpaid, that are levied by Chapter 4301., 4305., 7122
5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 7123
5749., ~~or~~ 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 7124
4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 7125
of the Revised Code. Refunds for fees illegally or erroneously 7126
assessed or collected, or for any other reason overpaid, that are 7127
levied by sections 3734.90 to 3734.9014 of the Revised Code also 7128
shall be paid from the fund. Refunds for amounts illegally or 7129
erroneously assessed or collected by the tax commissioner, or for 7130
any other reason overpaid, that are due under section 1509.50 of 7131
the Revised Code shall be paid from the fund. However, refunds for 7132
taxes levied under section 5739.101 of the Revised Code shall not 7133
be paid from the tax refund fund, but shall be paid as provided in 7134
section 5739.104 of the Revised Code. 7135

(B)(1) Upon certification by the tax commissioner to the 7136
treasurer of state of a tax refund, a fee refund, or an other 7137
amount refunded, or by the superintendent of insurance of a 7138
domestic or foreign insurance tax refund, the treasurer of state 7139
shall place the amount certified to the credit of the fund. The 7140

certified amount transferred shall be derived from current 7141
receipts of the same tax, fee, or other amount from which the 7142
refund arose. If current receipts from the tax, fee, or other 7143
amount from which the refund arose are inadequate to make the 7144
transfer of the amount so certified, the treasurer of state shall 7145
transfer such certified amount from current receipts of the sales 7146
tax levied by section 5739.02 of the Revised Code. 7147

(2) When the treasurer of state provides for the payment of a 7148
refund of a tax, fee, or other amount from the current receipts of 7149
the sales tax, and the refund is for a tax, fee, or other amount 7150
that is not levied by the state, the tax commissioner shall 7151
recover the amount of that refund from the next distribution of 7152
that tax, fee, or other amount that otherwise would be made to the 7153
taxing jurisdiction. If the amount to be recovered would exceed 7154
twenty-five per cent of the next distribution of that tax, fee, or 7155
other amount, the commissioner may spread the recovery over more 7156
than one future distribution, taking into account the amount to be 7157
recovered and the amount of the anticipated future distributions. 7158
In no event may the commissioner spread the recovery over a period 7159
to exceed twenty-four months. 7160

Sec. 5703.19. (A) To carry out the purposes of the laws that 7161
the tax commissioner is required to administer, the commissioner 7162
or any person employed by the commissioner for that purpose, upon 7163
demand, may inspect books, accounts, records, and memoranda of any 7164
person or public utility subject to those laws, and may examine 7165
under oath any officer, agent, or employee of that person or 7166
public utility. Any person other than the commissioner who makes a 7167
demand pursuant to this section shall produce the person's 7168
authority to make the inspection. 7169

(B) If a person or public utility receives at least ten days' 7170
written notice of a demand made under division (A) of this section 7171

and refuses to comply with that demand, a penalty of five hundred 7172
dollars shall be imposed upon the person or public utility for 7173
each day the person or public utility refuses to comply with the 7174
demand. Penalties imposed under this division may be assessed and 7175
collected in the same manner as assessments made under Chapter 7176
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 7177
5747., 5749., ~~or 5751.~~ or 5753., or sections 3734.90 to 7178
3734.9014, of the Revised Code. 7179

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 7180
of this section, no agent of the department of taxation, except in 7181
the agent's report to the department or when called on to testify 7182
in any court or proceeding, shall divulge any information acquired 7183
by the agent as to the transactions, property, or business of any 7184
person while acting or claiming to act under orders of the 7185
department. Whoever violates this provision shall thereafter be 7186
disqualified from acting as an officer or employee or in any other 7187
capacity under appointment or employment of the department. 7188
7189

(B)(1) For purposes of an audit pursuant to section 117.15 of 7190
the Revised Code, or an audit of the department pursuant to 7191
Chapter 117. of the Revised Code, or an audit, pursuant to that 7192
chapter, the objective of which is to express an opinion on a 7193
financial report or statement prepared or issued pursuant to 7194
division (A)(7) or (9) of section 126.21 of the Revised Code, the 7195
officers and employees of the auditor of state charged with 7196
conducting the audit shall have access to and the right to examine 7197
any state tax returns and state tax return information in the 7198
possession of the department to the extent that the access and 7199
examination are necessary for purposes of the audit. Any 7200
information acquired as the result of that access and examination 7201
shall not be divulged for any purpose other than as required for 7202
the audit or unless the officers and employees are required to 7203

testify in a court or proceeding under compulsion of legal 7204
process. Whoever violates this provision shall thereafter be 7205
disqualified from acting as an officer or employee or in any other 7206
capacity under appointment or employment of the auditor of state. 7207

(2) For purposes of an internal audit pursuant to section 7208
126.45 of the Revised Code, the officers and employees of the 7209
office of internal auditing in the office of budget and management 7210
charged with conducting the internal audit shall have access to 7211
and the right to examine any state tax returns and state tax 7212
return information in the possession of the department to the 7213
extent that the access and examination are necessary for purposes 7214
of the internal audit. Any information acquired as the result of 7215
that access and examination shall not be divulged for any purpose 7216
other than as required for the internal audit or unless the 7217
officers and employees are required to testify in a court or 7218
proceeding under compulsion of legal process. Whoever violates 7219
this provision shall thereafter be disqualified from acting as an 7220
officer or employee or in any other capacity under appointment or 7221
employment of the office of internal auditing. 7222

(3) As provided by section 6103(d)(2) of the Internal Revenue 7223
Code, any federal tax returns or federal tax information that the 7224
department has acquired from the internal revenue service, through 7225
federal and state statutory authority, may be disclosed to the 7226
auditor of state or the office of internal auditing solely for 7227
purposes of an audit of the department. 7228

(4) For purposes of Chapter 3739. of the Revised Code, an 7229
agent of the department of taxation may share information with the 7230
division of state fire marshal that the agent finds during the 7231
course of an investigation. 7232

(C) Division (A) of this section does not prohibit any of the 7233
following: 7234

(1) Divulging information contained in applications,	7235
complaints, and related documents filed with the department under	7236
section 5715.27 of the Revised Code or in applications filed with	7237
the department under section 5715.39 of the Revised Code;	7238
(2) Providing information to the office of child support	7239
within the department of job and family services pursuant to	7240
section 3125.43 of the Revised Code;	7241
(3) Disclosing to the board of motor vehicle collision repair	7242
registration any information in the possession of the department	7243
that is necessary for the board to verify the existence of an	7244
applicant's valid vendor's license and current state tax	7245
identification number under section 4775.07 of the Revised Code;	7246
(4) Providing information to the administrator of workers'	7247
compensation pursuant to sections 4123.271 and 4123.591 of the	7248
Revised Code;	7249
(5) Providing to the attorney general information the	7250
department obtains under division (J) of section 1346.01 of the	7251
Revised Code;	7252
(6) Permitting properly authorized officers, employees, or	7253
agents of a municipal corporation from inspecting reports or	7254
information pursuant to rules adopted under section 5745.16 of the	7255
Revised Code;	7256
(7) Providing information regarding the name, account number,	7257
or business address of a holder of a vendor's license issued	7258
pursuant to section 5739.17 of the Revised Code, a holder of a	7259
direct payment permit issued pursuant to section 5739.031 of the	7260
Revised Code, or a seller having a use tax account maintained	7261
pursuant to section 5741.17 of the Revised Code, or information	7262
regarding the active or inactive status of a vendor's license,	7263
direct payment permit, or seller's use tax account;	7264
(8) Releasing invoices or invoice information furnished under	7265

section 4301.433 of the Revised Code pursuant to that section;	7266
(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;	7267 7268 7269 7270 7271
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	7272 7273
(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;	7274 7275 7276 7277 7278
(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;	7279 7280 7281 7282 7283 7284
(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.	7285 7286 7287 7288 7289 7290 7291 7292 7293
<u>(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a taxpayer's compliance with section</u>	7294 7295 7296

5753.02 of the Revised Code and sections related thereto. 7297

Sec. 5703.70. (A) On the filing of an application for refund 7298
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 7299
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 7300
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 7301
5749.08, ~~or~~ 5751.08, or 5753.06 of the Revised Code, or an 7302
application for compensation under section 5739.061 of the Revised 7303
Code, if the tax commissioner determines that the amount of the 7304
refund or compensation to which the applicant is entitled is less 7305
than the amount claimed in the application, the commissioner shall 7306
give the applicant written notice by ordinary mail of the amount. 7307
The notice shall be sent to the address shown on the application 7308
unless the applicant notifies the commissioner of a different 7309
address. The applicant shall have sixty days from the date the 7310
commissioner mails the notice to provide additional information to 7311
the commissioner or request a hearing, or both. 7312

(B) If the applicant neither requests a hearing nor provides 7313
additional information to the tax commissioner within the time 7314
prescribed by division (A) of this section, the commissioner shall 7315
take no further action, and the refund or compensation amount 7316
denied becomes final. 7317

(C)(1) If the applicant requests a hearing within the time 7318
prescribed by division (A) of this section, the tax commissioner 7319
shall assign a time and place for the hearing and notify the 7320
applicant of such time and place, but the commissioner may 7321
continue the hearing from time to time as necessary. After the 7322
hearing, the commissioner may make such adjustments to the refund 7323
or compensation as the commissioner finds proper, and shall issue 7324
a final determination thereon. 7325

(2) If the applicant does not request a hearing, but provides 7326
additional information, within the time prescribed by division (A) 7327

of this section, the commissioner shall review the information, 7328
make such adjustments to the refund or compensation as the 7329
commissioner finds proper, and issue a final determination 7330
thereon. 7331

(3) The commissioner shall serve a copy of the final 7332
determination made under division (C)(1) or (2) of this section on 7333
the applicant in the manner provided in section 5703.37 of the 7334
Revised Code, and the decision is final, subject to appeal under 7335
section 5717.02 of the Revised Code. 7336

(D) The tax commissioner shall certify to the director of 7337
budget and management and treasurer of state for payment from the 7338
tax refund fund created by section 5703.052 of the Revised Code, 7339
the amount of the refund to be refunded under division (B) or (C) 7340
of this section. The commissioner also shall certify to the 7341
director and treasurer of state for payment from the general 7342
revenue fund the amount of compensation to be paid under division 7343
(B) or (C) of this section. 7344

Sec. 5747.02. (A) For the purpose of providing revenue for 7345
the support of schools and local government functions, to provide 7346
relief to property taxpayers, to provide revenue for the general 7347
revenue fund, and to meet the expenses of administering the tax 7348
levied by this chapter, there is hereby levied on every 7349
individual, trust, and estate residing in or earning or receiving 7350
income in this state, on every individual, trust, and estate 7351
earning or receiving lottery winnings, prizes, or awards pursuant 7352
to Chapter 3770. of the Revised Code, on every individual, trust, 7353
and estate earning or receiving winnings on casino gaming, and on 7354
every individual, trust, and estate otherwise having nexus with or 7355
in this state under the Constitution of the United States, an 7356
annual tax measured in the case of individuals by Ohio adjusted 7357
gross income less an exemption for the taxpayer, the taxpayer's 7358

spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows:

(1) For taxable years beginning in 2004:		7365
OHIO ADJUSTED GROSS INCOME LESS		7366
EXEMPTIONS (INDIVIDUALS)		
OR		7367
MODIFIED OHIO		7368
TAXABLE INCOME (TRUSTS)		7369
OR		7370
OHIO TAXABLE INCOME (ESTATES)	TAX	7371
\$5,000 or less	.743%	7372
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	7373
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	7374
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	7375
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	7376
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	7377
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	7378
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	7379
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	7380

(2) For taxable years beginning in 2005: 7381

OHIO ADJUSTED GROSS INCOME LESS		7382
EXEMPTIONS (INDIVIDUALS)		
OR		7383
MODIFIED OHIO		7384
TAXABLE INCOME (TRUSTS)		7385
OR		7386
OHIO TAXABLE INCOME (ESTATES)	TAX	7387
\$5,000 or less	.712%	7388
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	7389
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	7390
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	7391
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	7392
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	7393
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	7394
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	7395
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	7396
(3) For taxable years beginning in 2006:		7397
OHIO ADJUSTED GROSS INCOME LESS		7398
EXEMPTIONS (INDIVIDUALS)		
OR		7399
MODIFIED OHIO		7400
TAXABLE INCOME (TRUSTS)		7401
OR		7402
OHIO TAXABLE INCOME (ESTATES)	TAX	7403
\$5,000 or less	.681%	7404

More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	7405
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	7406
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	7407
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	7408
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	7409
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	7410
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	7411
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	7412
(4) For taxable years beginning in 2007:		7413
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		7414
OR		7415
MODIFIED OHIO		7416
TAXABLE INCOME (TRUSTS)		7417
OR		7418
OHIO TAXABLE INCOME (ESTATES)	TAX	7419
\$5,000 or less	.649%	7420
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	7421
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	7422
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	7423
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	7424

More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	7425
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	7426
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	7427
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	7428
(5) For taxable years beginning in 2008, 2009, or 2010:		7429
OHIO ADJUSTED GROSS INCOME LESS		7430
EXEMPTIONS (INDIVIDUALS)		
OR		7431
MODIFIED OHIO		7432
TAXABLE INCOME (TRUSTS)		7433
OR		7434
OHIO TAXABLE INCOME (ESTATES)	TAX	7435
\$5,000 or less	.618%	7436
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	7437
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	7438
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	7439
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	7440
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	7441
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	7442
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	7443
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	7444

(6) For taxable years beginning in 2011 or thereafter:		7445
OHIO ADJUSTED GROSS INCOME LESS		7446
EXEMPTIONS (INDIVIDUALS)		
OR		7447
MODIFIED OHIO		7448
TAXABLE INCOME (TRUSTS)		7449
OR		7450
OHIO TAXABLE INCOME (ESTATES)	TAX	7451
\$5,000 or less	.587%	7452
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	7453
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	7454
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	7455
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	7456
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	7457
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	7458
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	7459
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	7460
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		7461 7462 7463 7464 7465 7466 7467 7468

to the nearest multiple of fifty dollars. The tax commissioner 7469
also shall recompute each of the tax dollar amounts to the extent 7470
necessary to reflect the adjustment of the income amounts. The 7471
rates of taxation shall not be adjusted. 7472

The adjusted amounts apply to taxable years beginning in the 7473
calendar year in which the adjustments are made. The tax 7474
commissioner shall not make such adjustments in any year in which 7475
the amount resulting from the adjustment would be less than the 7476
amount resulting from the adjustment in the preceding year. 7477

(B) If the director of budget and management makes a 7478
certification to the tax commissioner under division (B) of 7479
section 131.44 of the Revised Code, the amount of tax as 7480
determined under division (A) of this section shall be reduced by 7481
the percentage prescribed in that certification for taxable years 7482
beginning in the calendar year in which that certification is 7483
made. 7484

(C) The levy of this tax on income does not prevent a 7485
municipal corporation, a joint economic development zone created 7486
under section 715.691, or a joint economic development district 7487
created under section 715.70 or 715.71 or sections 715.72 to 7488
715.81 of the Revised Code from levying a tax on income. 7489

(D) This division applies only to taxable years of a trust 7490
beginning in 2002 or thereafter. 7491

(1) The tax imposed by this section on a trust shall be 7492
computed by multiplying the Ohio modified taxable income of the 7493
trust by the rates prescribed by division (A) of this section. 7494

(2) A nonresident trust may claim a credit against the tax 7495
computed under division (D) of this section equal to the lesser of 7496
(1) the tax paid to another state or the District of Columbia on 7497
the nonresident trust's modified nonbusiness income, other than 7498
the portion of the nonresident trust's nonbusiness income that is 7499

qualifying investment income as defined in section 5747.012 of the Revised Code, or (2) the effective tax rate, based on modified Ohio taxable income, multiplied by the nonresident trust's modified nonbusiness income other than the portion of the nonresident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) The credits enumerated in divisions (A)(1) to (13) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

Sec. 5747.063. (A)(1) If a person's winnings at a casino facility are an amount for which reporting to the internal revenue

service of the amount is required by 26 U.S.C. 6041 or a 7531
subsequent, analogous section of the Internal Revenue Code, the 7532
casino operator shall deduct and withhold Ohio income tax from the 7533
person's winnings at a rate of six per cent of the amount won. A 7534
person's amount of winnings shall be determined each time the 7535
person exchanges amounts won in tokens, chips, casino credit, or 7536
other pre-paid representations of value for cash or a cash 7537
equivalent. The casino operator shall issue, to a person from 7538
whose winnings an amount has been deducted and withheld, a receipt 7539
for the amount deducted and withheld, and also shall obtain from 7540
the person additional information that will be necessary for the 7541
casino operator to prepare the returns required by this section. 7542

(2) If a person's winnings at a casino facility require 7543
reporting to the internal revenue service under division (A)(1) of 7544
this section, the casino operator also shall require the person to 7545
state in writing, under penalty of falsification, whether the 7546
person is in default under a support order. 7547

(B) Amounts deducted and withheld by a casino operator are 7548
held in trust for the benefit of the state. 7549

(1) On or before the tenth banking day of each month, the 7550
casino operator shall file a return electronically with the tax 7551
commissioner identifying the persons from whose winnings amounts 7552
were deducted and withheld and the amount of each such deduction 7553
and withholding during the preceding calendar month. With the 7554
return, the casino operator shall remit electronically to the tax 7555
commissioner all the amounts deducted and withheld during the 7556
preceding month. And together with the return and remittance, the 7557
casino operator shall transmit electronically to the tax 7558
commissioner a copy of each receipt issued, and a copy of each 7559
statement made, under divisions (A)(1) and (2) of this section. 7560

(2) Annually on or before the thirty-first day of January, a 7561

casino operator shall file an annual return electronically with 7562
the tax commissioner indicating the total amount deducted and 7563
withheld during the preceding calendar year. The casino operator 7564
shall remit electronically with the annual return any amount that 7565
was deducted and withheld and that was not previously remitted. If 7566
the identity of a person and the amount deducted and withheld with 7567
respect to that person were omitted on a monthly return, that 7568
information shall be indicated on the annual return. And if a copy 7569
of the receipt and statement pertaining to a person was not 7570
previously transmitted to the tax commissioner, the receipt and 7571
statement shall be transmitted to the tax commissioner 7572
electronically with the annual return. 7573

(3)(a) A casino operator who fails to file a return and remit 7574
the amounts deducted and withheld is personally liable for the 7575
amount deducted and withheld and not remitted. The tax 7576
commissioner may impose a penalty up to one thousand dollars if a 7577
return is filed late, if amounts deducted and withheld are 7578
remitted late, if a return is not filed, or if amounts deducted 7579
and withheld are not remitted. Interest accrues on past due 7580
amounts deducted and withheld at the rate prescribed in section 7581
5703.47 of the Revised Code. The tax commissioner may collect past 7582
due amounts deducted and withheld and penalties and interest 7583
thereon by assessment under section 5747.13 of the Revised Code as 7584
if they were income taxes collected by an employer. 7585

(b) If a casino operator sells the casino facility or 7586
otherwise quits the casino business, the amounts deducted and 7587
withheld and any penalties and interest thereon are immediately 7588
due and payable. The successor shall withhold an amount of the 7589
purchase money that is sufficient to cover the amounts deducted 7590
and withheld and penalties and interest thereon until the 7591
predecessor casino operator produces either a receipt from the tax 7592
commissioner showing that the amounts deducted and withheld and 7593

penalties and interest thereon have been paid or a certificate 7594
from the tax commissioner indicating that no amounts deducted and 7595
withheld or penalties and interest thereon are due. If the 7596
successor fails to withhold purchase money, the successor is 7597
personally liable for payment of the amounts deducted and withheld 7598
and penalties and interest thereon, up to the amount of the 7599
purchase money. 7600

(C) Annually, on or before the thirty-first day of January, a 7601
casino operator shall issue an information return to each person 7602
with respect to whom an amount has been deducted and withheld 7603
during the preceding calendar year. The information return shall 7604
show the total amount deducted from the person's winnings by the 7605
casino operator during the preceding calendar year. 7606

(D) Amounts deducted and withheld shall be treated as a 7607
credit against the tax imposed by section 5747.02 of the Revised 7608
Code. The credit is refundable and shall be claimed in the order 7609
required under section 5747.98 of the Revised Code. Only the 7610
person for whom the amount is deducted and withheld may claim a 7611
credit for such amount. 7612

(E) The failure of a casino operator to deduct and withhold 7613
the required amount from a person's winnings does not relieve the 7614
person from liability for the tax imposed by section 5747.02 of 7615
the Revised Code with respect to those winnings. And compliance 7616
with this section does not relieve a casino operator or a person 7617
who has winnings at a casino facility from compliance with 7618
relevant provisions of federal tax laws. 7619

(F) The tax commissioner shall prescribe the form of the 7620
receipt, statement, and returns required by this section. 7621

Sec. 5747.98. (A) To provide a uniform procedure for 7622
calculating the amount of tax due under section 5747.02 of the 7623
Revised Code, a taxpayer shall claim any credits to which the 7624

taxpayer is entitled in the following order:	7625
(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;	7626 7627
(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	7628 7629
(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	7630 7631
(4) The dependent care credit under section 5747.054 of the Revised Code;	7632 7633
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	7634 7635
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	7636 7637
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	7638 7639
(8) The low-income credit under section 5747.056 of the Revised Code;	7640 7641
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	7642 7643
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	7644 7645
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	7646 7647
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	7648 7649
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	7650 7651
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	7652 7653

(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	7654 7655
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	7656 7657
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	7658 7659
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	7660 7661
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	7662 7663
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	7664 7665
(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;	7666 7667 7668
(22) The job training credit under section 5747.39 of the Revised Code;	7669 7670
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	7671 7672
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	7673 7674
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	7675 7676
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	7677 7678
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	7679 7680
(28) The export sales credit under section 5747.057 of the Revised Code;	7681 7682

(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	7683 7684
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	7685 7686
(31) The research and development credit under section 5747.331 of the Revised Code;	7687 7688
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	7689 7690
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	7691 7692
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	7693 7694
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	7695 7696
(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;	7697 7698 7699
(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	7700 7701
(38) <u>The refundable credit for tax withheld under section 5747.063 of the Revised Code;</u>	7702 7703
<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;	7704 7705 7706
(39) <u>(40)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code.	7707 7708
(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	7709 7710 7711

a taxable year shall not exceed the tax due after allowing for any 7712
other credit that precedes it in the order required under this 7713
section. Any excess amount of a particular credit may be carried 7714
forward if authorized under the section creating that credit. 7715
Nothing in this chapter shall be construed to allow a taxpayer to 7716
claim, directly or indirectly, a credit more than once for a 7717
taxable year. 7718

Sec. 5753.01. As used in this chapter: 7719

(A) "Casino facility" has the same meaning as in section 7720
3772.01 of the Revised Code. 7721

(B) "Casino gaming" has the same meaning as in section 7722
3772.01 of the Revised Code. 7723

(C) "Casino operator" has the same meaning as in section 7724
3772.01 of the Revised Code. 7725

(D) "Gross casino revenue" means the total amount of money 7726
exchanged for the purchase of chips, tokens, tickets, electronic 7727
cards, or similar objects by casino patrons, less winnings paid to 7728
wagerers. 7729

(E) "Person" has the same meaning as in section 3772.01 of 7730
the Revised Code. 7731

(F) "Slot machine" has the same meaning as in section 3772.01 7732
of the Revised Code. 7733

(G) "Table game" has the same meaning as in section 3772.01 7734
of the Revised Code. 7735

(H) "Tax period" means one twenty-four-hour period with 7736
regard to which a casino operator is required to pay the tax 7737
levied by this chapter. 7738

Sec. 5753.02. For the purpose of funding the needs of cities, 7739
counties, public school districts, law enforcement, and the horse 7740

racinq industry; funding efforts to alleviate problem gambling and 7741
substance abuse; defraying Ohio casino control commission 7742
operating costs; and defraying the costs of administering the tax, 7743
a tax is levied on the gross casino revenue received by a casino 7744
operator of a casino facility at the rate of thirty-three per cent 7745
of the casino operator's gross casino revenue at the casino 7746
facility. The tax is in addition to any other taxes or fees 7747
imposed under the Revised Code or other law and for which the 7748
casino operator is liable under Section 6(C)(2) of Article XV, 7749
Ohio Constitution. 7750

Sec. 5753.03. (A) For the purpose of receiving and 7751
distributing, and accounting for, revenue received from the tax 7752
levied by section 5753.02 of the Revised Code, the following funds 7753
are created in the state treasury: 7754

(1) The casino tax revenue fund; 7755

(2) The gross casino revenue county fund; 7756

(3) The gross casino revenue county student fund; 7757

(4) The gross casino revenue host city fund; 7758

(5) The Ohio state racing commission fund; 7759

(6) The Ohio law enforcement training fund; 7760

(7) The problem casino gambling and addictions fund; 7761

(8) The casino control commission fund; 7762

(9) The casino tax administration fund. 7763

(B) All moneys collected from the tax levied under this 7764
chapter shall be deposited into the casino tax revenue fund. 7765

(C) From the casino tax revenue fund the director of budget 7766
and management shall transfer as needed to the tax refund fund 7767
amounts equal to the refunds certified by the tax commissioner 7768

under section 5753.06 of the Revised Code. 7769

(D) After making any transfers required by division (C) of 7770
this section, but not later than the fifteenth day of each 7771
calendar quarter, the director of budget and management shall 7772
transfer amounts to each fund as follows: 7773

(1) Fifty-one per cent to the gross casino revenue county 7774
fund to make payments as required by Section 6(C)(3)(a) of Article 7775
XV, Ohio Constitution; 7776

(2) Thirty-four per cent to the gross casino revenue county 7777
student fund to make payments as required by Section 6(C)(3)(b) of 7778
Article XV, Ohio Constitution; 7779

(3) Five per cent to the gross casino revenue host city fund 7780
to make payments to the cities in which casino facilities are 7781
located as required by Section 6(C)(3)(c) of Article XV, Ohio 7782
Constitution; 7783

(4) Three per cent to the Ohio state racing commission fund 7784
to support horse racing in this state at which the pari-mutuel 7785
system of wagering is conducted; 7786

(5) Two per cent to the Ohio law enforcement training fund to 7787
support law enforcement functions in the state; 7788

(6) Two per cent to the problem casino gambling and 7789
addictions fund to support efforts to alleviate problem gambling 7790
and substance abuse and related research in the state; 7791

(7) Three per cent to the casino control commission fund to 7792
support the operations of the Ohio casino control commission and 7793
to defray the cost of administering the tax levied under section 7794
5753.02 of the Revised Code. 7795

Payments under divisions (D)(1), (2), and (3) of this section 7796
shall be made by the end of the month following the end of the 7797
quarterly period. 7798

Of the money credited to the Ohio law enforcement training fund, the director of budget and management shall distribute eighty-five per cent of the money to the Ohio peace officer training academy and fifteen per cent of the money to the division of criminal justice services. 7799
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(E) The director of budget and management shall transfer one per cent of the money credited to the Ohio casino control commission fund to the casino tax administration fund. The tax commissioner shall use the casino tax administration fund to defray the costs incurred in administering the tax levied by this chapter. 7804
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Sec. 5753.04. Daily each day banks are open for business, not later than noon, a casino operator shall file a return electronically with the tax commissioner. The return shall be in the form required by the tax commissioner, and shall reflect the relevant tax period. The return shall include, but is not limited to, the amount of the casino operator's gross casino revenue for the tax period and the amount of tax due under section 5753.02 of the Revised Code for the tax period. The casino operator shall remit electronically with the return the tax due. 7810
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If the casino operator ceases to be a taxpayer at any time, the casino operator shall indicate the last date for which the casino operator was liable for the tax. The return shall include a space for this purpose. 7819
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Sec. 5753.05. (A)(1) A casino operator who fails to file a return or to remit the tax due as required by section 5753.04 of the Revised Code shall pay a penalty not to exceed the greater of fifty dollars or ten per cent of the tax due. 7823
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(2) If the tax commissioner finds additional tax to be due, the tax commissioner may impose an additional penalty of up to 7827
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fifteen per cent of the additional tax found to be due. A 7829
delinquent payment of tax made as the result of a notice or an 7830
audit is subject to the additional penalty imposed by this 7831
division. 7832

(3) If a casino operator fails to file a return 7833
electronically or to remit the tax electronically, the tax 7834
commissioner may impose an additional penalty of fifty dollars or 7835
ten per cent of the tax due as shown on the return, whichever is 7836
greater. 7837

(B) If the tax due under section 5753.02 of the Revised Code 7838
is not timely paid, the casino operator shall pay interest at the 7839
rate per annum prescribed in section 5703.47 of the Revised Code 7840
beginning on the day the tax was due through the day the tax is 7841
paid or an assessment is issued, whichever occurs first. 7842

(C) The tax commissioner shall collect any penalty or 7843
interest as if it were the tax levied by section 5753.02 of the 7844
Revised Code. Penalties and interest shall be treated as if they 7845
were revenue arising from the tax levied by section 5753.02 of the 7846
Revised Code. 7847

(D) The tax commissioner may abate all or a portion of any 7848
penalty imposed under this section and may adopt rules governing 7849
abatements. 7850

(E) If a casino operator fails to file a return or remit the 7851
tax due as required by section 5753.04 of the Revised Code within 7852
a period of one year after the due date for filing the return or 7853
remitting the tax, the Ohio casino control commission may suspend 7854
the casino operator's license. 7855

Sec. 5753.06. (A) A casino operator may apply to the tax 7856
commissioner for refund of the amount of taxes under section 7857
5753.02 of the Revised Code that were overpaid, paid illegally or 7858

erroneously, or paid on an illegal or erroneous assessment. The 7859
application shall be on a form prescribed by the tax commissioner. 7860
The casino operator shall provide the amount of the requested 7861
refund along with the claimed reasons for, and documentation to 7862
support, the issuance of a refund. The casino operator shall file 7863
the application with the tax commissioner within four years after 7864
the date the payment was made, unless the applicant has waived the 7865
time limitation under division (D) of section 5753.07 of the 7866
Revised Code. In the latter event, the four-year limitation is 7867
extended for the same period of time as the waiver. 7868

(B) Upon the filing of a refund application, the tax 7869
commissioner shall determine the amount of refund to which the 7870
applicant is entitled. If the amount is not less than that 7871
claimed, the tax commissioner shall certify the amount to the 7872
director of budget and management and treasurer of state for 7873
payment from the tax refund fund. If the amount is less than that 7874
claimed, the tax commissioner shall proceed under section 5703.70 7875
of the Revised Code. 7876

(C) Interest on a refund applied for under this section, 7877
computed at the rate provided for in section 5703.47 of the 7878
Revised Code, shall be allowed from the later of the date the tax 7879
was due or the date payment of the tax was made. Except as 7880
provided in section 5753.07 of the Revised Code, the tax 7881
commissioner may, with the consent of the casino operator, provide 7882
for crediting against the tax due for a tax period, the amount of 7883
any refund due the casino operator for a preceding tax period. 7884

(D) Refunds under this section are subject to offset under 7885
section 5753.061 of the Revised Code. 7886

Sec. 5753.061. As used in this section, "debt to the state" 7887
means unpaid taxes that are due the state, unpaid workers' 7888

compensation premiums that are due, unpaid unemployment 7889
compensation contributions that are due, unpaid unemployment 7890
compensation payments in lieu of contributions that are due, 7891
unpaid fees payable to the state or to the clerk of courts under 7892
section 4505.06 of the Revised Code, incorrect medical assistance 7893
payments, or any unpaid charge, penalty, or interest arising from 7894
any of the foregoing. A debt to the state is not a "debt to the 7895
state" as used in this section unless the liability underlying the 7896
debt to the state has become incontestable because the time for 7897
appealing, reconsidering, reassessing, or otherwise questioning 7898
the liability has expired or the liability has been finally 7899
determined to be valid. 7900

If a casino operator who is entitled to a refund under 7901
section 5753.06 of the Revised Code owes a debt to the state, the 7902
amount refundable may be applied in satisfaction of the debt to 7903
the state. If the amount refundable is less than the amount of the 7904
debt to the state, the amount refundable may be applied in partial 7905
satisfaction of the debt. If the amount refundable is greater than 7906
the amount of the debt, the amount refundable remaining after 7907
satisfaction of the debt shall be refunded to the casino operator. 7908

Sec. 5753.07. (A)(1) The tax commissioner may issue an 7909
assessment, based on any information in the tax commissioner's 7910
possession, against a casino operator who fails to pay the tax 7911
levied under section 5753.02 of the Revised Code or to file a 7912
return under section 5753.04 of the Revised Code. The tax 7913
commissioner shall give the casino operator written notice of the 7914
assessment under section 5703.37 of the Revised Code. With the 7915
notice, the tax commissioner shall include instructions on how to 7916
petition for reassessment and on how to request a hearing with 7917
respect to the petition. 7918

(2) Unless the casino operator, within sixty days after 7919

service of the notice of assessment, files with the tax 7920
commissioner, either personally or by certified mail, a written 7921
petition signed by the casino operator, or by the casino 7922
operator's authorized agent who has knowledge of the facts, the 7923
assessment becomes final, and the amount of the assessment is due 7924
and payable from the casino operator to the treasurer of state. 7925
The petition shall indicate the casino operator's objections to 7926
the assessment. Additional objections may be raised in writing if 7927
they are received by the tax commissioner before the date shown on 7928
the final determination. 7929

(3) If a petition for reassessment has been properly filed, 7930
the tax commissioner shall proceed under section 5703.60 of the 7931
Revised Code. 7932

(4) After an assessment becomes final, if any portion of the 7933
assessment, including penalties and accrued interest, remains 7934
unpaid, the tax commissioner may file a certified copy of the 7935
entry making the assessment final in the office of the clerk of 7936
the court of common pleas of Franklin county or in the office of 7937
the clerk of the court of common pleas of the county in which the 7938
casino operator resides, the casino operator's casino facility is 7939
located, or the casino operator's principal place of business in 7940
this state is located. Immediately upon the filing of the entry, 7941
the clerk shall enter a judgment for the state against the 7942
taxpayer assessed in the amount shown on the entry. The judgment 7943
may be filed by the clerk in a loose-leaf book entitled, "special 7944
judgments for the gross casino revenue tax." The judgment has the 7945
same effect as other judgments. Execution shall issue upon the 7946
judgment at the request of the tax commissioner, and all laws 7947
applicable to sales on execution apply to sales made under the 7948
judgment. 7949

(5) The portion of an assessment not paid within sixty days 7950
after the day the assessment was issued bears interest at the rate 7951

per annum prescribed by section 5703.47 of the Revised Code from 7952
the day the tax commissioner issued the assessment until the 7953
assessment is paid. Interest shall be paid in the same manner as 7954
the tax levied under section 5753.02 of the Revised Code and may 7955
be collected by the issuance of an assessment under this section. 7956

(B) If the tax commissioner believes that collection of the 7957
tax levied under section 5753.02 of the Revised Code will be 7958
jeopardized unless proceedings to collect or secure collection of 7959
the tax are instituted without delay, the commissioner may issue a 7960
jeopardy assessment against the casino operator who is liable for 7961
the tax. Immediately upon the issuance of a jeopardy assessment, 7962
the tax commissioner shall file an entry with the clerk of the 7963
court of common pleas in the manner prescribed by division (A)(4) 7964
of this section, and the clerk shall proceed as directed in that 7965
division. Notice of the jeopardy assessment shall be served on the 7966
casino operator or the casino operator's authorized agent under 7967
section 5703.37 of the Revised Code within five days after the 7968
filing of the entry with the clerk. The total amount assessed is 7969
immediately due and payable, unless the casino operator assessed 7970
files a petition for reassessment under division (A)(2) of this 7971
section and provides security in a form satisfactory to the tax 7972
commissioner that is in an amount sufficient to satisfy the unpaid 7973
balance of the assessment. If a petition for reassessment has been 7974
filed, and if satisfactory security has been provided, the tax 7975
commissioner shall proceed under division (A)(3) of this section. 7976
Full or partial payment of the assessment does not prejudice the 7977
tax commissioner's consideration of the petition for reassessment. 7978

(C) The tax commissioner shall immediately forward to the 7979
treasurer of state all amounts the tax commissioner receives under 7980
this section, and the amounts forwarded shall be treated as if 7981
they were revenue arising from the tax levied under section 7982
5753.02 of the Revised Code. 7983

(D) Except as otherwise provided in this division, no assessment shall be issued against a casino operator for the tax levied under section 5753.02 of the Revised Code more than four years after the due date for filing the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. This division does not bar an assessment against a casino operator who fails to file a return as required by section 5753.04 of the Revised Code or who files a fraudulent return, or when the casino operator and the tax commissioner waive in writing the time limitation.

(E) If the tax commissioner possesses information that indicates that the amount of tax a casino operator is liable to pay under section 5753.02 of the Revised Code exceeds the amount the casino operator paid, the tax commissioner may audit a sample of the casino operator's gross casino revenue over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the casino operator in selecting a representative sample. The tax commissioner may apply a sampling method only if the tax commissioner has prescribed the method by rule.

(F) If the whereabouts of a casino operator who is liable for the tax levied under section 5753.02 of the Revised Code are unknown to the tax commissioner, the tax commissioner shall proceed under section 5703.37 of the Revised Code.

(G) If a casino operator fails to pay the tax levied under section 5753.02 of the Revised Code within a period of one year after the due date for remitting the tax, the Ohio casino control commission may suspend the casino operator's license.

Sec. 5753.08. If a casino operator who is liable for the tax

levied under section 5753.02 of the Revised Code sells the casino facility, disposes of the casino facility in any manner other than in the regular course of business, or quits the casino gaming business, any tax owed by that person becomes immediately due and payable, and the person shall pay the tax due, including any applicable penalties and interest. The person's successor shall withhold a sufficient amount of the purchase money to cover the amounts due and unpaid until the predecessor produces a receipt from the tax commissioner showing that the amounts due have been paid or a certificate indicating that no taxes are due. If the successor fails to withhold purchase money, the successor is personally liable, up to the purchase money amount, for amounts that were unpaid during the operation of the business by the predecessor.

Sec. 5753.09. The tax commissioner shall administer and enforce this chapter. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(A) Prescribe all forms that are required to be filed under this chapter;

(B) Adopt rules that are necessary and proper to carry out this chapter; and

(C) Appoint professional, technical, and clerical employees as are necessary to carry out the tax commissioner's duties under this chapter.

Sec. 5753.10. The tax commissioner may prescribe requirements for the keeping of records and pertinent documents, for the filing of copies of federal income tax returns and determinations, and for computations reconciling federal income tax returns with the return required by section 5753.04 of the Revised Code. The tax commissioner may require a casino operator, by rule or by notice

served on the casino operator, to keep records and other documents 8045
that the tax commissioner considers necessary to show the extent 8046
to which the casino operator is subject to this chapter. The 8047
records and other documents shall be open to inspection by the tax 8048
commissioner during business hours, and shall be preserved for a 8049
period of four years unless the tax commissioner, in writing, 8050
consents to their destruction within that period, or by order 8051
served on the casino operator requires that they be kept longer. 8052
If the records are normally kept electronically by the casino 8053
operator, the casino operator shall provide the records to the tax 8054
commissioner electronically at the tax commissioner's request. 8055

Any information required by the tax commissioner under this 8057
section is confidential under section 5703.21 of the Revised Code. 8058

Section 2. That existing sections 101.70, 102.02, 102.03, 8059
109.32, 109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2915.01, 8060
2915.02, 2915.061, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 8061
2915.093, 2915.10, 2915.101, 2915.13, 3793.02, 4301.355, 4301.62, 8062
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 8063
5703.70, 5747.02, and 5747.98 and section 2915.06 of the Revised 8064
Code are hereby repealed. 8065

Section 3. Except as otherwise provided in this act, all 8066
appropriation items in this act are appropriated out of moneys in 8067
the state treasury to the credit of the designated fund that are 8068
not otherwise appropriated. For all appropriations in this act, 8069
the amounts in the first column are for fiscal year 2010 and the 8070
amounts in the second column are for fiscal year 2011. 8071

Section 4. CAC CASINO CONTROL COMMISSION 8072
State Special Revenue 8073

5Hs0 955321	Casino Control -	\$	0 \$	8,000,000	8074
	Operating				
TOTAL SSR	State Special Revenue	\$	0 \$	8,000,000	8075
	Fund Group				

Section 5. DEV DEPARTMENT OF DEVELOPMENT 8077

General Service Fund Group 8078

5AD0 195668	Workforce Guarantee	\$	0 \$	60,000,000	8079
	Program				

TOTAL GSF	General Services Fund	\$	0 \$	60,000,000	8080
	Group				

State Special Revenue 8081

XXX 195xxx	Urban Workforce	\$	0 \$	70,000,000	8082
	Initiative				

XXX 195xxx	Build Your Own	\$	0 \$	10,000,000	8083
	Business Program				

TOTAL SSR	State Special Revenue	\$	0 \$	80,000,000	8084
	Fund Group				

Should proceeds from license or application fees be available 8085
before June 30, 2010, the Director of Budget and Management may 8086
seek Controlling Board approval to establish such funds and 8087
appropriations as are necessary to carry out the provisions of 8088
this act. The Director of Budget and Management shall transfer 8089
\$60,000,000 when it is available in the Economic Development 8090
Programs Fund (Fund XXXX) to the Job Development Initiative Fund 8091
(Fund 5AD0). 8092

The foregoing appropriation item, 195xxx, Build Your Own 8093
Business Program, shall be used by the Director of Development, in 8094
consultation with the Chancellor of the Board of Regents, for the 8095
establishment and administration of the Build Your Own Business 8096
Program. Pursuant to the Build Your Own Business Program, the 8097
Director shall administer a competitive process for making grants 8098

to small business development centers and participants in the 8099
 Microenterprise Business Development Program, to provide micro 8100
 loans, supportive services, and technical assistance for 8101
 businesses that have been newly established by Ohioans who were 8102
 unemployed immediately prior to establishing such businesses. 8103

The Director shall issue a request for proposals setting 8104
 forth criteria of the program to be offered by the selected small 8105
 business development centers and the selected participants in the 8106
 Microenterprise Business Development Program. As a prerequisite 8107
 for eligibility, individuals must have completed an acceptable 8108
 entrepreneurship education program at any state institution of 8109
 higher education as defined in section 3345.011 of the Revised 8110
 Code or career center. 8111

Section 6. IGO OFFICE OF THE INSPECTOR GENERAL 8112

State Special Revenue 8113

XXX xxxxxx	Casino Investigations	\$	0	\$	100,000	8114
TOTAL SSR	State Special Revenue	\$	0	\$	100,000	8115

Fund Group

Section 7. ETH ETHICS COMMISSION 8117

State Special Revenue 8118

XXX xxxxxx	Casino Investigations	\$	0	\$	100,000	8119
TOTAL SSR	State Special Revenue	\$	0	\$	100,000	8120

Fund Group

Section 8. BOR BOARD OF REGENTS 8122

State Special Revenue 8123

XXX 235xxx	Co-Op/Internship	\$	0	\$	60,000,000	8124
	Program					
TOTAL SSR	State Special Revenue	\$	0	\$	60,000,000	8125

Fund Group

