

As Introduced

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

S. B. No. 186

Senator Schuring

Cosponsor: Senator Grendell

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A B I L L

To amend sections 2915.01, 2915.08, and 2915.091 of
the Revised Code to authorize a charitable
organization to purchase, lease, and use instant
bingo ticket dispensers, to specify that these
dispensers are not slot machines, to change the
fees charged for a license to conduct instant
bingo, and to allow a charitable organization to
spend a reasonable amount of its gross profit to
pay property taxes and assessments on the premises
where the organization conducts bingo.

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

Section 1. That sections 2915.01, 2915.08, and 2915.091 of
the Revised Code be amended to read as follows:

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Sec. 2915.01. As used in this chapter:

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

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

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

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

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

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

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

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

(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;

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

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

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

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

(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;

(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;

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

(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 internal revenue service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, or if the organization is a sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(7) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firefighter's organization, shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code. A charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal

Revenue Code and that is created by a veteran's organization, a 81
fraternal organization, or a sporting organization does not have 82
to have been in continuous existence as such in this state for a 83
period of two years immediately preceding either the making of an 84
application for a bingo license under section 2915.08 of the 85
Revised Code or the conducting of any game of chance as provided 86
in division (D) of section 2915.02 of the Revised Code. 87

(I) "Religious organization" means any church, body of 88
communicants, or group that is not organized or operated for 89
profit and that gathers in common membership for regular worship 90
and religious observances. 91

(J) "Educational organization" means any organization within 92
this state that is not organized for profit, the primary purpose 93
of which is to educate and develop the capabilities of individuals 94
through instruction by means of operating or contributing to the 95
support of a school, academy, college, or university. 96

(K) "Veteran's organization" means any individual post or 97
state headquarters of a national veteran's association or an 98
auxiliary unit of any individual post of a national veteran's 99
association, which post, state headquarters, or auxiliary unit has 100
been in continuous existence in this state for at least two years 101
and incorporated as a nonprofit corporation and either has 102
received a letter from the state headquarters of the national 103
veteran's association indicating that the individual post or 104
auxiliary unit is in good standing with the national veteran's 105
association or has received a letter from the national veteran's 106
association indicating that the state headquarters is in good 107
standing with the national veteran's association. As used in this 108
division, "national veteran's association" means any veteran's 109
association that has been in continuous existence as such for a 110
period of at least five years and either is incorporated by an act 111
of the United States congress or has a national dues-paying 112

membership of at least five thousand persons. 113

(L) "Volunteer firefighter's organization" means any 114
organization of volunteer firefighters, as defined in section 115
146.01 of the Revised Code, that is organized and operated 116
exclusively to provide financial support for a volunteer fire 117
department or a volunteer fire company and that is recognized or 118
ratified by a county, municipal corporation, or township. 119

(M) "Fraternal organization" means any society, order, state 120
headquarters, or association within this state, except a college 121
or high school fraternity, that is not organized for profit, that 122
is a branch, lodge, or chapter of a national or state 123
organization, that exists exclusively for the common business or 124
sodality of its members, and that has been in continuous existence 125
in this state for a period of five years. 126

(N) "Volunteer rescue service organization" means any 127
organization of volunteers organized to function as an emergency 128
medical service organization, as defined in section 4765.01 of the 129
Revised Code. 130

(O) "Service organization" means either of the following: 131

(1) Any organization, not organized for profit, that is 132
organized and operated exclusively to provide, or to contribute to 133
the support of organizations or institutions organized and 134
operated exclusively to provide, medical and therapeutic services 135
for persons who are crippled, born with birth defects, or have any 136
other mental or physical defect or those organized and operated 137
exclusively to protect, or to contribute to the support of 138
organizations or institutions organized and operated exclusively 139
to protect, animals from inhumane treatment or provide immediate 140
shelter to victims of domestic violence; 141

(2) Any organization that is described in subsection 142
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 143

and is either a governmental unit or an organization that is tax 144
exempt under subsection 501(a) and described in subsection 145
501(c)(3) of the Internal Revenue Code and that is an 146
organization, not organized for profit, that is organized and 147
operated primarily to provide, or to contribute to the support of 148
organizations or institutions organized and operated primarily to 149
provide, medical and therapeutic services for persons who are 150
crippled, born with birth defects, or have any other mental or 151
physical defect. 152

(P) "Nonprofit medical organization" means either of the 153
following: 154

(1) Any organization that has been incorporated as a 155
nonprofit corporation for at least five years and that has 156
continuously operated and will be operated exclusively to provide, 157
or to contribute to the support of organizations or institutions 158
organized and operated exclusively to provide, hospital, medical, 159
research, or therapeutic services for the public; 160

(2) Any organization that is described and qualified under 161
subsection 501(c)(3) of the Internal Revenue Code, that has been 162
incorporated as a nonprofit corporation for at least five years, 163
and that has continuously operated and will be operated primarily 164
to provide, or to contribute to the support of organizations or 165
institutions organized and operated primarily to provide, 166
hospital, medical, research, or therapeutic services for the 167
public. 168

(Q) "Senior citizen's organization" means any private 169
organization, not organized for profit, that is organized and 170
operated exclusively to provide recreational or social services 171
for persons who are fifty-five years of age or older and that is 172
described and qualified under subsection 501(c)(3) of the Internal 173
Revenue Code. 174

(R) "Charitable bingo game" means any bingo game described in 175
division (S)(1) or (2) of this section that is conducted by a 176
charitable organization that has obtained a license pursuant to 177
section 2915.08 of the Revised Code and the proceeds of which are 178
used for a charitable purpose. 179

(S) "Bingo" means either of the following: 180

(1) A game with all of the following characteristics: 181

(a) The participants use bingo cards or sheets, including 182
paper formats and electronic representation or image formats, that 183
are divided into twenty-five spaces arranged in five horizontal 184
and five vertical rows of spaces, with each space, except the 185
central space, being designated by a combination of a letter and a 186
number and with the central space being designated as a free 187
space. 188

(b) The participants cover the spaces on the bingo cards or 189
sheets that correspond to combinations of letters and numbers that 190
are announced by a bingo game operator. 191

(c) A bingo game operator announces combinations of letters 192
and numbers that appear on objects that a bingo game operator 193
selects by chance, either manually or mechanically, from a 194
receptacle that contains seventy-five objects at the beginning of 195
each game, each object marked by a different combination of a 196
letter and a number that corresponds to one of the seventy-five 197
possible combinations of a letter and a number that can appear on 198
the bingo cards or sheets. 199

(d) The winner of the bingo game includes any participant who 200
properly announces during the interval between the announcements 201
of letters and numbers as described in division (S)(1)(c) of this 202
section, that a predetermined and preannounced pattern of spaces 203
has been covered on a bingo card or sheet being used by the 204
participant. 205

(2) Instant bingo, punch boards, and raffles.	206
(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.	207 208 209
(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.	210 211 212 213 214 215 216 217 218 219 220 221
(V) "Participant" means any person who plays bingo.	222
(W) "Bingo session" means a period that includes both of the following:	223 224
(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;	225 226 227
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.	228 229 230
(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide	231 232 233 234 235 236

auxiliary unit or society of a charitable organization conducting 237
bingo, provided all of the following apply: 238

(1) The auxiliary unit or society has been in existence as a 239
bona fide auxiliary unit or society of the charitable organization 240
for at least two years prior to conducting bingo. 241

(2) The person who purchases the food or beverage receives 242
nothing of value except the food or beverage and items customarily 243
received with the purchase of that food or beverage. 244

(3) The food and beverages are sold at customary and 245
reasonable prices. 246

(Y) "Security personnel" includes any person who either is a 247
sheriff, deputy sheriff, marshal, deputy marshal, township 248
constable, or member of an organized police department of a 249
municipal corporation or has successfully completed a peace 250
officer's training course pursuant to sections 109.71 to 109.79 of 251
the Revised Code and who is hired to provide security for the 252
premises on which bingo is conducted. 253

(Z) "Charitable purpose" means that the net profit of bingo, 254
other than instant bingo, is used by, or is given, donated, or 255
otherwise transferred to, any of the following: 256

(1) Any organization that is described in subsection 257
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 258
and is either a governmental unit or an organization that is tax 259
exempt under subsection 501(a) and described in subsection 260
501(c)(3) of the Internal Revenue Code; 261

(2) A veteran's organization that is a post, chapter, or 262
organization of veterans, or an auxiliary unit or society of, or a 263
trust or foundation for, any such post, chapter, or organization 264
organized in the United States or any of its possessions, at least 265
seventy-five per cent of the members of which are veterans and 266
substantially all of the other members of which are individuals 267

who are spouses, widows, or widowers of veterans, or such 268
individuals, provided that no part of the net earnings of such 269
post, chapter, or organization inures to the benefit of any 270
private shareholder or individual, and further provided that the 271
net profit is used by the post, chapter, or organization for the 272
charitable purposes set forth in division (B)(12) of section 273
5739.02 of the Revised Code, is used for awarding scholarships to 274
or for attendance at an institution mentioned in division (B)(12) 275
of section 5739.02 of the Revised Code, is donated to a 276
governmental agency, or is used for nonprofit youth activities, 277
the purchase of United States or Ohio flags that are donated to 278
schools, youth groups, or other bona fide nonprofit organizations, 279
promotion of patriotism, or disaster relief; 280

(3) A fraternal organization that has been in continuous 281
existence in this state for fifteen years and that uses the net 282
profit exclusively for religious, charitable, scientific, 283
literary, or educational purposes, or for the prevention of 284
cruelty to children or animals, if contributions for such use 285
would qualify as a deductible charitable contribution under 286
subsection 170 of the Internal Revenue Code; 287

(4) A volunteer firefighter's organization that uses the net 288
profit for the purposes set forth in division (L) of this section. 289

(AA) "Internal Revenue Code" means the "Internal Revenue Code 290
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 291
amended. 292

(BB) "Youth athletic organization" means any organization, 293
not organized for profit, that is organized and operated 294
exclusively to provide financial support to, or to operate, 295
athletic activities for persons who are twenty-one years of age or 296
younger by means of sponsoring, organizing, operating, or 297
contributing to the support of an athletic team, club, league, or 298
association. 299

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

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

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

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

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

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

(EE) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided,

and used, in accordance with this chapter. For purposes of this 331
chapter, "bingo supplies" are not to be considered equipment used 332
to conduct a bingo game. 333

(FF) "Instant bingo" means a form of bingo that uses folded 334
or banded tickets or paper cards with perforated break-open tabs, 335
a face of which is covered or otherwise hidden from view to 336
conceal a number, letter, or symbol, or set of numbers, letters, 337
or symbols, some of which have been designated in advance as prize 338
winners. "Instant bingo" includes seal cards. "Instant bingo" does 339
not include any device that is activated by the insertion of a 340
coin, currency, token, or an equivalent, and that contains as one 341
of its components a video display monitor that is capable of 342
displaying numbers, letters, symbols, or characters in winning or 343
losing combinations. 344

(GG) "Seal card" means a form of instant bingo that uses 345
instant bingo tickets in conjunction with a board or placard that 346
contains one or more seals that, when removed or opened, reveal 347
predesignated winning numbers, letters, or symbols. 348

(HH) "Raffle" means a form of bingo in which the one or more 349
prizes are won by one or more persons who have purchased a raffle 350
ticket. The one or more winners of the raffle are determined by 351
drawing a ticket stub or other detachable section from a 352
receptacle containing ticket stubs or detachable sections 353
corresponding to all tickets sold for the raffle. 354

(II) "Punch board" means a board containing a number of holes 355
or receptacles of uniform size in which are placed, mechanically 356
and randomly, serially numbered slips of paper that may be punched 357
or drawn from the hole or receptacle when used in conjunction with 358
instant bingo. A player may punch or draw the numbered slips of 359
paper from the holes or receptacles and obtain the prize 360
established for the game if the number drawn corresponds to a 361
winning number or, if the punch board includes the use of a seal 362

card, a potential winning number.	363
(JJ) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.	364 365
(KK) "Net profit" means gross profit minus expenses.	366
(LL) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:	367 368
(1) The purchase or lease of bingo supplies;	369
(2) The annual license fee required under section 2915.08 of the Revised Code;	370 371
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	372 373
(4) Audits and accounting services;	374
(5) Safes;	375
(6) Cash registers;	376
(7) Hiring security personnel;	377
(8) Advertising bingo;	378
(9) Renting premises in which to conduct a bingo session;	379
(10) Tables and chairs;	380
(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;	381 382 383 384
(12) <u>Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;</u>	385 386
(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.	387 388 389 390

(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.

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

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

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

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

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

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

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

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

characteristics:	421
(1) It is activated upon the insertion of United States currency.	422 423
(2) It performs no gaming functions.	424
(3) It does not contain a video display monitor or generate noise.	425 426
(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.	427 428
(5) It does not simulate or display rolling or spinning reels.	429 430
(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.	431 432 433 434
(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.	435 436
(8) It is not part of an electronic network and is not interactive.	437 438
(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:	439 440 441 442
(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.	443 444
(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.	445 446 447
(c) It identifies a winning bingo pattern.	448
(2) "Electronic bingo aid" does not include any device into	449

which a coin, currency, token, or an equivalent is inserted to 450
activate play. 451

(UU) "Deal of instant bingo tickets" means a single game of 452
instant bingo tickets all with the same serial number. 453

(VV)(1) "Slot machine" means either of the following: 454

(a) Any mechanical, electronic, video, or digital device that 455
is capable of accepting anything of value, directly or indirectly, 456
from or on behalf of a player who gives the thing of value in the 457
hope of gain; 458

(b) Any mechanical, electronic, video, or digital device that 459
is capable of accepting anything of value, directly or indirectly, 460
from or on behalf of a player to conduct ~~or dispense~~ bingo or a 461
scheme or game of chance. 462

(2) "Slot machine" does not include a skill-based amusement 463
machine or an instant bingo ticket dispenser. 464

(WW) "Net profit from the proceeds of the sale of instant 465
bingo" means gross profit minus the ordinary, necessary, and 466
reasonable expense expended for the purchase of instant bingo 467
supplies. 468

(XX) "Charitable instant bingo organization" means an 469
organization that is exempt from federal income taxation under 470
subsection 501(a) and described in subsection 501(c)(3) of the 471
Internal Revenue Code and is a charitable organization as defined 472
in this section. A "charitable instant bingo organization" does 473
not include a charitable organization that is exempt from federal 474
income taxation under subsection 501(a) and described in 475
subsection 501(c)(3) of the Internal Revenue Code and that is 476
created by a veteran's organization, a fraternal organization, or 477
a sporting organization in regards to bingo conducted or assisted 478
by a veteran's organization, a fraternal organization, or a 479
sporting organization pursuant to section 2915.13 of the Revised 480

Code.	481
(YY) "Game flare" means the board or placard that accompanies	482
each deal of instant bingo tickets and that has printed on or	483
affixed to it the following information for the game:	484
(1) The name of the game;	485
(2) The manufacturer's name or distinctive logo;	486
(3) The form number;	487
(4) The ticket count;	488
(5) The prize structure, including the number of winning	489
instant bingo tickets by denomination and the respective winning	490
symbol or number combinations for the winning instant bingo	491
tickets;	492
(6) The cost per play;	493
(7) The serial number of the game.	494
(ZZ) "Historic railroad educational organization" means an	495
organization that is exempt from federal income taxation under	496
subsection 501(a) and described in subsection 501(c)(3) of the	497
Internal Revenue Code, that owns in fee simple the tracks and the	498
right of way of a historic railroad that the organization restores	499
or maintains and on which the organization provides excursions as	500
part of a program to promote tourism and educate visitors	501
regarding the role of railroad transportation in Ohio history, and	502
that received as donations from a charitable organization that	503
holds a license to conduct bingo under this chapter an amount	504
equal to at least fifty per cent of that licensed charitable	505
organization's net proceeds from the conduct of bingo during each	506
of the five years preceding June 30, 2003. "Historic railroad"	507
means all or a portion of the tracks and right-of-way of a	508
railroad that was owned and operated by a for-profit common	509
carrier in this state at any time prior to January 1, 1950.	510

(AAA)(1) "Skill-based amusement machine" means a mechanical, 511
video, digital, or electronic device that rewards the player or 512
players, if at all, only with merchandise prizes or with 513
redeemable vouchers redeemable only for merchandise prizes, 514
provided that with respect to rewards for playing the game all of 515
the following apply: 516

(a) The wholesale value of a merchandise prize awarded as a 517
result of the single play of a machine does not exceed ten 518
dollars; 519

(b) Redeemable vouchers awarded for any single play of a 520
machine are not redeemable for a merchandise prize with a 521
wholesale value of more than ten dollars; 522

(c) Redeemable vouchers are not redeemable for a merchandise 523
prize that has a wholesale value of more than ten dollars times 524
the fewest number of single plays necessary to accrue the 525
redeemable vouchers required to obtain that prize; and 526

(d) Any redeemable vouchers or merchandise prizes are 527
distributed at the site of the skill-based amusement machine at 528
the time of play. 529

(2) A device shall not be considered a skill-based amusement 530
machine and shall be considered a slot machine if it pays cash or 531
one or more of the following apply: 532

(a) The ability of a player to succeed at the game is 533
impacted by the number or ratio of prior wins to prior losses of 534
players playing the game. 535

(b) Any reward of redeemable vouchers is not based solely on 536
the player achieving the object of the game or the ~~players~~ 537
player's score. 538

(c) The outcome of the game, or the value of the redeemable 539
voucher or merchandise prize awarded for winning the game, can be 540

controlled by a source other than any player playing the game. 541

(d) The success of any player is or may be determined by a 542
chance event that cannot be altered by player actions. 543

(e) The ability of any player to succeed at the game is 544
determined by game features not visible or known to the player. 545

(f) The ability of the player to succeed at the game is 546
impacted by the exercise of a skill that no reasonable player 547
could exercise. 548

(3) All of the following apply to any machine that is 549
operated as described in division (AAA)(1) of this section: 550

(a) As used in this section, "game" and "play" mean one event 551
from the initial activation of the machine until the results of 552
play are determined without payment of additional consideration. 553
An individual utilizing a machine that involves a single game, 554
play, contest, competition, or tournament may be awarded 555
redeemable vouchers or merchandise prizes based on the results of 556
play. 557

(b) Advance play for a single game, play, contest, 558
competition, or tournament participation may be purchased. The 559
cost of the contest, competition, or tournament participation may 560
be greater than a single noncontest, competition, or tournament 561
play. 562

(c) To the extent that the machine is used in a contest, 563
competition, or tournament, that contest, competition, or 564
tournament has a defined starting and ending date and is open to 565
participants in competition for scoring and ranking results toward 566
the awarding of redeemable vouchers or merchandise prizes that are 567
stated prior to the start of the contest, competition, or 568
tournament. 569

(4) For purposes of division (AAA)(1) of this section, the 570

mere presence of a device, such as a pin-setting, ball-releasing, 571
or scoring mechanism, that does not contribute to or affect the 572
outcome of the play of the game does not make the device a 573
skill-based amusement machine. 574

(BBB) "Merchandise prize" means any item of value, but shall 575
not include any of the following: 576

(1) Cash, gift cards, or any equivalent thereof; 577

(2) Plays on games of chance, state lottery tickets, bingo, 578
or instant bingo; 579

(3) Firearms, tobacco, or alcoholic beverages; or 580

(4) A redeemable voucher that is redeemable for any of the 581
items listed in division (BBB)(1), (2), or (3) of this section. 582

(CCC) "Redeemable voucher" means any ticket, token, coupon, 583
receipt, or other noncash representation of value. 584

(DDD) "Pool not conducted for profit" means a scheme in which 585
a participant gives a valuable consideration for a chance to win a 586
prize and the total amount of consideration wagered is distributed 587
to a participant or participants. 588

(EEE) "Sporting organization" means a hunting, fishing, or 589
trapping organization, other than a college or high school 590
fraternity or sorority, that is not organized for profit, that is 591
affiliated with a state or national sporting organization, 592
including but not limited to, the Ohio league of sportsmen, and 593
that has been in continuous existence in this state for a period 594
of three years. 595

(FFF) "Community action agency" has the same meaning as in 596
section 122.66 of the Revised Code. 597

Sec. 2915.08. (A)(1) Annually before the first day of 598
January, a charitable organization that desires to conduct bingo, 599

instant bingo at a bingo session, or instant bingo other than at a 600
bingo session shall make out, upon a form to be furnished by the 601
attorney general for that purpose, an application for a license to 602
conduct bingo, instant bingo at a bingo session, or instant bingo 603
other than at a bingo session and deliver that application to the 604
attorney general together with a license fee as follows: 605

(a) Except as otherwise provided in this division, for a 606
license for the conduct of bingo, two hundred dollars; 607

(b) For a license for the conduct of instant bingo at a bingo 608
session or instant bingo other than at a bingo session for a 609
charitable organization that previously has not been licensed 610
under this chapter to conduct instant bingo at a bingo session or 611
instant bingo other than at a bingo session, a license fee of five 612
hundred dollars, and for any other charitable organization, a 613
license fee that is based upon the gross profits received by the 614
charitable organization from the operation of instant bingo at a 615
bingo session or instant bingo other than at a bingo session, 616
during the one-year period ending on the thirty-first day of 617
October of the year immediately preceding the year for which the 618
license is sought, and that is one of the following: 619

(i) Five hundred dollars, if the total is fifty thousand 620
dollars or less; 621

(ii) One thousand two hundred fifty dollars ~~plus one fourth~~ 622
~~per cent of the gross profit~~, if the total is more than fifty 623
thousand dollars but less than two hundred fifty thousand one 624
dollars; 625

(iii) Two thousand two hundred fifty dollars ~~plus one half~~ 626
~~per cent of the gross profit~~, if the total is more than two 627
hundred fifty thousand dollars but less than five hundred thousand 628
one dollars; 629

(iv) Three thousand five hundred dollars ~~plus one per cent of~~ 630
~~the gross profit~~, if the total is more than five hundred thousand 631
dollars but less than one million one dollars; 632

(v) Five thousand dollars ~~plus one per cent of the gross~~ 633
~~profit~~, if the total is one million one dollars or more; 634

(c) A reduced license fee established by the attorney general 635
pursuant to division (G) of this section. 636

(d) For a license to conduct bingo for a charitable 637
organization that prior to ~~the effective date of this amendment~~ 638
July 1, 2003, has not been licensed under this chapter to conduct 639
bingo, instant bingo at a bingo session, or instant bingo other 640
than at a bingo session, a license fee established by rule by the 641
attorney general in accordance with division (H) of this section. 642

(2) The application shall be in the form prescribed by the 643
attorney general, shall be signed and sworn to by the applicant, 644
and shall contain all of the following: 645

(a) The name and post-office address of the applicant; 646

(b) A statement that the applicant is a charitable 647
organization and that it has been in continuous existence as a 648
charitable organization in this state for two years immediately 649
preceding the making of the application or for five years in the 650
case of a fraternal organization or a nonprofit medical 651
organization; 652

(c) The location at which the organization will conduct 653
bingo, which location shall be within the county in which the 654
principal place of business of the applicant is located, the days 655
of the week and the times on each of those days when bingo will be 656
conducted, whether the organization owns, leases, or subleases the 657
premises, and a copy of the rental agreement if it leases or 658
subleases the premises; 659

(d) A statement of the applicant's previous history, record, 660
and association that is sufficient to establish that the applicant 661
is a charitable organization, and a copy of a determination letter 662
that is issued by the Internal Revenue Service and states that the 663
organization is tax exempt under subsection 501(a) and described 664
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 665
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 666

(e) A statement as to whether the applicant has ever had any 667
previous application refused, whether it previously has had a 668
license revoked or suspended, and the reason stated by the 669
attorney general for the refusal, revocation, or suspension; 670

(f) A statement of the charitable purposes for which the net 671
profit derived from bingo, other than instant bingo, will be used, 672
and a statement of how the net profit derived from instant bingo 673
will be distributed in accordance with section 2915.101 of the 674
Revised Code; 675

(g) Other necessary and reasonable information that the 676
attorney general may require by rule adopted pursuant to section 677
111.15 of the Revised Code; 678

(h) If the applicant is a charitable trust as defined in 679
section 109.23 of the Revised Code, a statement as to whether it 680
has registered with the attorney general pursuant to section 681
109.26 of the Revised Code or filed annual reports pursuant to 682
section 109.31 of the Revised Code, and, if it is not required to 683
do either, the exemption in section 109.26 or 109.31 of the 684
Revised Code that applies to it; 685

(i) If the applicant is a charitable organization as defined 686
in section 1716.01 of the Revised Code, a statement as to whether 687
it has filed with the attorney general a registration statement 688
pursuant to section 1716.02 of the Revised Code and a financial 689
report pursuant to section 1716.04 of the Revised Code, and, if it 690

is not required to do both, the exemption in section 1716.03 of 691
the Revised Code that applies to it; 692

(j) In the case of an applicant seeking to qualify as a youth 693
athletic park organization, a statement issued by a board or body 694
vested with authority under Chapter 755. of the Revised Code for 695
the supervision and maintenance of recreation facilities in the 696
territory in which the organization is located, certifying that 697
the playing fields owned by the organization were used for at 698
least one hundred days during the year in which the statement is 699
issued, and were open for use to all residents of that territory, 700
regardless of race, color, creed, religion, sex, or national 701
origin, for athletic activities by youth athletic organizations 702
that do not discriminate on the basis of race, color, creed, 703
religion, sex, or national origin, and that the fields were not 704
used for any profit-making activity at any time during the year. 705
That type of board or body is authorized to issue the statement 706
upon request and shall issue the statement if it finds that the 707
applicant's playing fields were so used. 708

(3) The attorney general, within thirty days after receiving 709
a timely filed application from a charitable organization that has 710
been issued a license under this section that has not expired and 711
has not been revoked or suspended, shall send a temporary permit 712
to the applicant specifying the date on which the application was 713
filed with the attorney general and stating that, pursuant to 714
section 119.06 of the Revised Code, the applicant may continue to 715
conduct bingo until a new license is granted or, if the 716
application is rejected, until fifteen days after notice of the 717
rejection is mailed to the applicant. The temporary permit does 718
not affect the validity of the applicant's application and does 719
not grant any rights to the applicant except those rights 720
specifically granted in section 119.06 of the Revised Code. The 721
issuance of a temporary permit by the attorney general pursuant to 722

this division does not prohibit the attorney general from 723
rejecting the applicant's application because of acts that the 724
applicant committed, or actions that the applicant failed to take, 725
before or after the issuance of the temporary permit. 726

(4) Within thirty days after receiving an initial license 727
application from a charitable organization to conduct bingo, 728
instant bingo at a bingo session, or instant bingo other than at a 729
bingo session, the attorney general shall conduct a preliminary 730
review of the application and notify the applicant regarding any 731
deficiencies. Once an application is deemed complete, or beginning 732
on the thirtieth day after the application is filed, if the 733
attorney general failed to notify the applicant of any 734
deficiencies, the attorney general shall have an additional sixty 735
days to conduct an investigation and either grant or deny the 736
application based on findings established and communicated in 737
accordance with divisions (B) and (E) of this section. As an 738
option to granting or denying an initial license application, the 739
attorney general may grant a temporary license and request 740
additional time to conduct the investigation if the attorney 741
general has cause to believe that additional time is necessary to 742
complete the investigation and has notified the applicant in 743
writing about the specific concerns raised during the 744
investigation. 745

(B)(1) The attorney general shall adopt rules to enforce 746
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 747
Code to ensure that bingo or instant bingo is conducted in 748
accordance with those sections and to maintain proper control over 749
the conduct of bingo or instant bingo. The rules, except rules 750
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 751
shall be adopted pursuant to Chapter 119. of the Revised Code. The 752
attorney general shall license charitable organizations to conduct 753
bingo, instant bingo at a bingo session, or instant bingo other 754

than at a bingo session in conformance with this chapter and with 755
the licensing provisions of Chapter 119. of the Revised Code. 756

(2) The attorney general may refuse to grant a license to any 757
organization, or revoke or suspend the license of any 758
organization, that does any of the following or to which any of 759
the following applies: 760

(a) Fails or has failed at any time to meet any requirement 761
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 762
2915.11 of the Revised Code, or violates or has violated any 763
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 764
Code or any rule adopted by the attorney general pursuant to this 765
section; 766

(b) Makes or has made an incorrect or false statement that is 767
material to the granting of the license in an application filed 768
pursuant to division (A) of this section; 769

(c) Submits or has submitted any incorrect or false 770
information relating to an application if the information is 771
material to the granting of the license; 772

(d) Maintains or has maintained any incorrect or false 773
information that is material to the granting of the license in the 774
records required to be kept pursuant to divisions (A) and (C) of 775
section 2915.10 of the Revised Code, if applicable; 776

(e) The attorney general has good cause to believe that the 777
organization will not conduct bingo, instant bingo at a bingo 778
session, or instant bingo other than at a bingo session in 779
accordance with sections 2915.07 to 2915.13 of the Revised Code or 780
with any rule adopted by the attorney general pursuant to this 781
section. 782

(3) For the purposes of division (B) of this section, any 783
action of an officer, trustee, agent, representative, or bingo 784
game operator of an organization is an action of the organization. 785

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

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

(1) The issuance of the license;

(2) The issuance of the amended license;

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

(4) The revocation of any license previously issued;

(5) The suspension of any license previously issued.

(E) A license issued by the attorney general shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the attorney general to give the written notice of the reasons for the refusal, revocation, or suspension or a mistake in the written notice does not affect the validity of

the attorney general's refusal to grant, or the revocation or 817
suspension of, a license. If the attorney general fails to give 818
the written notice or if there is a mistake in the written notice, 819
the applicant may bring an action to compel the attorney general 820
to comply with this division or to correct the mistake, but the 821
attorney general's order refusing to grant, or revoking or 822
suspending, a license shall not be enjoined during the pendency of 823
the action. 824

(F) A charitable organization that has been issued a license 825
pursuant to division (B) of this section but that cannot conduct 826
bingo or instant bingo at the location, or on the day of the week 827
or at the time, specified on the license due to circumstances that 828
make it impractical to do so may apply in writing, together with 829
an application fee of two hundred fifty dollars, to the attorney 830
general, at least thirty days prior to a change in location, day 831
of the week, or time, and request an amended license. The 832
application shall describe the causes making it impractical for 833
the organization to conduct bingo or instant bingo in conformity 834
with its license and shall indicate the location, days of the 835
week, and times on each of those days when it desires to conduct 836
bingo or instant bingo. Except as otherwise provided in this 837
division, the attorney general shall issue the amended license in 838
accordance with division (E) of this section, and the organization 839
shall surrender its original license to the attorney general. The 840
attorney general may refuse to grant an amended license according 841
to the terms of division (B) of this section. 842

(G) The attorney general, by rule adopted pursuant to section 843
111.15 of the Revised Code, shall establish a schedule of reduced 844
license fees for charitable organizations that desire to conduct 845
bingo or instant bingo during fewer than twenty-six weeks in any 846
calendar year. 847

(H) The attorney general, by rule adopted pursuant to section 848

111.15 of the Revised Code, shall establish license fees for the 849
conduct of bingo, instant bingo at a bingo session, or instant 850
bingo other than at a bingo session for charitable organizations 851
that prior to ~~the effective date of this amendment~~ July 1, 2003, 852
have not been licensed to conduct bingo, instant bingo at a bingo 853
session, or instant bingo other than at a bingo session under this 854
chapter. 855

(I) The attorney general may enter into a written contract 856
with any other state agency to delegate to that state agency the 857
powers prescribed to the attorney general under Chapter 2915. of 858
the Revised Code. 859

(J) The attorney general, by rule adopted pursuant to section 860
111.15 of the Revised Code, may adopt rules to determine the 861
requirements for a charitable organization that is exempt from 862
federal income taxation under subsection 501(a) and described in 863
subsection 501(c)(3) of the Internal Revenue Code to be in good 864
standing in the state. 865

Sec. 2915.091. (A) No charitable organization that conducts 866
instant bingo shall do any of the following: 867

(1) Fail to comply with the requirements of divisions (A)(1), 868
(2), and (3) of section 2915.09 of the Revised Code; 869

(2) Conduct instant bingo unless either of the following 870
apply: 871

(a) That organization is, and has received from the internal 872
revenue service a determination letter that is currently in effect 873
stating that the organization is, exempt from federal income 874
taxation under subsection 501(a), is described in subsection 875
501(c)(3) of the Internal Revenue Code, is a charitable 876
organization as defined in section 2915.01 of the Revised Code, is 877
in good standing in the state pursuant to section 2915.08 of the 878

Revised Code, and is in compliance with Chapter 1716. of the 879
Revised Code; 880

(b) That organization is, and has received from the internal 881
revenue service a determination letter that is currently in effect 882
stating that the organization is, exempt from federal income 883
taxation under subsection 501(a), is described in subsection 884
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 885
organization described in subsection 501(c)(4) of the Internal 886
Revenue Code, and conducts instant bingo under section 2915.13 of 887
the Revised Code. 888

(3) Conduct instant bingo on any day, at any time, or at any 889
premises not specified on the organization's license issued 890
pursuant to section 2915.08 of the Revised Code; 891

(4) Permit any person whom the organization knows or should 892
have known has been convicted of a felony or gambling offense in 893
any jurisdiction to be a bingo game operator in the conduct of 894
instant bingo; 895

(5) Purchase or lease supplies used to conduct instant bingo 896
or punch board games from any person except a distributor licensed 897
under section 2915.081 of the Revised Code; 898

(6) Sell or provide any instant bingo ticket or card for a 899
price different from the price printed on it by the manufacturer 900
on either the instant bingo ticket or card or on the game flare; 901

(7) Sell an instant bingo ticket or card to a person under 902
eighteen years of age; 903

(8) Fail to keep unsold instant bingo tickets or cards for 904
less than three years; 905

(9) Pay any compensation to a bingo game operator for 906
conducting instant bingo that is conducted by the organization or 907
for preparing, selling, or serving food or beverages at the site 908

of the instant bingo game, permit any auxiliary unit or society of 909
the organization to pay compensation to any bingo game operator 910
who prepares, sells, or serves food or beverages at an instant 911
bingo game conducted by the organization, or permit any auxiliary 912
unit or society of the organization to prepare, sell, or serve 913
food or beverages at an instant bingo game conducted by the 914
organization, if the auxiliary unit or society pays any 915
compensation to the bingo game operators who prepare, sell, or 916
serve the food or beverages; 917

(10) Pay fees to any person for any services performed in 918
relation to an instant bingo game; 919

(11) Pay fees to any person who provides refreshments to the 920
participants in an instant bingo game; 921

(12)(a) Allow instant bingo tickets or cards to be sold to 922
bingo game operators at a premises at which the organization sells 923
instant bingo tickets or cards or to be sold to employees of a D 924
permit holder who are working at a premises at which instant bingo 925
tickets or cards are sold; 926

(b) Division (A)(12)(a) of this section does not prohibit a 927
licensed charitable organization or a bingo game operator from 928
giving any person an instant bingo ~~tickets~~ ticket as a prize. 929

(13) Fail to display its bingo license, and the serial 930
numbers of the deal of instant bingo tickets or cards to be sold, 931
conspicuously at each premises at which it sells instant bingo 932
tickets or cards; 933

(14) Possess a deal of instant bingo tickets or cards that 934
was not purchased from a distributor licensed under section 935
2915.081 of the Revised Code as reflected on an invoice issued by 936
the distributor that contains all of the information required by 937
division (E) of section 2915.10 of the Revised Code; 938

(15) Fail, once it opens a deal of instant bingo tickets or 939

cards, to continue to sell the tickets or cards in that deal until 940
the tickets or cards with the top two highest tiers of prizes in 941
that deal are sold; 942

~~(16) Purchase, lease, or use instant bingo ticket dispensers 943
to sell instant bingo tickets or cards; 944~~

~~(17)~~ Possess bingo supplies that were not obtained in 945
accordance with sections 2915.01 to 2915.13 of the Revised Code. 946

(B)(1) A charitable organization may conduct instant bingo 947
other than at a bingo session at not more than five separate 948
locations. A charitable organization that is exempt from federal 949
taxation under subsection 501(a) and described in subsection 950
501(c)(3) of the Internal Revenue Code and that is created by a 951
veteran's organization or a fraternal organization is not limited 952
in the number of separate locations the charitable organization 953
may conduct instant bingo other than at a bingo session. 954

(2) A charitable organization may purchase, lease, or use 955
instant bingo ticket dispensers to sell instant bingo tickets or 956
cards. 957

(C) The attorney general may adopt rules in accordance with 958
Chapter 119. of the Revised Code that govern the conduct of 959
instant bingo by charitable organizations. Before those rules are 960
adopted, the attorney general shall reference the recommended 961
standards for opacity, randomization, minimum information, winner 962
protection, color, and cutting for instant bingo tickets or cards, 963
seal cards, and punch boards established by the North American 964
gaming regulators association. 965

(D) Whoever violates division (A) of this section or a rule 966
adopted under division (C) of this section is guilty of illegal 967
instant bingo conduct. Except as otherwise provided in this 968
division, illegal instant bingo conduct is a misdemeanor of the 969
first degree. If the offender previously has been convicted of a 970

violation of division (A) of this section or of such a rule, 971
illegal instant bingo conduct is a felony of the fifth degree. 972

Section 2. That existing sections 2915.01, 2915.08, and 973
2915.091 of the Revised Code are hereby repealed. 974