

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

**128th General Assembly
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Sub. S. B. No. 186

Senator Schuring

Cosponsors: Senators Grendell, Fedor

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A B I L L

To amend sections 2915.01, 2915.02, and 2915.091 of	1
the Revised Code to authorize a charitable	2
organization to purchase, lease, and use instant	3
bingo ticket dispensers, to specify that these	4
dispensers are not slot machines, to modify the	5
definitions of veteran's and fraternal	6
organizations, to increase the number of times in	7
a preceding year a veteran's or fraternal	8
organization may lease premises to charitable	9
organizations for festivals at which games of	10
chance are conducted, and to allow a charitable	11
organization to spend a reasonable amount of its	12
gross profit to pay property taxes and assessments	13
on the premises where the organization conducts	14
bingo.	15

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

Section 1. That sections 2915.01, 2915.02, and 2915.091 of	16
the Revised Code be amended to read as follows:	17

Sec. 2915.01. As used in this chapter:	18
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(A) "Bookmaking" means the business of receiving or paying
off bets. 19
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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. 21
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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. 24
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(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. 29
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(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. 33
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(F) "Gambling device" means any of the following: 36

(1) A book, totalizer, or other equipment for recording bets; 37

(2) A ticket, token, or other device representing a chance,
share, or interest in a scheme of chance or evidencing a bet; 38
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(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; 40
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(4) Any equipment, device, apparatus, or paraphernalia
specially designed for gambling purposes; 43
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(5) Bingo supplies sold or otherwise provided, or used, in
violation of this chapter. 45
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(G) "Gambling offense" means any of the following: 47

(1) A violation of section 2915.02, 2915.03, 2915.04, 48
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 49
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code; 50

(2) A violation of an existing or former municipal ordinance 51
or law of this or any other state or the United States 52
substantially equivalent to any section listed in division (G)(1) 53
of this section or a violation of section 2915.06 of the Revised 54
Code as it existed prior to July 1, 1996; 55

(3) An offense under an existing or former municipal 56
ordinance or law of this or any other state or the United States, 57
of which gambling is an element; 58

(4) A conspiracy or attempt to commit, or complicity in 59
committing, any offense under division (G)(1), (2), or (3) of this 60
section. 61

(H) Except as otherwise provided in this chapter, "charitable 62
organization" means any tax exempt religious, educational, 63
veteran's, fraternal, sporting, service, nonprofit medical, 64
volunteer rescue service, volunteer firefighter's, senior 65
citizen's, historic railroad educational, youth athletic, amateur 66
athletic, or youth athletic park organization. An organization is 67
tax exempt if the organization is, and has received from the 68
internal revenue service a determination letter that currently is 69
in effect stating that the organization is, exempt from federal 70
income taxation under subsection 501(a) and described in 71
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 72
501(c)(19) of the Internal Revenue Code, or if the organization is 73
a sporting organization that is exempt from federal income 74
taxation under subsection 501(a) and is described in subsection 75
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 76
organization, an organization, except a volunteer rescue service 77
or volunteer firefighter's organization, shall have been in 78
continuous existence as such in this state for a period of two 79

years immediately preceding either the making of an application 80
for a bingo license under section 2915.08 of the Revised Code or 81
the conducting of any game of chance as provided in division (D) 82
of section 2915.02 of the Revised Code. A charitable organization 83
that is exempt from federal income taxation under subsection 84
501(a) and described in subsection 501(c)(3) of the Internal 85
Revenue Code and that is created by a veteran's organization, a 86
fraternal organization, or a sporting organization does not have 87
to have been in continuous existence as such in this state for a 88
period of two years immediately preceding either the making of an 89
application for a bingo license under section 2915.08 of the 90
Revised Code or the conducting of any game of chance as provided 91
in division (D) of section 2915.02 of the Revised Code. 92

(I) "Religious organization" means any church, body of 93
communicants, or group that is not organized or operated for 94
profit and that gathers in common membership for regular worship 95
and religious observances. 96

(J) "Educational organization" means any organization within 97
this state that is not organized for profit, the primary purpose 98
of which is to educate and develop the capabilities of individuals 99
through instruction by means of operating or contributing to the 100
support of a school, academy, college, or university. 101

(K) "Veteran's organization" means any individual post or 102
state headquarters of a national veteran's association or an 103
auxiliary unit of any individual post of a national veteran's 104
association, which post, state headquarters, or auxiliary unit ~~has~~ 105
~~been in continuous existence in this state for at least two years~~ 106
~~and~~ is incorporated as a nonprofit corporation and either has 107
received a letter from the state headquarters of the national 108
veteran's association indicating that the individual post or 109
auxiliary unit is in good standing with the national veteran's 110
association or has received a letter from the national veteran's 111

association indicating that the state headquarters is in good 112
standing with the national veteran's association. As used in this 113
division, "national veteran's association" means any veteran's 114
association that has been in continuous existence as such for a 115
period of at least five years and either is incorporated by an act 116
of the United States congress or has a national dues-paying 117
membership of at least five thousand persons. 118

(L) "Volunteer firefighter's organization" means any 119
organization of volunteer firefighters, as defined in section 120
146.01 of the Revised Code, that is organized and operated 121
exclusively to provide financial support for a volunteer fire 122
department or a volunteer fire company and that is recognized or 123
ratified by a county, municipal corporation, or township. 124

(M) "Fraternal organization" means any society, order, state 125
headquarters, or association within this state, except a college 126
or high school fraternity, that is not organized for profit, that 127
is a branch, lodge, or chapter of a national or state 128
organization, that exists exclusively for the common business or 129
sodality of its members, ~~and that has been in continuous existence~~ 130
~~in this state for a period of five years.~~ 131

(N) "Volunteer rescue service organization" means any 132
organization of volunteers organized to function as an emergency 133
medical service organization, as defined in section 4765.01 of the 134
Revised Code. 135

(O) "Service organization" means either of the following: 136

(1) Any organization, not organized for profit, that is 137
organized and operated exclusively to provide, or to contribute to 138
the support of organizations or institutions organized and 139
operated exclusively to provide, medical and therapeutic services 140
for persons who are crippled, born with birth defects, or have any 141
other mental or physical defect or those organized and operated 142

exclusively to protect, or to contribute to the support of 143
organizations or institutions organized and operated exclusively 144
to protect, animals from inhumane treatment or provide immediate 145
shelter to victims of domestic violence; 146

(2) Any organization that is described in subsection 147
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 148
and is either a governmental unit or an organization that is tax 149
exempt under subsection 501(a) and described in subsection 150
501(c)(3) of the Internal Revenue Code and that is an 151
organization, not organized for profit, that is organized and 152
operated primarily to provide, or to contribute to the support of 153
organizations or institutions organized and operated primarily to 154
provide, medical and therapeutic services for persons who are 155
crippled, born with birth defects, or have any other mental or 156
physical defect. 157

(P) "Nonprofit medical organization" means either of the 158
following: 159

(1) Any organization that has been incorporated as a 160
nonprofit corporation for at least five years and that has 161
continuously operated and will be operated exclusively to provide, 162
or to contribute to the support of organizations or institutions 163
organized and operated exclusively to provide, hospital, medical, 164
research, or therapeutic services for the public; 165

(2) Any organization that is described and qualified under 166
subsection 501(c)(3) of the Internal Revenue Code, that has been 167
incorporated as a nonprofit corporation for at least five years, 168
and that has continuously operated and will be operated primarily 169
to provide, or to contribute to the support of organizations or 170
institutions organized and operated primarily to provide, 171
hospital, medical, research, or therapeutic services for the 172
public. 173

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(X) "Gross receipts" means all money or assets, including 236
admission fees, that a person receives from bingo without the 237
deduction of any amounts for prizes paid out or for the expenses 238
of conducting bingo. "Gross receipts" does not include any money 239
directly taken in from the sale of food or beverages by a 240
charitable organization conducting bingo, or by a bona fide 241
auxiliary unit or society of a charitable organization conducting 242
bingo, provided all of the following apply: 243

(1) The auxiliary unit or society has been in existence as a 244
bona fide auxiliary unit or society of the charitable organization 245
for at least two years prior to conducting bingo. 246

(2) The person who purchases the food or beverage receives 247
nothing of value except the food or beverage and items customarily 248
received with the purchase of that food or beverage. 249

(3) The food and beverages are sold at customary and 250
reasonable prices. 251

(Y) "Security personnel" includes any person who either is a 252
sheriff, deputy sheriff, marshal, deputy marshal, township 253
constable, or member of an organized police department of a 254
municipal corporation or has successfully completed a peace 255
officer's training course pursuant to sections 109.71 to 109.79 of 256
the Revised Code and who is hired to provide security for the 257
premises on which bingo is conducted. 258

(Z) "Charitable purpose" means that the net profit of bingo, 259
other than instant bingo, is used by, or is given, donated, or 260
otherwise transferred to, any of the following: 261

(1) Any organization that is described in subsection 262
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 263
and is either a governmental unit or an organization that is tax 264
exempt under subsection 501(a) and described in subsection 265
501(c)(3) of the Internal Revenue Code; 266

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

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

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

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

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

not organized for profit, that is organized and operated 299
exclusively to provide financial support to, or to operate, 300
athletic activities for persons who are twenty-one years of age or 301
younger by means of sponsoring, organizing, operating, or 302
contributing to the support of an athletic team, club, league, or 303
association. 304

(CC) "Youth athletic park organization" means any 305
organization, not organized for profit, that satisfies both of the 306
following: 307

(1) It owns, operates, and maintains playing fields that 308
satisfy both of the following: 309

(a) The playing fields are used at least one hundred days per 310
year for athletic activities by one or more organizations, not 311
organized for profit, each of which is organized and operated 312
exclusively to provide financial support to, or to operate, 313
athletic activities for persons who are eighteen years of age or 314
younger by means of sponsoring, organizing, operating, or 315
contributing to the support of an athletic team, club, league, or 316
association. 317

(b) The playing fields are not used for any profit-making 318
activity at any time during the year. 319

(2) It uses the proceeds of bingo it conducts exclusively for 320
the operation, maintenance, and improvement of its playing fields 321
of the type described in division (CC)(1) of this section. 322

(DD) "Amateur athletic organization" means any organization, 323
not organized for profit, that is organized and operated 324
exclusively to provide financial support to, or to operate, 325
athletic activities for persons who are training for amateur 326
athletic competition that is sanctioned by a national governing 327
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 328
3045, 36 U.S.C.A. 373. 329

(EE) "Bingo supplies" means bingo cards or sheets; instant 330
bingo tickets or cards; electronic bingo aids; raffle tickets; 331
punch boards; seal cards; instant bingo ticket dispensers; and 332
devices for selecting or displaying the combination of bingo 333
letters and numbers or raffle tickets. Items that are "bingo 334
supplies" are not gambling devices if sold or otherwise provided, 335
and used, in accordance with this chapter. For purposes of this 336
chapter, "bingo supplies" are not to be considered equipment used 337
to conduct a bingo game. 338

(FF) "Instant bingo" means a form of bingo that uses folded 339
or banded tickets or paper cards with perforated break-open tabs, 340
a face of which is covered or otherwise hidden from view to 341
conceal a number, letter, or symbol, or set of numbers, letters, 342
or symbols, some of which have been designated in advance as prize 343
winners. "Instant bingo" includes seal cards. "Instant bingo" does 344
not include any device that is activated by the insertion of a 345
coin, currency, token, or an equivalent, and that contains as one 346
of its components a video display monitor that is capable of 347
displaying numbers, letters, symbols, or characters in winning or 348
losing combinations. 349

(GG) "Seal card" means a form of instant bingo that uses 350
instant bingo tickets in conjunction with a board or placard that 351
contains one or more seals that, when removed or opened, reveal 352
predesignated winning numbers, letters, or symbols. 353

(HH) "Raffle" means a form of bingo in which the one or more 354
prizes are won by one or more persons who have purchased a raffle 355
ticket. The one or more winners of the raffle are determined by 356
drawing a ticket stub or other detachable section from a 357
receptacle containing ticket stubs or detachable sections 358
corresponding to all tickets sold for the raffle. 359

(II) "Punch board" means a board containing a number of holes 360
or receptacles of uniform size in which are placed, mechanically 361

and randomly, serially numbered slips of paper that may be punched 362
or drawn from the hole or receptacle when used in conjunction with 363
instant bingo. A player may punch or draw the numbered slips of 364
paper from the holes or receptacles and obtain the prize 365
established for the game if the number drawn corresponds to a 366
winning number or, if the punch board includes the use of a seal 367
card, a potential winning number. 368

(JJ) "Gross profit" means gross receipts minus the amount 369
actually expended for the payment of prize awards. 370

(KK) "Net profit" means gross profit minus expenses. 371

(LL) "Expenses" means the reasonable amount of gross profit 372
actually expended for all of the following: 373

(1) The purchase or lease of bingo supplies; 374

(2) The annual license fee required under section 2915.08 of 375
the Revised Code; 376

(3) Bank fees and service charges for a bingo session or game 377
account described in section 2915.10 of the Revised Code; 378

(4) Audits and accounting services; 379

(5) Safes; 380

(6) Cash registers; 381

(7) Hiring security personnel; 382

(8) Advertising bingo; 383

(9) Renting premises in which to conduct a bingo session; 384

(10) Tables and chairs; 385

(11) Expenses for maintaining and operating a charitable 386
organization's facilities, including, but not limited to, a post 387
home, club house, lounge, tavern, or canteen and any grounds 388
attached to the post home, club house, lounge, tavern, or canteen; 389

(12) <u>Payment of real property taxes and assessments that are</u>	390
<u>levied on a premises on which bingo is conducted;</u>	391
(13) Any other product or service directly related to the	392
conduct of bingo that is authorized in rules adopted by the	393
attorney general under division (B)(1) of section 2915.08 of the	394
Revised Code.	395
(MM) "Person" has the same meaning as in section 1.59 of the	396
Revised Code and includes any firm or any other legal entity,	397
however organized.	398
(NN) "Revoke" means to void permanently all rights and	399
privileges of the holder of a license issued under section	400
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable	401
gaming license issued by another jurisdiction.	402
(OO) "Suspend" means to interrupt temporarily all rights and	403
privileges of the holder of a license issued under section	404
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable	405
gaming license issued by another jurisdiction.	406
(PP) "Distributor" means any person who purchases or obtains	407
bingo supplies and who does either of the following:	408
(1) Sells, offers for sale, or otherwise provides or offers	409
to provide the bingo supplies to another person for use in this	410
state;	411
(2) Modifies, converts, adds to, or removes parts from the	412
bingo supplies to further their promotion or sale for use in this	413
state.	414
(QQ) "Manufacturer" means any person who assembles completed	415
bingo supplies from raw materials, other items, or subparts or who	416
modifies, converts, adds to, or removes parts from bingo supplies	417
to further their promotion or sale.	418
(RR) "Gross annual revenues" means the annual gross receipts	419

derived from the conduct of bingo described in division (S)(1) of 420
this section plus the annual net profit derived from the conduct 421
of bingo described in division (S)(2) of this section. 422

(SS) "Instant bingo ticket dispenser" means a mechanical 423
device that dispenses an instant bingo ticket or card as the sole 424
item of value dispensed and that has the following 425
characteristics: 426

(1) It is activated upon the insertion of United States 427
currency. 428

(2) It performs no gaming functions. 429

(3) It does not contain a video display monitor or generate 430
noise. 431

(4) It is not capable of displaying any numbers, letters, 432
symbols, or characters in winning or losing combinations. 433

(5) It does not simulate or display rolling or spinning 434
reels. 435

(6) It is incapable of determining whether a dispensed bingo 436
ticket or card is a winning or nonwinning ticket or card and 437
requires a winning ticket or card to be paid by a bingo game 438
operator. 439

(7) It may provide accounting and security features to aid in 440
accounting for the instant bingo tickets or cards it dispenses. 441

(8) It is not part of an electronic network and is not 442
interactive. 443

(TT)(1) "Electronic bingo aid" means an electronic device 444
used by a participant to monitor bingo cards or sheets purchased 445
at the time and place of a bingo session and that does all of the 446
following: 447

(a) It provides a means for a participant to input numbers 448
and letters announced by a bingo caller. 449

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

(c) It identifies a winning bingo pattern.

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

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

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

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

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

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

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

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal

income taxation under subsection 501(a) and described in 480
subsection 501(c)(3) of the Internal Revenue Code and that is 481
created by a veteran's organization, a fraternal organization, or 482
a sporting organization in regards to bingo conducted or assisted 483
by a veteran's organization, a fraternal organization, or a 484
sporting organization pursuant to section 2915.13 of the Revised 485
Code. 486

(YY) "Game flare" means the board or placard that accompanies 487
each deal of instant bingo tickets and that has printed on or 488
affixed to it the following information for the game: 489

(1) The name of the game; 490

(2) The manufacturer's name or distinctive logo; 491

(3) The form number; 492

(4) The ticket count; 493

(5) The prize structure, including the number of winning 494
instant bingo tickets by denomination and the respective winning 495
symbol or number combinations for the winning instant bingo 496
tickets; 497

(6) The cost per play; 498

(7) The serial number of the game. 499

(ZZ) "Historic railroad educational organization" means an 500
organization that is exempt from federal income taxation under 501
subsection 501(a) and described in subsection 501(c)(3) of the 502
Internal Revenue Code, that owns in fee simple the tracks and the 503
right of way of a historic railroad that the organization restores 504
or maintains and on which the organization provides excursions as 505
part of a program to promote tourism and educate visitors 506
regarding the role of railroad transportation in Ohio history, and 507
that received as donations from a charitable organization that 508
holds a license to conduct bingo under this chapter an amount 509

equal to at least fifty per cent of that licensed charitable 510
organization's net proceeds from the conduct of bingo during each 511
of the five years preceding June 30, 2003. "Historic railroad" 512
means all or a portion of the tracks and right-of-way of a 513
railroad that was owned and operated by a for-profit common 514
carrier in this state at any time prior to January 1, 1950. 515

(AAA)(1) "Skill-based amusement machine" means a mechanical, 516
video, digital, or electronic device that rewards the player or 517
players, if at all, only with merchandise prizes or with 518
redeemable vouchers redeemable only for merchandise prizes, 519
provided that with respect to rewards for playing the game all of 520
the following apply: 521

(a) The wholesale value of a merchandise prize awarded as a 522
result of the single play of a machine does not exceed ten 523
dollars; 524

(b) Redeemable vouchers awarded for any single play of a 525
machine are not redeemable for a merchandise prize with a 526
wholesale value of more than ten dollars; 527

(c) Redeemable vouchers are not redeemable for a merchandise 528
prize that has a wholesale value of more than ten dollars times 529
the fewest number of single plays necessary to accrue the 530
redeemable vouchers required to obtain that prize; and 531

(d) Any redeemable vouchers or merchandise prizes are 532
distributed at the site of the skill-based amusement machine at 533
the time of play. 534

(2) A device shall not be considered a skill-based amusement 535
machine and shall be considered a slot machine if it pays cash or 536
one or more of the following apply: 537

(a) The ability of a player to succeed at the game is 538
impacted by the number or ratio of prior wins to prior losses of 539
players playing the game. 540

(b) Any reward of redeemable vouchers is not based solely on 541
the player achieving the object of the game or the player's score; 542

(c) The outcome of the game, or the value of the redeemable 543
voucher or merchandise prize awarded for winning the game, can be 544
controlled by a source other than any player playing the game. 545

(d) The success of any player is or may be determined by a 546
chance event that cannot be altered by player actions. 547

(e) The ability of any player to succeed at the game is 548
determined by game features not visible or known to the player. 549

(f) The ability of the player to succeed at the game is 550
impacted by the exercise of a skill that no reasonable player 551
could exercise. 552

(3) All of the following apply to any machine that is 553
operated as described in division (AAA)(1) of this section: 554

(a) As used in this section, "game" and "play" mean one event 555
from the initial activation of the machine until the results of 556
play are determined without payment of additional consideration. 557
An individual utilizing a machine that involves a single game, 558
play, contest, competition, or tournament may be awarded 559
redeemable vouchers or merchandise prizes based on the results of 560
play. 561

(b) Advance play for a single game, play, contest, 562
competition, or tournament participation may be purchased. The 563
cost of the contest, competition, or tournament participation may 564
be greater than a single noncontest, competition, or tournament 565
play. 566

(c) To the extent that the machine is used in a contest, 567
competition, or tournament, that contest, competition, or 568
tournament has a defined starting and ending date and is open to 569
participants in competition for scoring and ranking results toward 570

the awarding of redeemable vouchers or merchandise prizes that are 571
stated prior to the start of the contest, competition, or 572
tournament. 573

(4) For purposes of division (AAA)(1) of this section, the 574
mere presence of a device, such as a pin-setting, ball-releasing, 575
or scoring mechanism, that does not contribute to or affect the 576
outcome of the play of the game does not make the device a 577
skill-based amusement machine. 578

(BBB) "Merchandise prize" means any item of value, but shall 579
not include any of the following: 580

(1) Cash, gift cards, or any equivalent thereof; 581

(2) Plays on games of chance, state lottery tickets, bingo, 582
or instant bingo; 583

(3) Firearms, tobacco, or alcoholic beverages; or 584

(4) A redeemable voucher that is redeemable for any of the 585
items listed in division (BBB)(1), (2), or (3) of this section. 586

(CCC) "Redeemable voucher" means any ticket, token, coupon, 587
receipt, or other noncash representation of value. 588

(DDD) "Pool not conducted for profit" means a scheme in which 589
a participant gives a valuable consideration for a chance to win a 590
prize and the total amount of consideration wagered is distributed 591
to a participant or participants. 592

(EEE) "Sporting organization" means a hunting, fishing, or 593
trapping organization, other than a college or high school 594
fraternity or sorority, that is not organized for profit, that is 595
affiliated with a state or national sporting organization, 596
including but not limited to, the Ohio league of sportsmen, and 597
that has been in continuous existence in this state for a period 598
of three years. 599

(FFF) "Community action agency" has the same meaning as in 600

section 122.66 of the Revised Code. 601

Sec. 2915.02. (A) No person shall do any of the following: 602

(1) Engage in bookmaking, or knowingly engage in conduct that 603
facilitates bookmaking; 604

(2) Establish, promote, or operate or knowingly engage in 605
conduct that facilitates any game of chance conducted for profit 606
or any scheme of chance; 607

(3) Knowingly procure, transmit, exchange, or engage in 608
conduct that facilitates the procurement, transmission, or 609
exchange of information for use in establishing odds or 610
determining winners in connection with bookmaking or with any game 611
of chance conducted for profit or any scheme of chance; 612

(4) Engage in betting or in playing any scheme or game of 613
chance as a substantial source of income or livelihood; 614

(5) With purpose to violate division (A)(1), (2), (3), or (4) 615
of this section, acquire, possess, control, or operate any 616
gambling device. 617

(B) For purposes of division (A)(1) of this section, a person 618
facilitates bookmaking if the person in any way knowingly aids an 619
illegal bookmaking operation, including, without limitation, 620
placing a bet with a person engaged in or facilitating illegal 621
bookmaking. For purposes of division (A)(2) of this section, a 622
person facilitates a game of chance conducted for profit or a 623
scheme of chance if the person in any way knowingly aids in the 624
conduct or operation of any such game or scheme, including, 625
without limitation, playing any such game or scheme. 626

(C) This section does not prohibit conduct in connection with 627
gambling expressly permitted by law. 628

(D) This section does not apply to any of the following: 629

(1) Games of chance, if all of the following apply: 630

(a) The games of chance are not craps for money or roulette 631
for money. 632

(b) The games of chance are conducted by a charitable 633
organization that is, and has received from the internal revenue 634
service a determination letter that is currently in effect, 635
stating that the organization is, exempt from federal income 636
taxation under subsection 501(a) and described in subsection 637
501(c)(3) of the Internal Revenue Code. 638

(c) The games of chance are conducted at festivals of the 639
charitable organization that are conducted either for a period of 640
four consecutive days or less and not more than twice a year or 641
for a period of five consecutive days not more than once a year, 642
and are conducted on premises owned by the charitable organization 643
for a period of no less than one year immediately preceding the 644
conducting of the games of chance, on premises leased from a 645
governmental unit, or on premises that are leased from a veteran's 646
or fraternal organization and that have been owned by the lessor 647
veteran's or fraternal organization for a period of no less than 648
one year immediately preceding the conducting of the games of 649
chance. 650

A charitable organization shall not lease premises from a 651
veteran's or fraternal organization to conduct a festival 652
described in division (D)(1)(c) of this section if the veteran's 653
or fraternal organization already has leased the premises ~~four~~ 654
twelve times during the preceding year to charitable organizations 655
for that purpose. If a charitable organization leases premises 656
from a veteran's or fraternal organization to conduct a festival 657
described in division (D)(1)(c) of this section, the charitable 658
organization shall not pay a rental rate for the premises per day 659
of the festival that exceeds the rental rate per bingo session 660
that a charitable organization may pay under division (B)(1) of 661

section 2915.09 of the Revised Code when it leases premises from 662
another charitable organization to conduct bingo games. 663

(d) All of the money or assets received from the games of 664
chance after deduction only of prizes paid out during the conduct 665
of the games of chance are used by, or given, donated, or 666
otherwise transferred to, any organization that is described in 667
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 668
Revenue Code and is either a governmental unit or an organization 669
that is tax exempt under subsection 501(a) and described in 670
subsection 501(c)(3) of the Internal Revenue Code; 671

(e) The games of chance are not conducted during, or within 672
ten hours of, a bingo game conducted for amusement purposes only 673
pursuant to section 2915.12 of the Revised Code. 674

No person shall receive any commission, wage, salary, reward, 675
tip, donation, gratuity, or other form of compensation, directly 676
or indirectly, for operating or assisting in the operation of any 677
game of chance. 678

(2) Any tag fishing tournament operated under a permit issued 679
under section 1533.92 of the Revised Code, as "tag fishing 680
tournament" is defined in section 1531.01 of the Revised Code; 681

(3) Bingo conducted by a charitable organization that holds a 682
license issued under section 2915.08 of the Revised Code. 683

(E) Division (D) of this section shall not be construed to 684
authorize the sale, lease, or other temporary or permanent 685
transfer of the right to conduct games of chance, as granted by 686
that division, by any charitable organization that is granted that 687
right. 688

(F) Whoever violates this section is guilty of gambling, a 689
misdemeanor of the first degree. If the offender previously has 690
been convicted of any gambling offense, gambling is a felony of 691
the fifth degree. 692

Sec. 2915.091. (A) No charitable organization that conducts 693
instant bingo shall do any of the following: 694

(1) Fail to comply with the requirements of divisions (A)(1), 695
(2), and (3) of section 2915.09 of the Revised Code; 696

(2) Conduct instant bingo unless either of the following 697
apply: 698

(a) That organization is, and has received from the internal 699
revenue service a determination letter that is currently in effect 700
stating that the organization is, exempt from federal income 701
taxation under subsection 501(a), is described in subsection 702
501(c)(3) of the Internal Revenue Code, is a charitable 703
organization as defined in section 2915.01 of the Revised Code, is 704
in good standing in the state pursuant to section 2915.08 of the 705
Revised Code, and is in compliance with Chapter 1716. of the 706
Revised Code; 707

(b) That organization is, and has received from the internal 708
revenue service a determination letter that is currently in effect 709
stating that the organization is, exempt from federal income 710
taxation under subsection 501(a), is described in subsection 711
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 712
organization described in subsection 501(c)(4) of the Internal 713
Revenue Code, and conducts instant bingo under section 2915.13 of 714
the Revised Code. 715

(3) Conduct instant bingo on any day, at any time, or at any 716
premises not specified on the organization's license issued 717
pursuant to section 2915.08 of the Revised Code; 718

(4) Permit any person whom the organization knows or should 719
have known has been convicted of a felony or gambling offense in 720
any jurisdiction to be a bingo game operator in the conduct of 721
instant bingo; 722

(5) Purchase or lease supplies used to conduct instant bingo	723
or punch board games from any person except a distributor licensed	724
under section 2915.081 of the Revised Code;	725
(6) Sell or provide any instant bingo ticket or card for a	726
price different from the price printed on it by the manufacturer	727
on either the instant bingo ticket or card or on the game flare;	728
(7) Sell an instant bingo ticket or card to a person under	729
eighteen years of age;	730
(8) Fail to keep unsold instant bingo tickets or cards for	731
less than three years;	732
(9) Pay any compensation to a bingo game operator for	733
conducting instant bingo that is conducted by the organization or	734
for preparing, selling, or serving food or beverages at the site	735
of the instant bingo game, permit any auxiliary unit or society of	736
the organization to pay compensation to any bingo game operator	737
who prepares, sells, or serves food or beverages at an instant	738
bingo game conducted by the organization, or permit any auxiliary	739
unit or society of the organization to prepare, sell, or serve	740
food or beverages at an instant bingo game conducted by the	741
organization, if the auxiliary unit or society pays any	742
compensation to the bingo game operators who prepare, sell, or	743
serve the food or beverages;	744
(10) Pay fees to any person for any services performed in	745
relation to an instant bingo game;	746
(11) Pay fees to any person who provides refreshments to the	747
participants in an instant bingo game;	748
(12)(a) Allow instant bingo tickets or cards to be sold to	749
bingo game operators at a premises at which the organization sells	750
instant bingo tickets or cards or to be sold to employees of a D	751
permit holder who are working at a premises at which instant bingo	752
tickets or cards are sold;	753

(b) Division (A)(12)(a) of this section does not prohibit a 754
licensed charitable organization or a bingo game operator from 755
giving any person an instant bingo ~~tickets~~ ticket as a prize. 756

(13) Fail to display its bingo license, and the serial 757
numbers of the deal of instant bingo tickets or cards to be sold, 758
conspicuously at each premises at which it sells instant bingo 759
tickets or cards; 760

(14) Possess a deal of instant bingo tickets or cards that 761
was not purchased from a distributor licensed under section 762
2915.081 of the Revised Code as reflected on an invoice issued by 763
the distributor that contains all of the information required by 764
division (E) of section 2915.10 of the Revised Code; 765

(15) Fail, once it opens a deal of instant bingo tickets or 766
cards, to continue to sell the tickets or cards in that deal until 767
the tickets or cards with the top two highest tiers of prizes in 768
that deal are sold; 769

~~(16) Purchase, lease, or use instant bingo ticket dispensers 770
to sell instant bingo tickets or cards; 771~~

~~(17) Possess bingo supplies that were not obtained in 772
accordance with sections 2915.01 to 2915.13 of the Revised Code. 773~~

(B)(1) A charitable organization may conduct instant bingo 774
other than at a bingo session at not more than five separate 775
locations. A charitable organization that is exempt from federal 776
taxation under subsection 501(a) and described in subsection 777
501(c)(3) of the Internal Revenue Code and that is created by a 778
veteran's organization or a fraternal organization is not limited 779
in the number of separate locations the charitable organization 780
may conduct instant bingo other than at a bingo session. 781

(2) A charitable organization may purchase, lease, or use 782
instant bingo ticket dispensers to sell instant bingo tickets or 783
cards. 784

(C) The attorney general may adopt rules in accordance with 785
Chapter 119. of the Revised Code that govern the conduct of 786
instant bingo by charitable organizations. Before those rules are 787
adopted, the attorney general shall reference the recommended 788
standards for opacity, randomization, minimum information, winner 789
protection, color, and cutting for instant bingo tickets or cards, 790
seal cards, and punch boards established by the North American 791
gaming regulators association. 792

(D) Whoever violates division (A) of this section or a rule 793
adopted under division (C) of this section is guilty of illegal 794
instant bingo conduct. Except as otherwise provided in this 795
division, illegal instant bingo conduct is a misdemeanor of the 796
first degree. If the offender previously has been convicted of a 797
violation of division (A) of this section or of such a rule, 798
illegal instant bingo conduct is a felony of the fifth degree. 799

Section 2. That existing sections 2915.01, 2915.02, and 800
2915.091 of the Revised Code are hereby repealed. 801